SENATE—*Thursday, April 1, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal Father, as we hush our voices for this moment marking the beginning of a fast-moving day, we open our hearts and minds to Thy pervading presence. Come to us, we pray Thee, as a refining fire to purge our inner lives from envy and resentment, from all guile and prejudice. Pardon and deliver us from tempers and ambitions that make for destruction and defeat, from all lust of power, greed of gain, pride of race and class, or contempt for others, and all willingness to reap advantage from the failures and weaknesses of others. As we pray for ourselves, we pray for the Nation in this time of troubles that it may be cleansed, redeemed, renewed, and qualified to serve Thy purposes among the peoples of the earth. Direct our hearts to the steadfastness of the Man of Nazareth who turned not back from the cross, but in choosing its way and giving Himself upon the cross brought redemption, light, and healing to all who put their trust in Him. In His holy name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 1, 1971.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of March 30, 1971, a message from the House of Representatives was received on March 31, 1971, announcing that the House had concurred in the amendments of the Senate to H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill; and it was signed by the Acting President pro tempore (Mr. METCALF):

H.R. 5432. A bill to provide an extension of the interest equalization tax, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 30, 1971, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were comunicated to the Senate by Mr. Leonard, one of his secretaries.

ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–77)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the fourth annual report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, remains focused upon widespread diseases of great concern in Asian nations: cholera, leprosy, malnutrition, parasitic diseases, tuberculosis, and certain viral diseases.

During 1970 the Cooperative Medical Science Program completed its fifth year of productive and successful biomedical research activity. A continuing review and careful selection of specific scientific objectives has been built into the Program's management to insure that they will continue to relate to disease problems in Asia.

It is obvious that the attack against these diseases is important to mankind not only in Asia, but in most regions of the world. In addition to this past year's medical research achievements, which are summarized within the enclosed report, this Program takes on additional significance because of the close cooperation between scientists in two leading nations, Japan and the United States. I look forward to strengthening further the valuable and productive relationships provided by this kind of cooperative international endeavor for the benefit of our fellow man, wherever he may chance or choose to live.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–27)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1970.

During that year retirement and survivor benefits under the Railroad Retirement Act totaled $1.6 billion and were paid to one million beneficiaries. Railroad unemployment and sickness insurance benefits amounted to $93 million and were paid to 170,000 claimants.

Legislation enacted during March 1970 provided for the establishment of the supplemental railroad retirement annuity program on a permanent basis with adequate financing. In August 1970, after the end of the fiscal year, legislation was enacted providing for 15-percent increases in railroad retirement annuities on a temporary basis pending a study of the railroad retirement system and its financing by a commission especially created for that purpose.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS OF THE UNITED STATES UNDER THE COMMUNICATIONS SATELLITE ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–78)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

In 1970 the activities and accomplishments of the United States under the Communications Satellite Act of 1962 enhanced the peaceful use of outer space and fostered the spirit of international cooperation. The International Telecommunications Satellite Consortium has made significant progress in the establishment of a global satellite communications system and I take this opportunity to reaffirm the commitment of the United States to support the Consortium in this worthwhile commercial enterprise.

It is my pleasure to report to Congress, as required by section 404(a) of the Communications Satellite Act, on these activities and accomplishments.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a

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message from the President of the United States submitting sundry nominations, which was referred to the Committee on Foreign Relations.

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

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

The Senator from Montana is recognized.

(The remarks of Mr. MANSFIELD when he introduced S.J. Res. 77 limiting the President and Vice President to one 6-year term, together, with the remarks of Mr. AIKEN, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PRESIDENTIAL HOPEFULS

Mr. SCOTT. Mr. President, as the weather changes in Washington and the cherry blossoms come out in all their spendor, so do the presidential hopefuls burgeon and preen themselves.

It is that time of year.

They talk about everything from multimillion-dollar programs to a time certain for halting the war. They think they have a real issue as well as a forum to do their "thing" and vent their anger on a Republican administration that is ending this war, that has cut troop strength practically in half, and that has a timetable to do just that.

Mr. President, I want these candidates to be on notice that, from this point on, our side of the aisle will have Senators at the ready and on the firing line to straighten out the RECORD and separate fact from fiction. I do not intend to have this Chamber turned into a forum for carrying words to the American people, for example, that American pilots are merciless and irresponsible.

Mr. President, I ask: Where were these same people 6, 7, and 8 years ago, when I was suggesting to then President Johnson, and discussing on television programs with former Senator Lausche of Ohio, that we bomb the sanctuaries, mine the harbors, and knock out the supply trails in order to bring a more rapid end to the war.

Mr. President, I shall repeat that statement in full on April 27 of this year, on its seventh anniversary—April 27, 1964.

Many of these same people, instead, were talking about escalating the war. They were following the party line. They were following the footsteps of their leader and falling right into step.

This war, Mr. President, is not a Republican war. It is not a Democratic war. It is a war where we have paid a dear price for our involvement. I do not intend to say our involvement is right or wrong, but what I do intend to do is make sure that this Senate does not degrade itself to the point of McCarthyisms and tactics of that era which distorted the picture of those times. I have no intention of permitting any Senator in this Chamber to prey on the emotions of the day and grab for the headlines by using snappy, eye-catching language, by being loose with the factual situations. Nor do I intend to allow these statements to go without response.

Mr. President, I sometimes get the feeling that if President Nixon were to announce tomorrow that there was peace in the world, that not a shot was being fired in anger anywhere on earth, we would still hear from the skeptics, questioning whether his statement was a trick.

The other day, Supreme Court Chief Justice Burger and Justice Black said it appeared to them that some judges were rooting for the criminals.

It appears to me, as one of our Nation's major news magazines reported on the war this week, that some are really rooting for the other side. If they are, they are giving comfort to the enemy and crying the same line of Moscow, Peking, and Hanoi.

I do not charge that this happens in this Chamber, but I make the statement that it is happening in the Congress and in the country.

Is this what this Nation is to stand for in future years?

Mr. President, on the Republican side, I have asked our regional whips to take a more active role in Chamber activities. I have asked our people to revive the truth squad concept. I personally will take a firm hand in pointing out the facts and straightening out the errors.

This body must continue as a body of deliberation to advise and consent responsibly and must not become a forum for irresponsible mud slinging.

To those who were the loudest in supporting the war for two administrations and who were the strongest in their advocacy and who now say, "Mea culpa, let us get out and adopt resolutions to bail us out of this war," I say that they are providing a cover for the fact that it is indeed the President who is bailing out the country.

They remind me very strongly of the man who murdered his father and mother and then threw himself on the mercy of the court on the ground that he was an orphan.

ORDER FOR RECOGNITION OF SENATOR STEVENSON AND SENATOR MANSFIELD ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on Monday next and the recognition of the joint leaders, the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes and that following his remarks, the Senator from Montana, now now speaking, be recognized for 15 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Tennessee.

DEFENSE OF PRESIDENT NIXON'S POLICY IN VIETNAM

Mr. BROCK. Mr. President, I wish today to address myself to some bitter realities concerning the tactics and strategy of those who are so violently opposed to President Nixon's plan to end the war in Vietnam. As a freshman Member of this body, I have hesitated to express myself on this subject as often as I would have liked. However, it has become increasingly clear that too few are willing to speak out against a dirty and ugly campaign to discredit the President of the United States and undercut U.S. foreign policy.

I will not here repeat the case to be made for supporting President Nixon's actions in Indochina. The facts are well known. By any reasonable standard and to any reasonable man, it must be clear that the President is ending American participation in that war.

But we are not dealing with altogether reasonable men. To have a legitimate difference with administration policy and to express that difference openly and directly is one thing. Many of our colleagues have done so in a responsible manner here on the floor of the Senate and in other public forums. However, it is quite another case when appeals to end the war are made which are blatantly false, employ the big lie technique, and attempt to raise nonissues which have no basis in fact. In just the past month we have seen these events:

A California antiwar group sends out a mass mailing to Members of Congress which makes the absurd charge that the U.S. Government is perpetuating the war in Vietnam so that American oil companies can develop offshore oil properties in Vietnam. Incredibly this foolishness was swallowed whole by some Members of Congress who stood on the floor to repeat these charges and call for an investigation. What demagogery.

A nationally syndicated columnist writes that during the Laotian operation he was actually rooting for the defeat of allied forces in the belief that this would end the war sooner. A columnist in the Washington Post then picks up this column to disseminate it farther and praises the other man for his position.

The New York Council of Churches first decides to give its "Family of Man" award to Mr. Bob Hope and then withdraws the award on the grounds that, because Bob Hope has entertained American servicemen in Vietnam, giving him the award would somehow put the New York Council of Churches on record in support of our Indochina policy. Understandably, the Soviet newspaper, Izvestia, had high praise for this action. For me, I am aghast at its shallowness.

Common Cause, which bills itself as a high-minded citizens' lobby, takes out full-page ads in major American newspapers which are patently misleading. The ads state:

> Urge your Congressman and your two Sen ators to join this movement. Tell them that we want all our armed forces and our prisoners of war withdrawn from Indochina no later than December 31st, 1971. They can do it.

Now this is a callous attempt to play on the huge reservoir of sympathy for

American prisoners of war, to use the compassion of the American people in a campaign against the administration's policy. To promise the American public that the Congress can get our prisoners of war out of Indochina by the end of this year is deliberate distortion. It is not Congress which is holding them, but rather the Communist regime in North Vietnam. Mr. John Gardner should be ashamed of this ad campaign. It does nothing more than buttress Communist efforts to use our men as political hostages.

And, finally, we see the amazing spectacle of the North Vietnamese negotiator at the Paris peace talks sending telegrams to American antiwar groups telling them, in effect, to keep up the good work and to intensify their protests against the war.

These are the kinds of efforts we have seen over the past month to discredit the foreign policy of the American Government. That these efforts are going on, and in some cases, have been abetted by Members of the U.S. Congress, is a disgraceful and dangerous condition for this entire Nation.

I urge my colleagues not to underestimate the gravity of this situation. Silence can too often be interpreted as tacit agreement. That is why I call on all our colleagues, and particularly those who have been in the forefront of the peace movement, to reject—explicitly and unequivocally—these recent gutter tactics of the extremist antiwar groups.

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

Mr. BROCK. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I compliment my distinguished colleague, the Senator from Tennessee, for placing in focus and in proper perspective some of the issues that ought to be understood clearly by all Americans and ought to be pondered by all thinking persons who yearn for peace, so that they may recognize the fallacy of pursuing the kind of course that has been recommended by some of our colleagues recently.

Mr. President, I join my colleagues today in expressing deep and profound concern over the efforts of self-serving critics, whose irrational words erode the spirit of some Americans. I support President Nixon's strong and effective policies in Indochina.

Despite the unrelenting pressure to disrupt U.S. progress toward disengagement, and the strident rhetoric which urges an unprotected and vulnerable retreat, the President is calmly and carefully moving this Nation out of war. Those with short memories ought to recognize that the traffic is now one way—coming out of Indochina—and that the exit is being accomplished in a manner that can secure something more than temporary peace.

The recent Laotian operations by South Vietnamese infantry have resulted in a shocking display of intemperate criticism and carping directed both at our country and its allies. It has spawned a criticism so irrational and irresponsible as to be an insult to the American tradition of rational thought.

It is unique, Mr. President, to see the enemy suffer as much, or more, than 10 times the casualties of allied forces, only to find that in some quarters this is called a South Vietnamese "retreat." It is unique in the history of war to characterize the disruption of crucial enemy supply lines as a "humiliating rout." It is strange, indeed, to see allied troops face numerical odds against them of two to one and have implications of cowardice fly forth.

The fantasies by the critics of the Laotian operation have been shocking to anyone who has bothered to seek the facts. I am confident the strategic integrity of Lam Son 719 will prove important to the success of U.S. withdrawal, as did the much-criticized Cambodian operation last Spring.

The new isolationists have strived mightily to plant doubt in the minds of Americans. Unfortunately, they have been assisted in this immeasurably by some of the media. Major television network reporting of Lam Son 719 distorted that operation beyond recognition.

The network televised news represented as coverage of what was happening in Laos and Vietnam was the most obvious and blatant example of one-sided and incomplete news coverage I have experienced in my years of public service. In fact, we do not even know how these news reports looked before they went through the network editing rooms in New York.

We have witnessed through the great medium of television a spectacle unsurpassed in modern warfare—the spectacle of television networks attempting, either consciously or unconsciously, to shape and mold U.S. public opinion against U.S. foreign policy.

Wars are not measured in days or weeks. Tactical decisions can be measured only by their long-term effects. But the television network reports concerning Laos appeared to be an attempt to convince the American people that the South Vietnamese incursion was a defeat for allied forces.

The unflagging emphasis on what were termed "stalled" maneuvers, the failure to document fully the length North Vietnamese presence in Laos, and the misleading repetitious chants of "lost helicopters" were examples of an unexplained performance by television networks to interfere with a foreign policy with which they apparently were not in accord.

Many have done their best to report accurately and fairly U.S. actions in Indochina. But some others have been party to a type of journalism unusual by American standards, so slanted as to be alarming. My hope in this matter continues to rest in the wisdom of the American people, who, on this occasion as on others, will not be fooled.

Mr. President, I compliment the distinguished Senator from Pennsylvania and my distinguished colleague from Tennessee for making a very valuable and most important contribution to a better understanding of the issues facing the American public.

Mr. BROCK. I thank the Senator from Wyoming.

I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I have not supported the war in Vietnam and I think my election in 1968 was in a great part because of the war in Vietnam. I have not supported the incursions into Laos and Cambodia and at present I have a bill in the Committee on Foreign Relations to forestall an incursion into North Vietnam or the support of such a venture.

However, I am sick and tired of all the war and I think it is one of our greatest mistakes in our history. I have made that point as a persistent critic for over 2 years. One thing that distresses me even more, however, is those who continue to play politics with this unfortunate war. I am also sick and tired of that.

When I came into office, President Nixon promised a schedule of troop withdrawals and he has been living up to that promise. U.S. troop strength has been reduced from 542,000 in January 1969, to 306,500 this month. A further reduction is planned by May of this year. I have complete confidence that the President will live up to that promise, that the withdrawals will be stepped up, and that he will continue to bring troops home in the months ahead.

We must remember that, at this point in our long and involved struggle in Indochina, only the President is in a position to get us out of Vietnam. We must not unnecessarily tie his hands as he continues his planned and phased withdrawal. Nor must we act in any manner that would limit Mr. Nixon's options with regard to the negotiations in Paris.

What I am saying is that, until evidence to the contrary presents itself, we should unite behind the President as he moves with reasonable haste to get us out and keep us out. To follow another course at this juncture is both irresponsible and, I submit, foolhardy.

Mr. President, I have a son in a combat unit in Vietnam. I have closely followed what has happened. At times I felt that others did not feel the urgency I feel and especially those who are the severest critics did not feel the urgency that I feel.

But I feel the President is the only one who can operate and we must give him the freedom to operate. We should not carp at him as long as he lives up to his promise.

I thank the Senator for yielding.

Mr. BROCK. I yield to the junior Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from Tennessee has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order allotting 15 minutes to the able Senator from Oregon (Mr. PACKWOOD) at this time be vacated and that the distinguished Senator from Illinois may be recognized in substitute therefor.

Mr. SCOTT. Mr. President, reserving the right to object, and I do not object, I would like to request that the time of 3 minutes be allotted to the distinguished Senator from Ohio (Mr. TAFT), 3 minutes to the distinguished Senator from Connecticut (Mr. WEICKER), and 3 minutes to the distinguished Senator from Maryland (Mr. BEALL), if he requests it—

with the consent of the Senator from Illinois that this may be permitted—so that this colloquy may be continued, as I understand the Senator from Illinois will speak on another subject.

It is correct that the Senator from Illinois is speaking on another subject?

Mr. PERCY. The Senator is correct. We will be introducing administration bills.

Mr. MANSFIELD. If that could be accomplished during the period for routine morning business it might be more desirable. It is my understanding that such a period will commence when the time allotted to the Senator from Oregon and the Senator from Connecticut has expired.

I am enjoying this debate very much, but I would suggest if there is to be a further extension of time, it be taken from the time granted to the Senator from Oregon (Mr. PACKWOOD). In that way we would maintain the procedures we are trying to maintain; and in view of the extraordinary situation I am certain that even the Senator from Ohio (Mr. SAXBE), who was one of the quartet of sponsors of these rules, and the Senator from illinois would understand.

Mr. SCOTT. I withdraw my request and rephrase it: Subject to the request of the Senator from Illinois (Mr. PERCY), the 15 minutes heretofore allotted to the Senator from Oregon (Mr. PACKWOOD) be divided to provide 5 minutes to the Senator from Ohio (Mr. TAFT) and 5 minutes to the Senator from Connecticut (Mr. WEICKER).

I understand the Senator from Connecticut has 15 minutes. It would be 5 minutes to the distinguished Senator from Connecticut (Mr. WEICKER) and 5 minutes to the distinguished Senator from Maryland (Mr. BEALL).

Would the Senator from Illinois accept that suggestion?

Mr. PERCY. If the Senator will yield, someone in my office talked to the Senator from Oregon (Mr. PACKWOOD) yesterday and he indicated he would not be here this morning and that he would yield his 15 minutes to us for our proposals on executive reorganization. The Senator from Michigan (Mr. GRIFFIN) has indicated he would yield to us 10 of his 15 minutes, which would give us 25 minutes. We have six or seven Senators who wish to speak on this matter.

I would like to conform to the rules, but we have important legislation to discuss and it is one of the most sweeping pieces of legislation to be introduced in this session.

Mr. MANSFIELD. I do not wish to preclude the three or four Republican Senators who wish to speak on this most important subject of our position in Indochina. I hope they have the opportunity to continue their colloquy.

Mr. PERCY. Absolutely. I understand they could finish in 5 minutes.

Mr. GRIFFIN. Let me suggest that if the Senator from Illinois would allot the time of the Senator from Oregon (Mr. PACKWOOD) on the basis requested I would yield the Senator the 15 minutes allotted to me thereafter and if the Senator needs more time I could get him an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, what is the suggestion?

Mr. GRIFFIN. The junior Senator from Michigan has 15 minutes allotted to him and if the Senator from Illinois allows the colloquy to continue on his time I will make time available to him.

Mr. BYRD of West Virginia. Very well.

Mr. PERCY. I thank the distinguished acting minority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senator from Ohio is allotted 5 minutes, the Senator from Maryland 5 minutes, and the Senator from Connecticut 5 minutes.

The Chair recognizes the Senator from Ohio.

Mr. TAFT. Mr. President, I doubt if ever in my memory I talked more on borrowed time than I am doing at the present moment.

Under the leadership of President Nixon, America has continued a responsible and irreversible withdrawal of U.S. combat troops from Vietnam.

We are on the way out, and it is somewhat disappointing and, if it were not so political, almost humorous, to listen to the harping of some of our Democratic colleagues and some others on the national scene about the course we are following. I think they are giving, or at least they are attempting to give, the American people a false idea of what that course truly is. Certainly there is some belief that has grown up that it is politically advantageous to blast the President's Vietnam policies, to try to obscure the fact, perhaps, that it is a consistent policy, that it is being followed day by day, on a straight line basis by the President, in our withdrawal.

One might ask, and many are now asking, where some of these critics were during the Kennedy and Johnson administrations, when the U.S. involvement in Vietnam was first mounted—and mounted to a total of over 500,000 combat troops.

On Tuesday, a leading Democratic candidate stated that he is now sorry he kept silent on the war in the 1960's. I imagine he is sorry, indeed.

Now when we are disengaging from Vietnam, and President Nixon is committed to that course, some of the candidates and prospective candidates previously concerned, including some formerly in the administration of President Johnson, have taken up the antiwar chant. Evidently they believe that that is what the people want to hear, and they have jumped on the bandwagon. I do not believe they are fooling anyone, however. Nor do I believe that after the facts are known, the American people will be fooled with regard to the nature and results of the Laotian operation.

Just in this week's newspapers we have seen a lot of strawmen thrown up with regard to the Laotian operation—questions that may or may not have to do with prospects of our withdrawal as a result of the Laotian operation. I believe that this was an attempt to try to put the entire war in Vietnam today and the entire course of American policy in some false view or attempt to give a false impression of the Laotian operation as something other than what it truly was. In that operation we have reports coming out now, which I think will substantiate that 18 of the 22 battalions of ARVN fought extremely well. They took heavy losses, 1,400 killed and 4,700 wounded. At the same time, it is estimated that the North Vietnamese lost more than 13,000 in killed and many more wounded.

Laos is part of a consistent overall plan to withdraw—and withdraw in good order—American troops from South Vietnam and give the South Vietnamese a chance to go on their own, in a way that will bring about an end to the war more quickly than any other course that could be followed. Certainly the criticism we are hearing today so loudly is not contributing toward that withdrawal. The silence of the critics during the 1960's rings clear today, when we are leaving Vietnam responsibly, thanks to a Republican President and his policy.

Mr. PERCY. Mr. President, I yield to the Senator from Maryland (Mr. BEALL).

Mr. BEALL. I thank the Senator for yielding.

Mr. President, I congratulate the Senator from Tennessee for initiating this discussion on a most important subject. I thank the leadership for displaying a degree of footwork that, as a freshman, I observe allows us to continue this discussion at this time.

I received a call this morning from a member of the news media who asked me if I was going to participate today in the discussion of the President's war plans. I answered, "No, I am not participating in the discussion of the President's war plans; I am participating in the discussion of the President's peace plans."

I think we should put this whole matter in its proper perspective, because what it is that the President of the United States seeks is certainly peace, and I am sure all of us in this body join in this desire to attain peace for the people of America, which they have not had since 1964.

We all, I am sure, put things in perspective as a result of our own experience. My experience in the Congress of the United States, goes back to January, 1969, when I was elected to the House. At that time and prior to that time, during the campaign, I do not remember any member of the then administration, or any of the people who are criticizing the President today, coming up with a plan that would have ended American involvement in Southeast Asia.

Two years later, in 1971, we have a plan that will end American involvement in Southeast Asia. We have a plan that will bring home American soldiers. We have a plan that will end American casualties. I think we ought to be congratulating the man who has given us that plan, and I think we ought to be supporting a policy that is going to end American involvement in a horrible war that has cost us so much.

I congratulate President Nixon not only for initiating a program that will bring our involvement to an end in Southeast Asia, but I congratulate him for having the courage to stick to the plan that is going to bring about an honorable peace in that part of the world.

The Cambodian incursion of last year was criticized at the time. Certainly, history will show that it was a most successful operation in allowing us to escalate American withdrawal from Southeast Asia. We are hopeful the Laotian campaign of this year is going to have the same result. In my opinion, no one can justifiably criticize that operation at this time, because enough time has not elapsed to show the beneficial results that will probably occur from that operation.

It seems to me at this very important time, when the end is in sight, and when the weight of the evidence is clearly on the side of the President, that those of us who are interested in bringing peace to Southeast Asia and to the world, should support the President of the United States in his sincere desire to do just that.

I thank the Senator for yielding.

Mr. WEICKER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield to the Senator from Connecticut.

Mr. WEICKER. Mr. President, this colloquy on our withdrawal from Vietnam has long been overdue. I respect honest differences as among our national leaders. Certainly, in spite of all the pronouncements of nonpartisanship and bipartisanship in foreign affairs, I believe a certain amount of partisanship is a good thing—it keeps everyone trying harder, and, after all, that is what makes our political system great and responsive. But Vietnam has men of supposed leadership stature exhibiting not a quiet, uncompromising dedication to achieving peace, but a hysterical scrambling which only compounds what was enough of a national tragedy when they acceeded to our entry into and escalation of war in Southeast Asia. May I remind these individuals that President Nixon had no part—and I repeat, no part—of that decision, but rather, within weeks of taking office, unilaterally made withdrawal our national policy.

Now I have not always agreed on domestic matters with my administration and, in fact, was held accountable on that very point by some of the Republicans of my State in a primary for the seat I now hold. But I accepted accountability when I exercised the privilege of acting as I thought was best for my constituents.

We also know the President has an accounting for his actions coming up in 1972. But where is the accounting for the loose talkers of 1970? Since they have shown great visibility in their criticism of this President's ways of pursuing peace, I would hope the same degree of visibility would be evident when peace is achieved by this President—not the low profile of amnesia such as politicians acquire whenever they have been wrong, but the high visibility of men who gambled on Vietnam as a political issue and lost.

Since 1968 President Nixon has had my support on Vietnam, not because his was a Republican policy, but rather because his was a policy of withdrawal and peace. No man by his actions—by his actions—has manifested his desire for peace more than Richard Nixon. Do many of us agonize with him on whether his tactics of peace will succeed? Yes. But our agonizing is not for the North Vietnamese, it is for the men left behind in fewer and fewer numbers—for the prisoners of war and for the South Vietnamese who, ready or not, now have the job of defending their Nation. These are not the problems of going to war, they are the risks of getting out of one.

I am committed to seeing that the children of my State will not march off to war—and I mean any war. I repeat that commitment because as fast as I want to get the old young out of Vietnam, I am going to make sure that the new young do not have to march off to three wars in one generation. That is the reason I stand here today to support a President in his acting to create a generation of peace, and it is why tomorrow I will stand here again in support of legislation to assure that the old mistakes of the new critics of this President will not happen again.

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The Chair, on behalf of the Vice President, announces the following appointments: the Senator from Idaho (Mr. CHURCH), and the Senator from New York (Mr. JAVITS) to attend the General Assembly of the Organization of American States, San José, Costa Rica, April 14–24, 1971.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois, is recognized.

(The remarks of Mr. PERCY when he introduced bills to establish a Department of Community Development, a Department of National Resources, and a Department of Economic Affairs, together with the ensuing debate, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time of the Senator from Illinois has now expired.

At this time, under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from Missouri (Mr. SYMINGTON) is recognized.

TROUBLE FOR THE DOLLAR

Mr. SYMINGTON. Mr. President, as far back as the Kennedy administration, some of my colleagues used to ask me, in good humor, "How is Mr. Balance of Payments?" This because of my interest in this vital subject.

No one kids about it any longer.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD the lead editorial published in the New York Times today, entitled "Trouble for the Dollar."

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

[From the New York Times, Apr. 1, 1971]

TROUBLE FOR THE DOLLAR

A new crisis for the dollar may be in the making. Last year the United States ran a $10-billion balance-of-payments deficit in its settlements with foreign governments—the biggest such deficit in American history. This year another big deficit is likely, though probably not as large. These deficits have meant a transfer of far more dollars abroad than foreigners want to hold, but they have not been able to do much about it, because the dollar is an official reserve currency used by this country to settle its foreign accounts.

Despite the huge deficit last year the international monetary scene was relatively quiet because foreign dollar holders were able to earn a high return on their dollars by lending them to United States borrowers. At the height of the liquidity crisis here, interest rates on Eurodollars soared to more than 12 per cent. Lately Eurodollar rates have fallen to just above 5 per cent, but with American banks "awash with liquidity," in the phrase of Federal Reserve Chairman Arthur F. Burns, the demand for Eurodollars in this country has evaporated. In fact, Eurodollars are flowing back to Europe in enormous volume, since European interest rates are above those here.

INDOCHINA—WHEN, IF EVER, WILL WE BEGIN TO CONSIDER OUR OWN SELF-INTERESTS?

Mr. SYMINGTON. Mr. President, in a recent column, by John S. Knight, an objective digest of President Nixon's foreign policy as applied in Laos and Cambodia and South Vietnam precedes the writer's presentation of his own views and comments.

Because Mr. Knight is an able, intelligent independent Republican and one of the most respected newspapermen in the land, his views should be of interest to Senators and other Americans who hold all shades of opinions on Indochina and Vietnamization.

Mr. Knight points out that no one can deny the President the right to emphasize what he considers to be the wisdom of his decisionmaking processes and to present forthright conclusions. By the same taken, those who take issue with the President can be equally sincere and motivated only by their grave concerns for the country they love.

For even as we are warned in the same breath of inflation and the dangers of communism, the rulers in the Kremlin could not have plotted a more destructive course for Americans than the folly of our continued involvement in Indochina.

In the view of Mr. Knight, it is a tragic fact that while this administration is pinning its political faith on American troop withdrawal, present policies insure that some U.S. forces and the might of our air and naval power will be in Indochina for years and years to come:

In other words, we are getting out while staying in.

In conclusion, this respected, independent Republican newspaper man asks:

When, if ever, will we begin to consider our own self-interest?

Mr. President, I ask unanimous consent that the article by John S. Knight be printed in the RECORD.

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

[From the Detroit Free Press, Mar. 28, 1971]

JOHN S. KNIGHT'S NOTEBOOK—INVOLVEMENT IN INDOCHINA A RISKY GAMBLE FOR UNITED STATES

I had a nice note from President Nixon the other day in which he advised me to again read "U.S. Foreign Policy for the 1970s," a report made to Congress on Feb. 25.

The section on Laos and Cambodia is of particular interest at this time. Here are a few excerpts which explain the Nixon policy:

"In both countries, Hanoi has two aims. First, and primarily, to use them as infiltration routes, staging bases and sanctuaries for attacks against South Vietnam.

"Secondly, to erode governmental control in order to aid their efforts in South Vietnam and perhaps take over Laos and Cambodia themselves."

To meet these situations, President Nixon made these basic choices for Laos and Cambodia:

"To seek diplomatic settlements for both countries, either as part of an all-Indochina arrangement or separately.

"To provide military support both to Laos and Cambodia and to South Vietnamese defensive operations, without U.S. ground combat involvement."

The President says that, to date, Hanoi has rejected diplomacy and spread the conflict. "The Lao government for many years," he added, "and the Cambodian government this year, have turned to us and others for assistance."

Mr. Nixon rejects charges that South Vietnam is expanding the war. "It is Hanoi which expanded the war two years ago," states the President. "The argument against South Vietnam's defensive actions suggests that Hanoi has the right—without provocation and with complete immunity—to send its forces into Laos and Cambodia, threaten their governments, and prepare to bring its full strength to bear on South Vietnam itself.

"The choice for South Vietnam," Mr. Nixon continues, "is not between limiting and expanding the war. It is between what it is doing in self-defense and passively watching the menace grow along its borders."

The President refers to the "allied sweeps" against communist sanctuaries in Cambodia as a concrete example of these Nixon Doctrine principles:

Assumption of primary responsibility by Cambodia for its own defense.

Help from regional friends.

Our support through military and economic assistance.

"Our aim," said the President, "is to prevent the enemy from building up their capabilities for major offensives . . . to destroy their supplies and disrupt their planning for assaults on allied forces in South Vietnam."

Concerning Laos, the President explained that the U.S. had a military assistance program there six years before he took office and increasing air operations for four of those years. "We believed," he said, "that the U.S. role we inherited remained important . . . to support the Royal Lao government in the North" and because "Vietnamization called for continuing air strikes against the enemy."

The administration's "defensive and supportive policy" was outlined as follows:

No American ground combat forces.

Minimum American presence.

Military assistance for regular and irregular Lao forces when requested by the Lao government.

Reconnaissance flights and air operations to interdict North Vietnamese troops and supplies on the Ho Chi Minh Trail.

Logistic and air support for Lao forces when requested by the government.

Mr. Nixon says, "We do not underestimate the difficulties ahead for Laos and Cambodia. Hanoi has intensified the war on these fronts and its focus is likely to remain there in the coming months." Then the President praised "the Lao government's determination to preserve its independence," and contended that "the Cambodians also have the essential ingredients of success—national unity, maximum self-help and the support of friends."

In closing his section on Laos and Cambodia, the President declared: "I will continue to do what is necessary to protect American men as they leave Vietnam. Throughout I will keep the American people and Congress fully informed."

While giving a negotiated settlement "our highest priority," Mr. Nixon added this: "If the other side leaves us no choice, we will follow the alternate route to peace—namely phasing out our involvement while giving the region's friendly countries the time and means to defend themselves."

I hope my excerpting from these sections of the President's foreign policy book fairly and objectively reflects Mr. Nixon's views, for that has been my purpose.

And, as I said in this space on March 14, "President Nixon's confidence in himself and what he is doing has in no way been impaired by the persistent attacks upon his policies."

But then, Lyndon Johnson was likewise convinced of his own infallibility and unerring judgments on Vietnam.

No one can deny the President's right to emphasize what he considers to be the wisdom of his decision-making processes—and to present forthright conclusions.

It is likewise apparent that those who take issue with the President can be equally sincere and motivated only by their grave concerns for the country they love.

For even as we are warned in the same breath of inflation and the dangers of communism, the rulers in the Kremlin could not have plotted a more destructive course for America than the folly of our continuing involvement in Indochina.

Without undue lint-picking, I think it fair to say that the Laos and Cambodian adventures have been something less than a crowning success. Remember COSVN, the alleged enemy communications center which was our major objective in Cambodia? Well, it was never found.

South Vietnam's forces, supported by our unmatched air power, were to remain in Laos for another month. Yet the fact is that they have been fighting their way out of Laos with heavy losses in men, vehicles and tanks and the communists in hot pursuit. According to the Associated Press, the 45-day campaign in Laos has cost the South Vietnamese nearly 10,000 casualties or almost 50 percent of the total forces committed.

The Pentagon maintains in Operation Stiff Upper Lip that the incursion has been a success. From a tactical point of view, a case can be made for that claim since a partial though temporary disruption of the Ho Chi Minh supply line was achieved.

Yet one must also have some reservations about the ability of South Vietnam's best fighting men to cope with the enemy. James McCartney of the Knight Newspapers asks this extremely pertinent question: "If the South Vietnamese can't fight and win when given sophisticated U.S. equipment plus massive U.S. air support, what's going to happen when we pull out?"

Defense Secretary Melvin R. Laird concedes that the campaign in Laos had been cut short because of the "tremendously vicious and violent reaction of the North Vietnamese." Considering the fate of the French at Dienbienphu, what kind of reaction did the secretary expect?

Is Vietnamization, a program upon which President Nixon has based high hopes, actually working? The answer seems obvious.

Joe McGinnis, correspondent for the Philadelphia Inquirer, whose articles from Indochina have provided a new dimension in coverage of the war, offers this satirical description of President Nixon's supportive policy" in Laos: "Naturally, American ground troops must be sent in to protect the crewmen of helicopters which were shot down in the first place because they were supporting Vietnamese troops who were invading Laos to protect the American troops who were withdrawing from Vietnam."

It is no comfort to read unsupportable estimates of enemy losses as being five times greater than those of the South Vietnamese. If all reports of enemy losses since 1961 had been true, North Vietnam's fighting strength would have long since been decimated.

The tragic fact is that while this administration is pinning its political faith in American troop withdrawal, present policies insure that some U.S. forces and the might of our air and naval power will be in Indochina for years and years to come.

In other words, we are getting out while staying in.

And all at the risk of tempting Red China to take a bigger hand in the Indochina power game whenever conditions appear to favor the communists' self interest.

When, if ever, will we begin to consider our own self-interest?

VIETNAM

Mr. FULBRIGHT. Mr. President, unfortunately, due to limitations of time, I was not able to participate in the colloquy with regard to the recent expedition into Laos.

The current issue of Life magazine, April 2, 1971, has published an extremely perceptive article, in depth, written by John Saar, about the Laotian adventure and 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:

"AN IGNOMINIOUS AND DISORDERLY RETREAT"

(By John Saar)

KHESANH.—The American colonel hunches in the seat helmet cocked into the slipstream, eyes screwed to a lone tank racing along Route 9 some 2,000 feet below. Six weeks ago, with cocky bravura, ARVN troopers rode their tanks and armored carriers west up this road and into Laos without firing a shot.

Now the scene is grimly transformed Giant U.S. M48 tanks, firing their gun barrels red-hot, are running eastward through a fiery gauntlet of mines, rockets and crimson-blossoming mortar bursts in order to keep the road open for the return of the remnants of the sadly battered column. Far below the colonel's command bird, an unarmed Medevac Huey makes a low weaving run and pauses briefly like a bee sipping honey to take on wounded. The command chopper streaks low over a tangled jam of wrecked and burning vehicles, disabled tanks and a downed helicopter. It soars sharply to evade ground fire and veers around the aimed mortar fire as the colonel grunts, "Who says they can't hit a moving target?" over the intercom. The black plumes of "incoming" mark a nearby U.S. artillery base where Americans are en-

deavoring to cover a withdrawal that has declined to an ignominious and disorderly retreat.

"A rout," says Webster, is "a state of wild confusion or disorderly retreat." Had he seen what I saw in South Vietnam's First Military Region last week. I believe Webster would agree that Operation Lam Son 719 ended in a rout. While no knowledgeable observer accepts the allied statistic of 13,688 NVA killed in Laos without a pinch of skepticism, there is no question that the North Vietnamese sustained much greater losses than ARVN. Yet by all appearances the NVA drove the invading forces out of Laos with their tails between their legs. An informed source places ARVN casualties at 10,000 killed, wounded and missing. That is almost half of the force originally committed, and losses would have been much higher were it not for the cool bravery of U.S. helicopter crewmen who dived with point-blank fire to extract many of the trapped units from NVA encirclement. Troops desperate to escape mobbed many of the rescuing helicopters, forcing crewmen to throw them off bodily. Some Medevac ships came back with unwounded deserters clinging to their skids. (At least two skid-riders fell to their deaths.) Many guns were blown in place, much equipment destroyed and abandoned. Some units were forced to bury their dead in Laos. One sorely pressed ARVN marine unit asked and received permission to abandon its wounded. Troops from the armored column, which lost approximately 100 tanks and carriers, were threatened with death by angry paratroopers when the soldiers drove away leaving their dead and wounded lying in the road.

By the middle of last week, all units had left Laos except a South Vietnamese marine brigade which was reported to be trapped, badly cut up and unlikely to come out with more than half of its men. It was said to have taken 2,000 rounds of incoming in a single 12-hour period. General Creighton Abrams' initial claim that most ARVN units were leaving Laos with heightened morale must be rendered doubtful by the casualty figures now coming in: according to accurate unofficial estimates, the equivalent of no less than 14 ARVN battalions are now inoperative, having sustained casualties of 30% or more. Since the units committed to Laos were regarded as ARVN's best, and since recovery will take between six and 12 months, the damage is very serious.

The disastrous failure of Operation Lam Son 719 is a catechism of Clausewitzian crimes. Faulty intelligence was principally to blame: grossly mistaken reading of NVA counterattack capability and intention, a poor understanding of the sophistication and diffusion of the Ho Chi Minh Trail network. Overconfidence in ARVN strength and overreliance on air power is a conclusion that may fairly be drawn from failure to hold fire bases. Critics also point an accusing finger to the tactical idiocy of an armored strike launched with insufficient secrecy down a single road bounded on both sides by impassable terrain. It is a sad irony that it should be General Abrams, a superb commander with a genuine affection and regard for ARVN, who was the U.S. officer chiefly responsible for committing it to such a debacle. So palpably ill-conceived was Lam Son 719, in fact, that it would be unjust to draw any long-term conclusions on the future of Vietnamization from it.

The helicopter made it all possible and from this helicopter, circling now over the Laotian border, you come to understand the futility of Lam Son 719. On the map, Route 9 is a gutsy little red line slicing decisively through the Ho Chi Minh Trail, an ideal corridor and communications backbone for an invasion. But from the air this dusty track fashioned by the French can be seen for what it is, a frail brown thread meandering westward, yielding with many a jink and detour to the harsh dictates of a jungled wasteland. Steep ridges slashed by innumerable ravines run to mist-shrouded horizons in all directions. The major mistake, incomprehensible in retrospect, was to insert 22,000 South Vietnamese troops into this forbidding and secretive terrain. It might have swallowed ten times their number.

The plan optimistically relied on massive U.S. air power to give ARVN the edge over 25,000 NVA combat troops heavily dug in, familiar with the terrain and protected by tanks, artillery and antiaircraft guns in dangerous concentrations. The vicious rocket fire of the Cobra gunships and the explosive might of B-52 strikes—sounding sometimes like a distant rumbling subway and sometimes like a stream of cannonballs rolling off a bed in the apartment upstairs—was theoretically irresistible. But when the eye can rove the immensity of the area and note how rare are the gray splashes and felled lumber of bomb strikes, you remember what one unimpressed GI said: "It's simple; they just can't bomb everywhere all the time."

The cynical pretension that Lam Son 719 was a South Vietnamese operation shattered into a thousand incredible slivers on its first day. It became obvious that the ARVN forces were performing, under the guidance of the U.S. adviser system, as surrogate American troops. Clothed, fed and armed by Americans, they were also totally dependent on U.S. aircraft for combat movement, resupply and the extraction of their wounded and their dead. Even the zippered olive-drab body bags were stamped "U.S."

Right from the start Lam Son 719 ran briskly into trouble. Bad weather tied down the 600-helicopter armada, and the NVA counterattacked against units in Laos with unexpected ferocity. Supported by tanks and artillery, they overran Ranger 39, an ARVN fire base set up on the north side of Route 9, and registered the first of a long series of costly victories. The invasion's armored spearhead came to a halt, snared and immobilized by mines on Route 9.

THE ARVN WERE REDUCED TO THE ROLE

At this point either of two sound pragmatic decisions might have been made: strong reinforcement and consolidation, or withdrawal. The ARVN high command made neither. Instead, presumably with support from their U.S. advisers, they elected to make a risky helicopter vault deeper into Laos, to the site of the long-destroyed crossroads town of Tchepone. On the evidence of an eyewitness, LIFE Photographer Akihiko Okamura, this feat was important mainly in terms of public relations; the occupying forces were small, stayed only briefly and found nothing of value.

Meanwhile, to the accompaniment of optimistic statements from Washington and Saigon about being "on schedule" and "everything going according to plan," the rest of Lam Son 719 was plunging headlong toward disaster. The gap between the reality of what was happening and the unwillingness to admit setbacks grew so great that one could not help but suspect that the operation had at least as much to do with getting President Thieu reelected in the fall as with military considerations.

Saigon-based newsmen have long accepted that ARVN spokesmen manipulate their own and NVA casualties to produce a favorable kill ratio. Now for Lam Son 719 a helpful colonel advised doubling friendly casualties and halving enemy dead to get a more accurate picture. The operation notably failed to produce photographs or other hard evidence of the claimed high body counts and cache finds.

Arguing that this was "after all" a Vietnamese operation and so "of course" they could give no information, U.S. officers curbed the right of their men to speak to the press. A possible explanation may lie in a comment made to me by a U.S. adviser to the ARVN airborne division. His own records of men wounded added up to almost twice the number the division was admitting.

As the operation evolved—one felt there was more frantic improvisation than adherence to a plan—new tactics appeared, calling for the ARVN units to stay mobile. Although these tactics avoided the punishing fire base sieges and probably saved South Vietnamese lives, they reduced the heavily outnumbered ARVN battalions to the role of live bait. The troops spent their days and nights running and hiding while U.S. air power struck at the pursuing NVA. Saigon spokesmen claimed the tactics were very successful, but some Vietnamese called them "inhuman" and alleged that the U.S. had pressured ARVN into Laos.

Official dispatches described intense activity by ARVN ground troops, but, as one of the very few newsmen to cross the border, LIFE Photographer Okamura cast doubt on the claims after three weeks in Laos. "They were too few," he said, "and the area was too large. They did not kill any NVA or find anything important while I was with them. They were so afraid of giving away their position that they waited five days to call a Medevac for one wounded man." Although the ARVN generals claimed their objectives were achieved, troops never reached the important junction of Muongphine, labeled "Hanoi" on operational maps, and the important Supply Base 604 also went untouched by ground forces. However, Okamura's observations supported the contention that while the ARVN troops lacked the near-fanatical motivation of the NVA, they did perform honorably in extremely testing situations.

Most of the 16,000 Americans involved in the operation were in relatively low-risk support roles, but U.S. helicopter crews flew some of the more dangerous missions of the entire war. Though the helicopter's vulnerability to .51-caliber machine-gun fire came as no surprise, the ability of the bunkered-down NVA gunners to survive air bombardment did. Describing how the three lead ships, including his own, were shot down during the NVA combat assault on Fire Base Lolo, one pilot said, "They put in five hours of air strikes and Cobras on that hillside. Then we went in and it sounded like a million people opened up on us." The severity and accuracy of the antiaircraft fire posed a serious handicap for the ARVN generals, according to the airborne divisional commander's American pilot. "General Dong just hasn't been able to overfly the battle and run his units like he'd like to."

As the operation came slowly and irresistibly to pieces, the uneasy sensation of involvement in an escalating snafu encouraged discord and acrimony. Among those most likely to know what was going on the word was, more and more. "They're getting their ass kicked!" Gradually, as U.S. helicopter missions grew increasingly dangerous, the tone in which the phrase was uttered shifted from sympathy to resentment. I put the question to a group of pilots just back from a bullet-dodging mission in support of "The Little People" (as ARVNs are often called over the radio). The reply came with malicious glee, "They're getting their ass kicked!" The laughter of the rest of the group was unmistakably vindictive. The loss of a fire base prompted more recriminations. U.S. advisers attributed it to the failure of nearby ARVN armor to move to the rescue. The Vietnamese countered by accusing the Americans of withdrawing air support at the crucial moment, in order to carry out a pilot rescue operation.

Abruptly, four whirring specks cross a melancholic expanse of gray sky and drop down into Hamnghi, hilltop base of the crack ARVN 1st Division inside South Vietnam. Their cargoes bring all the rumors and speculation about dark events in Laos into

desperate focus. The wounded. One man toppled out and lies still until rushing colleagues bear him gently to an ambulance. The rest can walk, the stiff-legged stumble of the exhausted wounded, and with their drawn, grimace-set faces, tattered uniforms and filthy dressings, they come painfully toward us like some terrible march of the damned.

Then, in air-tearing fleets of Hueys, the unwounded survivors arrive. The first step back to the soil of South Vietnam is for each man a moment of pure joy—the dazed grins, the helpless laughter, the jubilation of friends celebrating joint survival, with arms flailing round necks and shoulders. It takes no oracular powers to understand that in the past six weeks there men have seen fighting they never expected to survive. Yet they have come back, and despite their long-unwashed griminess and tatterdemalion fatigues, each man has a steel pot and a rifle, and somehow they have the carriage of the tough dependable soldier. They look good and you say so to a watching pilot. "Yeah," he answers, "what there are of them left."

Watching, with the controlled emotion expected of a mean, crew-cut captain in the U.S. Marine Corps, is an adviser to the unit. The book tells you how to lead your men from the front, die if necessary. But what do you say when you're spruce and safe and they have come back from the jaws of hell? "I wish we could have gone with them. We trained them, lived with them. It's kind of like cheating."

Next day there are similar scenes at the airborne headquarters. Only this time the procession of wounded is longer and the faces of the onlookers register growing depression. Several of the battalions are in trouble, and in three hours nearly 100 wounded arrive to take every inch of space in the underground hospital and overflow into two tents. A mortar bomb weighs only eight pounds, but it can claw and maul 20 men worse than a cageful of tigers. Some men have not scores, but seemingly hundreds of perforations. A Huey normally carries a maximum of 15 Vietnamese. A Medevac pilot with more humanity than sense radios in that he has 25 aboard and claims a record. A phalanx of the dead accumulates near the gates. Their bundled rifles and equipment lie nearby and among the helmets is one drilled front and rear with odd precision by a Kalashnikov bullet.

In the emergency operating theater a paratrooper under a local anesthetic watches impassively as a surgeon scissors dead tissue from the thumb he lost in Laos. Relatively speaking he is lucky and he knows it.

The situation of some of the airborne battalions still in Laos deteriorates during the day. A knot of tense and fidgety advisers waits on the edge of the helicopter pad for results of an extraction attempt under fire. The Hueys flail into sight but their cabins are empty. The pilots are shaken and angry and they climb out of their armored seats for a council of war.

"I don't know who the hell is running that, but there's NVA right alongside the landing zone and .51 is hitting inside. Six ships hit, one went down, and one aircraft commander hit in the spine so he can't move his legs. What are they trying to prove?"

"We started taking fire from a klick out . . ."

"That's two of my birds got shot up today. They can stick this flying up their ——. What are they trying to prove?"

Yet the word comes down for another attempt and the grumbling Ghostriders—that is their unit nickname—climb into their cockpits to crank and fly.

Again they are beaten off by fire, and this time one craft lands with a seat lying back and fresh blood pooling on the floor. A warrant officer runs over, takes in the scene and flings his combat cap to the oil-slicked ground in anguish. "The sons a bitches just ain't worth it." The ship is shot up like a target drogue and the door gunner, a good-looking guy with sweat-soaked blond hair plastered to his forehead, is haunted by the hole ripped in the thin metal just above his head. He wanders aimlessly through the crowd of smiling pilots shaking his head. "I can see going out there for GIs, but it's not worth it for these guys. What are they trying to prove?" Tempers are running high and when a curious bunch of Vietnamese paratroopers move over for a closer look at the damaged bird, some of the pilots fend them off with curses and angry shouts. The American advisers see the danger and run over to interpose themselves. Nine out of 11 of the unit's birds were shot up that day, yet the pilots still kept flying. They seemed to do so for personal and unit loyalties, not out of any sense of commitment to the South Vietnamese.

Later that day the Vietnamese doctors, attended by their servants, are dining in some style in their darkened underground mess when a noisy throat-clearing stills the conversation and an awkward American voice speaks from the shadows. "About the two refusals by the Medevac birds today . . . wanted to say that we are going to find out what happened." The adviser excuses himself and talk resumes. There is laughter and normality, but another dividing line has been drawn between allies.

"RUN FOR YOUR LIFE—EVERYTHING'S GOING ACCORDING TO PLAN"

Three weeks ago Khesanh was at its rejuvenated peak with C–130s howling to a shuddering halt on the plateau's midget airstrip every 15 minutes. The old runway, built and fought over in 1968, looked like a World War II flight line with nearly 200 helicopters crammed rotor to rotor under the direction of marshals wearing yellow nylon overblouses. The crews in their olive-drab flight suits lounged on the aluminum runway, smoking, talking over the upcoming combat assault. Then from the far end of the runway came that characteristic sound of 10,000 bottles breaking: "incoming." Up to this moment Khesanh had been a gentle, untroubled logistic base and for a few seconds no one moved. Then that sound again, and the crews dashed for their helicopters. Like a flock of startled crows they fled in every direction to reassemble into beadlike formations in the high, clear air and head for safer places. And Khesanh as an American base began to die again.

The death knell struck last week, when a flurry of mortar shells sent perimeter defenders leaping to their fighting holes for cover. The stage was set for the fierce closing battle of Lam Son 719 which, as if acknowledging the real opponents of the past 10 years, was to pit suicidal North Vietnamese sappers against plain ordinary American GIs.

The sappers came gliding barefoot through the darkness clad in camouflaged shorts and jackets and carrying satchel charges and Chinese grenades in webbing harnesses on their backs. They cut through the wire and were moving behind the defenders when wild shouts woke Delta Troop, 2/17 Cavalry, to the terror and bedlam of "sappers inside the wire." Five of the sappers moved swiftly down the zigzag communication trench, grenading the bunkers as they passed. It was highly trained saboteurs against line grunts, and it would have been no contest, except for a quiet, sandy-haired draftee from South Dakota. They threw two grenades in his bunker. He grabbed them, threw them back. They threw a third grenade, he dived with his flak jacket outstretched to cover the blast and save his bunkermate's life. Although badly wounded in the eye by a splinter, the young soldier than ran outside to empty an M–16 magazine into two of the attackers. Dropping the then-useless rifle, he launched an incredible onslaught on the other sappers with a machete and killed all three. When it was over the sappers had killed three Americans, wounded 10, blown up seven helicopters and two ammunition dumps and left 18 of their own bodies on and around the base. The episode proved once again that the American soldier seems to find it easier to admire his Vietnamese enemy than to like his Vietnamese ally. Said a grunt who helped fight a trapped sapper to a much-punctured standstill, "He sure had a lot of guts."

The next morning all helicopters left Khesanh and the final garbage fires started to burn. As ARVN convoys hurtled past his artillery base, a GI added the postscript to Lam Son 719. "ARVN is making an orderly withdrawal, they say. In other words, they got their ass kicked and they are hightailing it back. It's like us saying, 'Pack up and run for your life. Everything's going according to plan.' Because the plan was only made five minutes ago!"

Mr. FULBRIGHT. Mr. President, I wish to remind the Senate that for the past 6 or 7 years, from the reports of reputable reporters of our major news media, whether newspapers or magazines—Time, Life, the Washington Post, and so forth—the evidence has proved them to be far more accurate than the official estimates about nearly all the actions which have taken place in Vietnam or Indochina.

Let me read just three sentences from the article:

The black plumes of "incoming" mark a nearby U.S. artillery base where Americans are endeavoring to cover a withdrawal that has declined to an ignominious and disorderly retreat.

"A rout," says Webster, is "a state of wild confusion or disorderly retreat." Had he seen what I saw in South Vietnam's First Military Region last week. I believe Webster would agree that Operation Lam Son 719 ended in a rout.

One or two paragraphs further on in the article:

Faulty intelligence was principally to blame grossly mistaken reading of NVA counterattack capability and intention a poor understanding of the sophistication and diffusion of the Ho Chi Minh Trail network. Overconfidence in ARVN strength and overreliance on air power is a conclusion that may fairly be drawn from failure to hold fire bases.

Mr. President, I only wish to draw attention to this, for the sole purpose of trying to get at the truth.

The truth is always difficult to come by, especially in a period of warfare. We have had this experience before. It is not something new that has developed under this administration. It was quite as difficult in the previous administration as with this. When things do not go well, any bureaucracy, whether military or otherwise, tends to cover up. That is one of the hazards of a democratic system. On the other hand, I do not believe that a democratic system can function without access to the truth. Unless the Senate has access to the truth, we cannot participate and assist the executive branch in developing wise policies, as our Constitution provides.

Let me reiterate, that the greatest hazard, the greatest obstacle to wiser policies in our country is the obstacle that the Executive has put in the way of participation by the Senate in the making

of decisions. The Senate has not been given access to important information and has not been consulted. The Senate learns about mistakes long after they have been made. The President, isolated as he necessarily is, under our system, from the political realities of the country, simply does not have the assistance of Congress, and specifically the Senate, in this area. I regret it. But it is doing no service to our country if we try to cover up or to deny and not acknowledge what the facts really are, whether they be in Laos, Vietnam, or anywhere else.

Accordingly, Mr. President, I think this Life article is extremely revealing. It is the latest thing from a man on the scene.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New York Times today entitled "Reports by Saigon on Toll Inflicted on the Enemy in Laos Are Arousing Doubts," written by Alvin Shuster. This article sustains and is consistent with Mr. Saar's article. Also an article entitled "Thieu terms Laos drive Saigon's 'biggest victory'" published in the New York Times today.

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

THIEU TERMS LAOS DRIVE SAIGON'S "BIGGEST VICTORY"

DONGHA, South Vietnam, March 31.—President Nguyen Van Thieu declared today that his troops' recent thrust into Laos had attained "the biggest victory ever" for the armed forces of South Vietnam.

In a news conference of nearly two hours, held under a blazing sun in a cemetery at the South Vietnamese Army base here, Mr. Thieu insisted that the operation had achieved its objectives of disrupting supply lines, destroying stockpiles of war supplies and preventing any "significant" Communist offensives this year in the northern provinces of South Vietnam.

The news conference was Mr. Thieu's first in more than a year.

HIS TONE IS CONFIDENT

It was clearly called in an effort to offset the widespread belief that the South Vietnamese had been defeated in their 45-day major campaign, that they had been forced to reterat by heavy Communist counter-attacks, that their morale was shaken and that frictions had developed between the American and South Vietnamese commands. The President denied all such assumptions.

"I have learned," he said, "through some articles, through some periodic magazines, from daily magazines, which said that the United States said that the Vietnamese did not commit enough troops, that Vietnamese say that the United States had not provided enough support and that the redeployment of the Vietnamese troops from Laos is a defeat—disorder, disaster. I believe that is not true and is completely wrong."

The whole tone and manner of the President, as he spoke in English to reporters and addressed assembled airborne troops, was one of confidence that whatever the price paid by the South Vietnamese in casualties, the operation was worth it.

"As a general, as a combatant, let me say I am proud of you," he told the airborne forces. "I am proud of your performance. This is the biggest victory ever. You have caused a psychological breakdown to the Communists, you have hurt their morale seriously.

"This year you will achieve more victories. Thanks to these victories, we will be able to shorten the war."

He strolled among the paratroopers and asked one whether he had "ever fought any battle as exciting as this one."

The paratrooper, standing at attention, did not answer. To another, the President asked: "Did you fight well?" The soldier replied: "yes, sir."

STRESSES SAIGON'S ROLE

At his news conference, conducted as he sat on two wooden ammunition boxes in a small grove of pines about seven miles south of the demilitarized zone, Mr. Thieu emphasized that the invasion of Laos was a South Vietnamese operation, taken on Vietnamese initiative, only "supplemented" by United States airpower.

Asked whether there were differences between the American command and himself over the timing of withdrawal, Mr. Thieu said that the decision to end it was a "decision of the Vietnamese and we ended it because we judged the objectives of the operation to have been achieved."

Sources in Washington have reported that President Thieu decided to call off the operation, called Lam Son 719, rather than suffer more casualties, despite suggestions from the American command here that it continue.

Even though the bulk of South Vietnam's forces retreated from Laos, Mr. Thieu said, Lam Som 719 would be kept alive by lightning raids such as one whose start he announced today.

The raid, which military sources said would last about three days, involved United States helicopters and a small South Vietnamese unit. They were said to have gone 14 to 16 miles into Laos.

Mr. Thieu said he had no knowledge of reports from Washington that American air support would continue for such operations only for seven days more.

DEFINES U.S. RESPONSIBILITY

"The United States Government and the United States Army," he said, "only have the responsibility of providing support to all military operations conducted by our own initiative. So, the operation that has taken place this morning is also decided by us. This is a new attack, a new phase."

He also called it a "new-type operation" and said that even after the rainy season began in May, "we will have to continue this new operation if the situation demands."

Asked whether the South Vietnamese intended to invade North Vietnam, Mr. Thieu said that his army "has the capability to attack North Vietnam under some form" whether or not the United States provided air support. The extent of the American support, he said, would determine the type of operation.

"But I believe that, even without United States support, I could still choose a form of attack into North Vietnamese territory."

Mr. Thieu, who answered foreign reporters in English and local reporters in Vietnamese, said he saw no mistakes in the Laos incursion. He did mention "technical difficulties" that left some South Vietnamese troops without sufficient supplies but said that this problem, with American air support, was cleared up in three days.

As for the reports of a hasty retreat, Mr. Thieu said any withdrawal phase was difficult in military strategy. The object, he said, is to surprise the enemy when ready to withdraw. And, he said, "I think the fact that we have achieved our withdrawal very fast is a good thing, and not a bad thing, because the Communists did not have time to react."

Sgt. Nguyen Van Du, one of the paratroopers at Dongha today, saw the battle in different terms.

"The enemy was doped," he said. "I heard they were given 'no fear' medicine that made them fanatical and insensible to our fire. They kept coming in, running in on us, over the dead bodies of their friends."

Asked if he would go back in, he replied with hesitation: "If I am ordered to."

REPORTS BY SAIGON ON TOLL INFLICTED ON ENEMY IN LAOS ARE AROUSING DOUBTS

(By Alvin Shuster)

SAIGON, South Vietnam, March 31.—The campaign against Communist supply lines in Laos is over, but statistical warfare continues to rage, reminiscent of the days when American commanders put the stress on "the body count" to demonstrate success in the Vietnam war.

The figures at issue these days are those provided by the South Vietnamese Government on the invasion of Laos—numbers tacitly accepted by the Americans though some are so obviously exaggerated as to be meaningless. As a South Vietnamese lieutenant acknowledged, "the more political the operation, the higher the chances of exaggeration of what we did to the enemy."

It is an old controversy, now attracting new interest because the Saigon Government and, to a lesser degree, the American command are still providing a heavy dose of numbers to try to cure the public discomfort over the Laos campaign. The list is long, from enemy killed and munitions destroyed to field radios, trucks, antimalaria pills and chickens and ducks captured.

CONSIDERABLE DOUBT RAISED

Considerable doubt was cast on the statistics all during the 45-day campaign. Official briefers talked solemnly of counting bodies in the jungles of Laos, of estimates of explosives used, of heavy engagements where the toll of the enemy ran into thousands, as against a few wounded.

There were several days when the South Vietnamese command reported every detail of a fight, down to the number of rifles captured, and then said, "There is no word yet on our casualties."

In a war without front lines, it has long been a practice to measure progress in numbers, credible or not. The Americans, during the period of heavy ground combat, were the original sinners, as underscored in the trial of First Lieut. William L. Calley Jr., who testified:

"It was very important to tell the people back home we're killing more of the enemy than they were killing us. You just made a body count off the top of your head. Anything went into the body count: V. C. buffalo, pigs, cows. Something was dead. You put it into your body count."

LOWER U.S. CASUALTIES

American commanders say the "body count" period for them is over, largely because the nature of the war has changed. Americans are no longer in massive search-and-destroy operations or big battles and, with the enemy pursuing a protracted war of small units in this country, the engagements involving Americans usually show low casualty figures.

The theory is that the smaller the figure, the more credible it is.

General Michael S. Davison, commander of American forces in the military region surrounding Saigon, who is soon to become Army commander in Europe, said: "I never liked the body count and the stress on kill ratios because I always found they could lead to bad practices. When I decided to come here I decided never to mention kill ratios and body counts to a single subordinate commander."

American and South Vietnamese commanders like to look at figures as benchmarks of progress, nevertheless, because, in their view, the figures help to show what is happening to the enemy.

What happened to the enemy in Laos is still a big mystery. The South Vietnamese claim 13,815 North Vietnamese soldiers killed. The American command, which limits itself to estimates based on aerial observation, put the figure at 4,100. The clear implication, accordingly, is that more than 9,500 were killed

by the South Vietnamese themselves, which is difficult for some officers to believe.

SOME "MINUSES" FOR HANOI

"Look at it this way," a doubtful American officer said. "The Vietnamese say they have killed nearly 14,000 Communists in Laos.

"If you figure that at least two are wounded for every soldier killed, that means 42,000 Communists were put out of action. Since there were supposed to be only 30,000 Communists in the area in Laos, they are now minus 12,000."

"Now the command says we killed something like 15,000 trucks along the trail since the dry season began in October," he continued. "They only had about 12,000, so again Hanoi is minus, this time about 2,000 trucks."

"So, if they are minus 9,000 men and 2,000 trucks, it's a wonder they can still keep going on the trail."

The South Vietnamese casualty figures for the troops in Laos are also open to question. Saigon says that 1,163 were killed and 4,299 wounded, with 240 missing, for a total of almost 5,700 or about 25 per cent of the force involved. Some unconfirmed reports circulating in Saigon put the total casualties at 10,000, or about 50 per cent, which the Saigon command absolutely denies.

FEW CHANCES TO CHECK

Because of the nature of the Laotian operation—no Americans allowed in on the ground—few of the statistics gathered by the South Vietnamese could be checked. The Saigon command insists that its men counted the bodies, but officers acknowledge privately that the figures are estimates. The lower American figure is also an estimate, based on reports by pilots of small observation planes and helicopters.

Duplication is unavoidable, with pilots sometimes counting the same bodies the South Vietnamese on the ground locate.

In a sense, the United States command is more interested in the accuracy of casualty figures for the South Vietnamese than for the enemy. As a result, American officers are assessing the figures with the help of American advisers at the scene who tried to count the members of their units as they returned.

An officer engaged in the work said that the South Vietnamese figures were on the low side but did not appear to be near the 10,000 mark. He said that the figures were probably off by a few hundred in each category, implying that the South Vietnamese probably suffered something under seven thousand casualties.

In any event, the South Vietnamese are not particularly interested in statistics, although they recognize the political possibilities of favorable ones.

"Statistics mean very little to us," a South Vietnamese official remarked. "We only started them because the Americans seem to be interested, along with the press."

FIGURE ON MUNITIONS WAS HIGH

The most striking example of statistical warfare during the operation in Laos was the figure provided by the South Vietnamese on the amount of munitions destroyed—176,246 tons, or more than the equivalent load of 10,000 of the largest cargo plane at work in Vietnam.

The American command was surprised by the figure, which jumped more than 160,000 in one week, and asked the South Vietnamese for clarification. The answer came back that it was "a verified amount." The American estimate is 14,000 tons.

At the briefing yesterday a Saigon spokesman insisted that the huge figure was accurate but added, "You should use your own judgment in using it."

The Americans are still not without their own attempts at manipulating the figures. The most frequently cited example was the deliberate leak in Washington of low American casualty figures—figures usually disclosed in Saigon on Thursday afternoons—early in election week last November.

During the incursion in Laos the command provided statistics only for the helicopters shot down and destroyed in Laos, not the much larger number shot down and then brought back to Vietnam. The rationale was that such information would help the enemy determine helicopter strength.

The casualties suffered in the "recovered" aircraft were also not reported daily, although they were included in the weekly figures, so the job of isolating the number of American casualties became almost impossible.

"The statistics still seem to be important in this war because of the limited tangible measurements," a diplomat commented. "The only problem is that they don't show whether you are winning or whether you really disrupted the trail."

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

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield my 3 minutes to the Senator from Arkansas.

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

Mr. FULBRIGHT. I appreciate that. That is very generous of the Senator from West Virginia.

Mr. President, these articles all provide a consistent story from different sources as to how the real situation has developed in South Vietnam and in Laos. I regret it. I regret that the operation has not been successful. The Foreign Relations Committee and other Members of the Senate did not say anything critical of the Laos venture until it was perfectly evident to the blindest person that it was a failure. There is no profit, no benefit, in trying to cover up the situation and not acknowledge it. If we acknowledge it and put our minds to it, I think we in the Senate and the President can develop a sensible way to liquidate the war, one that will be in the interest of our country.

Mr. President, it is sometimes good for Americans to have an idea about what others in the world community, many of them our allies and friends who are very much interested in our welfare and in our success, are saying about our policies and actions. The U.S. Information Service, on a regular basis, prepares summaries of the reaction of news media around the world to current issues. The Laos operation has been given considerable attention in the world press, judging from recent issues of the summaries. In order that readers of the RECORD and the public may see how the world press views the Laos operation in terms of success or failure, I ask that there be printed in the RECORD the pertinent portions of the USIA summaries for March 22, 26, and 29.

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

LAOS: REPORTS OF ARVN "RETREAT"

SUMMARY

As foreign information media told the story of the South Vietnamese withdrawal from Laos in extensive reporting, pictures and television film, commentators took widely differing views of the situation.

In most world news centers, the events were interpreted as "a retreat" (British TV and radio). West German TV said it was "more of a flight than a withdrawal." Concern that Vietnamization had suffered a setback was expressed in several countries.

However, a number of influential voices insisted that judgments regarding the outcome of the operation were premature:

The London *Economist* said that if the ARVN forces "come out in reasonably good order," they will have "bought a year, and maybe more, of relative quiescence."

Nationally influential *Die Welt* of Hamburg held today that "the result of the Laos incursion will only show months after the South Vietnamese withdrawal."

Vienna's independent *Die Presse* maintained today that the Laos action "must result in a general increase in U.S. prestige," and that President Nixon has shown himself "again master of the domestic situation and thereby capable of taking the necessary steps toward . . . termination of the American combat role. . ."

North Vietnamese media hailed a "great victory" of the "Lao People's Liberation Army" in southern Laos on Saturday and announced a "glorious feat of arms" in shooting down a B–52 over Vinh Linh last Wednesday.

BRITISH TV, RADIO REPORT A RETREAT

British TV and radio reported over the weekend that a retreat was in progress. They said the South Vietnamese had fought well and that their situation would have been much worse without U.S. air support.

On the last point, a BBC-TV correspondent interviewed a helicopter pilot who said that "without U.S. air support it would have been a total failure." The correspondent added, "While it is true that the South Vietnamese have fought creditably, probably better than ever before, they still rely 100 per cent on the Americans."

In a radio commentary, an editor of the London *Economist* suggested that the Laos operation never was meant as a knockout blow. A member of the BBC foreign staff said on radio that "it now seems clear not only that the operation is being wound up . . . but that it has been far less successful than last year's sortie into Cambodia . . ."

These were headlines today:

"Americans Using Every Plane to Save Laos Retreat from Disaster (Independent *Times* of London)

"Laos Withdrawal is Headlong Retreat" (Liberal Manchester *Guardian*)

The *Times'* story reported that "full-scale withdrawal of South Vietnamese from Laos was almost complete after the apparent collapse of the 42-day campaign against the Ho Chi Minh trail."

The *Guardian* said that "the South Vietnamese withdrawal from Laos turned into a precipitate retreat" yesterday.

"Impossible to Get Over-All Picture"

The conservative *Daily Telegraph*, which supports U.S. Viet-Nam policy, today carried two articles complaining of lack of clarity in the situation.

Its military correspondent wrote, "It is still impossible to get an over-all picture of the military situation in southern Laos or discern to what extent the retreat of the South Vietnamese has gone according to plan or has been forced upon them.

"What does seem certain is that the effectiveness of the close air support, on which the success of the allied tactics depends, has once again been over-estimated."

The paper's Washington correspondent stated:

"President Nixon is again faced with a credibility gap over the Indochina war. The public is finding it increasingly difficult to square the Administration's claims that 'Vietnamization' is proceeding well with re-

ports and television pictures from the Laos front. . . .

"It is an open secret that only those helicopters so badly shot up as to be write-offs have been admitted lost. The real figure is said to be three times as high. Despite the security blackout before the campaign, the enemy had a shrewd idea—to say the least—of South Vietnamese intentions. *The only people kept ir the dark were the American people.*"

"Vietnamization Test Appears To Have Failed"

Yesterday its sister paper, the *Sunday Telegraph*, reported from Washington that "whatever the military truth of the matter in Indochina, it was quite evident that at home, Laos has the capacity to do President Nixon an immense amount of political harm. Far from being another Cambodian triumph, it is beginning to look as disastrous as the Tet offensive, with the saving political grace that this time no American ground troops are directly involved.

"The American public is not impressed by claims that thousands of North Vietnamese are being slaughtered in bombing and helicopter gunship attacks. All they know is that the first real test of the President's Vietnamization policy, the key to withdrawal from Indochina, looks as if it has failed."

Story of Troops Refusing Action

Today's independent-left London *Sun* reported that "battle-weary American troops refused to go into action" yesterday "when their commander ordered them into a Viet Cong ambush zone. . . . The soldiers complained they had no adequate weapons, ammunition or support."

"Two Gains of Laos Operation

The weekly *Economist*, out on Friday, ran an article which maintained that "even if the South Vietnamese come back out of Laos fairly soon—provided they come out in reasonably good order—the operation has had a major effect."

It said the operation would have accomplished two things: "The first is to have demonstrated that the North Vietnamese have been unable to prevent the invading force from coming and sitting in their own backyard. . . .

"The other thing . . . is to have deprived the Communist forces in Cambodia and South Viet-Nam of a substantial proportion of the supplies they were counting on being able to use between now and May 1972. . . . It will have bought a year, and maybe more, of relative quiescence. . ."

Paris TV: "Retreat on Schedule?"

French state-run television's first network last night carried films on the difficulties faced by the South Vietnamese as they pulled back from Laos. A commentary asked:

"A retreat on schedule, or a hurried retreat? Hanoi readily describes the retreat as a rout. A few facts show that things are not easy for the Americans and South Vietnamese. They have only one base left in Laos. When evacuating the next-to-last post, they lost at least 5 helicopters and 15 others were hit by enemy fire.

"Meanwhile, North Vietnamese heavy artillery, which dominates Khesanh, is pounding the principal operational base systematically. . . . It remains to be seen whether Khesanh will not be surrounded. Hanoi asserts: 3,000 soldiers are trapped like rats in Khesanh."

The second TV carried same film, with a comment:

"This looks more and more like the encirclement of Dien Bien Phu."

Today's mass-circulation *France-Soir* front-paged an AP picture of a South Vietnamese soldier clinging to a helicopter landing skid. It was captioned, "South Vietnamese Helter-Skelter in Laos."

Rome TV Reports

Italian television last night reported that the U.S. Air Force "has attacked missile bases in North Viet-Nam, bringing the umpteenth protest" from Hanoi, and that the "South Vietnamese withdrawal from Laos" was being "disturbed by a series of North Vietnamese attacks."

A filmed report discussed the logistical problems in the Laos operation and said:

"Many South Vietnamese units, which in the beginning had some success with their surprise attacks, were subsequently left without material and ammunition."

Three Papers on Vietnamization Outlook

Leading independent-conservative *Il Messaggero* of Rome commented today that "the general retreat in Laos . . . will have many negative repercuissions on the Vietnamization program, on which the gradual U.S. disengagement is based."

Socialist *Avanti* of Rome observed that "the U.S. press is strongly critical of the Laotian operation," and that the South Vietnamese "military rout" demonstrated "the failure of Vietnamization."

Independent-liberal *La Stampa* of Turin argued that "events have shown that without the support of U.S. aircraft the South Vietnamese troops would have been defeated by a better prepared enemy." It continued:

"This bad experience might lead the White House to slow down the Vietnamization program."

West German TV: "More Like a Flight . . ."

Almost every weekend news program on West German TV reported the Laos situation. Film clips and still pictures were accompanied by narrative comments such as "getting worse by the hour . . . bad morale . . . looks more like a flight than a withdrawal . . . Khesanh under heavy attack . . . U.S. Air Force tries to bomb North Vietnamese troops . . . U.S. helicopters fly out wounded and survivors . . . ten bases already abandoned. . . ."

"Success, Failure Not Yet Measurable"

Independent *Die Welt* of Hamburg noted that Hanoi had lost its Cambodian supply routes a year ago and was now "putting up violent resistance" in Laos because it "sees the Ho Chi Minh system endangered." It declared:

"Success and failure in military operations are not measurable in terms of day-to-day fighting. The result of the Laos incursion will only show months after the South Vietnamese withdrawal."

"Allied Explanations Like Hitler's"

Independent-left *Sueddeutsche Zeitung* of Munich stated on Saturday:

"Washington and Saigon are handling the approaching end of the Laos operation as unskillfully as they handled its beginning. They hand out conflicting releases, some of which recall the phraseology Hitler's propagandists used in their efforts to smoke-screen defeat. . . .

"Politically questionable as it was, the Laos operation initially seemed to meet a military purpose—smashing the Ho system and giving the withdrawing U.S. troops a breathing spell . . . But the price the South Vietnamese army has paid is excessive . . . the South Vietnamese forces will now be even less able than before to wage the war singlehandedly."

Left-center *Frankfurter Rundschau* said on Saturday, "The defeat of the South Vietnamese army in Laos comes close to catastrophe." It called the ARVN forces "hopelessly inferior" to the North Vietnamese forces and "only good enough to maintain military dictatorship in their own country."

Pro-Christian Democratic *Muenchner Merkur* of Munich said the "failure" of the Laos operation "confronts the U.S. President with an extremely difficult situation.

"If he sticks to his withdrawal plan . . . Saigon will fall prey to the Viet Cong sooner or later, and Nixon will lose confidence among his allies and be the first US President to lose a war. If he forgos his withdrawal plans, he will feel the consequences in 1972."

West Berlin: "U.S. Withdrawal Chance Lost"

Independent *Spandauer Volksblatt* of West Berlin quoted White House spokesman Zeigler and General Westmoreland on the situation in Laos, and observed that "there is too much at stake to resent" their "at least trying to cast doubt upon the gravity" of the "catastrophe." It said:

"The dangers are obvious. After their brilliant operations the North Vietnamese will not stop at the Laotian border. Without American protection the demoralized and weakened troops of Saigon will become easy prey. . . .

"The opportunity has been lost for a final withdrawal of the Americans. The South Vietnamese cannot be left in the lurch at the very moment when evidence of their military inability has been placed before the eyes of the world . . ."

Vienna: "Will Raise U.S. Prestige"

Independent *Die Presse* of Vienna maintained today that the Laos action "must result in a general increase in U.S. prestige." It said:

"Regardless of the military successes or setbacks of the Laos intervention, the operation has undoubtedly yielded rich political dividends to President Nixon. It has proved that the President is again master of the domestic situation and thereby capable of taking the necessary steps toward the declared goal—termination of the American combat role—while safeguarding the allies by arming and training them and enhancing their political and economic strength."

Tokyo: "Abandoning Bases"

A weekend commentary on state-financed Japan's NHK-TV reported that "North Viet-Nam has launched fierce counterattacks in Laos since the beginning of last week. . . .

"The South Vietnamese are abandoning advance bases one after another and retreating across the border into South Viet-Nam. . . . It appears that South Viet-Nam has admitted a change of tactics in Laos."

"Explanations Reminiscent of Imperial Bulletins"

Liberal independent *Asahi*, in a Saturday editorial, said Saigon troops were "continuing to pour back out of Laos," and that the "explanations . . . by Saigon and Washington remind us of the official bulletins issued by the Japanese army and navy Imperial Headquarters during the Pacific war. . . .

"To fool the Japanese people, crushing defeats were then characterized as 'shifting positions' and/or 'tactical movements in a new direction'." . . .

The paper argued that "after 40 days of fighting, the Laos operation leads one to the following conclusions:

"1) Any military operation that lacks 'moral justification' is bound to end in failure; 2) the 'Vietnamization' policy is nothing but an illusion, and 3) the war in Viet-Nam cannot be settled by military means alone. . . .

"Contrary to Washington's optimistic statements about Communist China's possible reaction, the leaders in Peking already have hinted openly several times at the possibility of Chinese intervention. . . .

"We are urging a political settlement now, especially because intervention by China could develop into a Sino-American war. . . . But more basically, the main reason that we are asking that the policy of pursuing the war be terminated is because the war essentially is a mistake, both logically and strategically."

New Delhi: "May have bought a little time"

Major Indian papers gave inside play to stories of "heavy South Vietnamese losses" in Laos.

The independent moderate *Statesman* of Calcutta and New Delhi editorialized yesterday that "it may be too early to say the operation has failed, but few can believe that it has had much success.

"Even the most enthusiastic supporters of the Laotian expedition will find it difficult to explain the latest reports from the battlefield in reassuring terms . . .

"The Laotian operation therefore must be judged by what it can achieve in the short run.

"For the time being it may have made South Viet-Nam relatively secure; it may also have bought a little time for the Cambodian government forces. Washington may argue that by keeping North Vietnamese troops busy on fronts outside South Viet-Nam it is paving the way for the promised American withdrawal."

Pakistan: "The licking in Laos"

The influential *Pakistan Times* of Lahore feared that "the licking in Laos . . . may prompt the U.S. to be even more reckless." It warned, "There are limits beyond which even China's self-restraint cannot persist."

Hanoi on Ban Dong "victory" and downed planes

North Vietnamese media hailed a "great victory" by the "Lao People's Liberation Army" in southern Laos on Saturday and announced a "glorious feat of arms" in shooting down a B–52 over Vinh Linh last Wednesday, but betrayed some nervousness in publicizing two Foreign Ministry statements within three days "strongly denouncing and sternly condemning" U.S. air raids over North Viet-Nam.

The most recent statement, issued today and reported by Hanoi radio domestic service, charged that "on March 21 and 22, the U.S. imperialists sent a large number of their aircraft to bomb and strafe many populated areas in Quang Binh and Ha Tinh Provinces and perpetrated numerous crimes against the local people. Heightening their vigilance and combat readiness, the people and armed forces . . . shot down three U.S. jets."

According to another broadcast, that brought Hanoi's tally of downed U.S. aircraft to a grand total of 3,381 as of today.

Regarding ground action, the Vietnamese News Agency (Hanoi) said today:

"Both *Nhan Dan* and *Quan Doi Nhan Dan* today editorially praised as 'a great victory the Lao People's Liberation Army's single battle in the Ban Dong area, southern Laos, on March 20 . . . when it wiped out one paratroop brigade and one task force armored brigade of the Saigon army, destroying or capturing nearly 200 tanks and armored cars, 80 aircraft and dozens of big guns.'"

Peking: "Vietnamization Doomed"

Peking also played the "victories" theme in a *People Daily* article yesterday which said in part:

"The Lao patriotic army and people, having wiped out eight battalions and 20 companies of the enemy troops which had intruded into southern Laos, recently continued their triumphant advance and multiplied their military successes by annihilating a 'crack force' of the Saigon puppet troops, the 1st Regiment of their 1st Infantry Division, putting all its five battalions out of action and killing its commander and deputy commander on the spot. The Chinese people hail this magnificent military success of the Lao patriotic army and people and extend them warm congratulations. . . .

"The failure of the U.S. puppet troops in their invasion of Laos proclaims the bankruptcy of the 'Vietnamization program' long designed by the Nixon Administration. They threw into the battle as the main force the so-called crack troops of the Saigon puppet clique, the 1st Infantry Division, the paratroop division, and the commandos and regarded this invasion as 'a key test of "Vietnamizing" the war.' The annihilation of large numbers of Saigon puppet troops meant . . . a double defeat for the Nixon Administration. The Vietnamization program is doomed to failure. . . ."

POSSIBLE EFFECTS OF LAOS OPERATION

SUMMARY

As the South Vietnamese drive against enemy supply lines in Laos ended, foreign media commentators expressed sharply differing views over the outcome of the operation and its possible effects on the war.

At the same time, news treatment of the situation in Indochina declined markedly in several countries. For example, state-run French TV's first network did not mention Laos yesterday.

The assumed contrast between official assessments of the allied action and the image projected by the information media was discussed in Great Britain, West Germany, Scandinavia, and Japan.

These points emerged in wide-ranging commentaries:

The operation may have prevented the Communists from launching a major attack in Cambodia or South Viet-Nam for a considerable length of time. (Independent *Economist* of London)

"The South Vietnamese have done a respectable job," but they did not achieve their goal. (West German TV)

Conflicting reports have produced a "growing credibility gap." (Copenhagen papers, Japanese TV)

Hanoi media sustained the theme of a "glorious victory of the southern Laos armed forces and people" over "the U.S. aggressors and Saigon puppets."

Peking NCNA cited Western news accounts to deride Mr. Nixon's remarks on Laos during Monday's TV interview.

Moscow radio in a domestic broadcast referred to "the failure of the American-Saigon intervention in southern Laos."

London: "Some Reports Less Apocalyptic Than Editorials"

The influential weekly *Economist* of London, a fairly consistent supporter of U.S. policy in Indochina, had this to say about media treatment of the Laos operation today:

"It is worth noting that some of the reports from Indochina itself . . . have been a good deal less apocalyptic about the withdrawal than some of the editorials written in London and New York. . . .

"A television camera is like a telescope: It shows you things with stunning clarity, but you need to see more than the bit it chooses to show you."

The weekly argued that "there are two things to be set against the evidence of the television cameras.

"The first is that, however they came out, the South Vietnamese did spend between five and six weeks sitting on part of North Viet-Nam's only remaining major supply line to the war in the south. General Giap will not be able to get many supplies through to the south between now and when the rains start. . . .

"If the planners' calculations are anywhere near right, it means that the Communists will not be able to launch a major attack in Cambodia or South Viet-Nam until the monsoon ends . . . and perhaps for quite some time after that, and by then they will find a stronger Cambodian army blocking their way to Saigon. . . .

"The other comment that has to be made is that this sort of operation hardly ever ends the textbook way anyhow."

In a story from Saigon, the weekly said, "The problem remains whether . . . South Viet-Nam . . . will be able to prevent supplies from moving south again in the next dry season. . . . Until then, the success of the present drive will be measured by the time is has bought."

"Disaster, Rout, Debacle"

A sharply different view was taken by the left-oriented, pro-Labor London *Daily Mirror*. The paper stated yesterday:

"President Nixon must stop trying to fool America and the world about the disaster in Laos. He must stop trying to pretend that the American-backed invasion has ended in anything but military rout. . . .

"Mr. Nixon still insists that the policy of withdrawal from Viet-Nam goes on. It would be a tragic blunder if he changed his mind because of the Laos debacle. . . . One day the Americans will have to get out. The lesson of Laos is: the sooner the better."

"Horrendous Decisions" Ahead?

The liberal Manchester *Guardian* held yesterday that the Laos operation has been a test of U.S. Vietnamization policy, and if Mr. Nixon "should be compelled to recognize that . . . the South Vietnamese troops were less effective against the enemy than had been expected . . . he would be faced with a really horrendous decision."

The paper maintained that the President "would either have to slow down and perhaps temporarily halt the withdrawal program or, by continuing it at the present level, not only place the remaining American forces in South Viet-Nam at risk but also the Thieu-Ky regime." It added:

"As far as the bulk of the American people is concerned, the Laos operation almost certainly appears as a failure."

TV: "Casts Serious Doubts on ARVN Ability"

All British TV channels yesterday ran a CBS film report on continuing South Vietnamese withdrawals from Laos.

On Wednesday, BBC–TV's "Twenty-Four Hours" program showed film on the Laos operation and an extract from President Nixon's interview with Howard K. Smith.

A guest commentator on the program contended that the operation "casts serious doubts on the ability of South Vietnamese forces to operate this much on their own outside their own territory." He said the President was "not unnaturally putting the bravest possible face on the matter," and that in view of next year's election, "Nixon would have great political difficulty in reversing the process of withdrawal."

The commentator concluded that the war "is certainly continuing, and in Indochina as a whole the North Vietnamese are on the advance."

West German TV: "ARVN Did Respectable Job"

A commentator on West Germany's first television network said last night:

"An evaluation of the Laos operation can be attempted only with reservations. For five weeks on the very terrain of the Viet Cong, the South Vietnamese have done a respectable job. Films taken of the evacuation leave no doubt that General Thieu's troops have fought a strong enemy in hostile territory . . .

"However, South Viet-Nam did not achieve its goal in this operation—the Ho Chi Minh trail has only been cut in a few places and for a short time. But it took General Giap five weeks to bring in enough troops to fight his sanctuaries free with heavy losses and at the price of freezing the war in all other parts of South Viet-Nam and Cambodia.

"The Laos operation cannot be judged according to the categories of 'victory' or 'defeat' because both sides suffered immense casualties, and because no decision was reached to force one side into accepting a peace. President Thieu now has the basis

for his re-election in October, and President Nixon has a useful break for future troop withdrawals from Viet-Nam."

The commentator's analysis, which was introduced as "The Victory of the Press Officers," contained these observations:

"Judgments about the situation in Indochina have become an article of faith. . . . Anyone unable to see an American or South Vietnamese victory in Laos suffers from a liberal syndrome. . . .

"The confrontation of ideological positions in the evaluation of the operation in Laos certainly has its source in the fact that press officers in Saigon and Washington have created a total chaos of information. The tasteless success stories from the Pentagon and the scandalous attempts of the headquarters dilettantes in Saigon to claim the flight was a planned and programmed withdrawal, confirm that the first victim in war is still the truth."

"Achieved a Certain Success"

Another TV commentary last night declared that the Laos operation had "achieved a certain success," but said that "the argument now centers on the question of whether the Vietnamization concept is successful." The commentary referred to *Newsweek* and *Stars and Stripes* reports of "losses," in contrast to the statements by briefing officers of "successful operations."

"Did Not End in Victory . . . Failed Test"

Independent *Stuttgarter Zeitung* declared:

"The Laos operation did not end in victory. It may have been a defeat. The war cannot be won, nor must it be seen as lost, even if one concludes that the Laos operation was a failure."

Right-center *Handelsblatt* of Duesseldorf asserted that "Thieu's army has failed its test."

West Berlin: "ARVN Ability Over-Estimated"

Independent *Tagesspiegel* of Berlin yesterday published the view of its Saigon correspondent that "with the retreat of the Saigon troops from Laos, fear is growing that the allied invasion was a spectacularly wrong decision which threatens to effect the exact opposite of what it was meant to achieve." The correspondent continued:

"A defeat of the magnitude now seen threatens to inflict unbearable losses on the elite of the South Vietnamese army, to shake disastrously the self-confidence which this army gained in the past two years, and to set back Vietnamization by years or even doom it to failure."

He stated that the combat ability of the South Vietnamese had been "credulously over-estimated," while the strength of the enemy had been underestimated. The results of the Laos operation "no longer justify withdrawal of American forces from a military point of view."

Paris: "Failure of Vietnamization"

A by-line writer contended in yesterday's pro-Gaullist *Paris-Jour* that "despite the explanations from the White House and the Pentagon, the American-South Vietnamese setbacks in Laos marks the failure of President Nixon's Vietnamization policy."

Today's moderately conservative *Figaro* of Paris reported that "after precipitating the Saigon troops' retreat from Laos, Hanoi troops are penetrating South Viet-Nam in strength." It also said that "a disagreement between Washington and Saigon" had brought an end to the Laos operation, and that Washington had denounced North Vietnamese military activity in the DMZ.

Yesterday's left-center *Combat* headed a story on an inside page, "Failure in Laos Harms South Vietnamese Morale."

Communist *Humanité* headlined, "Operation in Laos Cost Aggressors 16,200 Men."

Radio: "Thieu Wanted to Spare Troops"

The state-run French radio said today:

"The North Vietnamese are penetrating South Viet-Nam in strength as the evacuation of Khesanh begins. The hurried South Vietnamese retreat from Laos reportedly resulted from a disagreement with Washington. President Thieu wanted to spare his elite troops. He does not want the Americans to depart too quickly and leave him to face the North Vietnamese with a weakened army."

The New York correspondent of commercial Europe One radio reported that "Washington and Saigon no longer agree on Vietnamization at the very moment when Nixon is preparing to announce another withdrawal of American forces. President Thieu considers that the fewer Americans in Viet-Nam, the less are his chances of being re-elected. Nixon on the contrary believes that the fewer Americans, the greater his chances of being re-elected."

Rome TV: Laird, McGovern Statements

Italian television yesterday quoted Secretary Laird as saying the South Vietnamese "have reached their objective—they have upset the Communist logistical lines," and contrasted this with Senator McGovern's description of the Laos operation as "an unbelievable defeat."

Prestigious independent-liberal *La Stampa* of Turin maintained today that the Laos operation had caused "two immediate repercussions in Viet-Nam and the U.S.—the return to Saigon of 22 South Vietnamese battalions which fought better than many Americans expected but not so well as General Abrams hoped," while "in America, according to a Gallup poll, 69 per cent of Americans think the U.S. Government has not told the truth."

"A Sufficient Success"

Yesterday's independent-conservative *La Nazione* of Florence called the operation "not a great, but sufficient success" that "achieved planned objectives."

"A Tragic Adventure"

Socialist *Avanti* of Rome saw "the end of the tragic adventure the U.S. wanted."

Communist *L'Unita* proclaimed "the catastrophic end of the aggression of American imperialists."

Vienna TV: "A Half-Success"

The chief commentator of highly influential Austrian TV, Hugo Portisch, on Wednesday night called the Laos operation "a half-success." He maintained that the South Vietnamese had been unable to cut the Communist supply lines as effectively as they had wanted to, and that their "morale was not too good." He then argued:

"Yet the picture would be incomplete if we failed to look at the Communist side. It is undoubtedly true that the Communists used all their forces to meet this invasion . . . sustained enormous losses. . . and that their war plans for the next few months have certainly been thwarted. Thus, things were very hard for them, too. . . .

"At the peak of the South Vietnamese invasion, Red Chinese Premier Chou En-lai had to fly to Hanoi. . . . There was much uncertainty both on the Chinese and North Vietnamese sides. . . .

"The South Vietnamese have learned that there are limits to what they can do, but the North Vietnamese have perhaps learned the same. And if these conclusions prevail in Hanoi as well as Saigon, this might pave the way to a political settlement in Viet-Nam."

Zurich: "The Present Confidence Gap"

Switzerland's prestigious *Neue Zuercher Zeitung* commented yesterday that President Nixon's ABC interview "made clear that he will not modify his foreign policy course—which, except for nuances, is that of all his predecessors—and that he will seek another term.

"Like Acheson, Dulles and Rusk, Nixon believes that fate has cast the U.S. in the role of guardian of the peace, and that world peace would be endangered by South Viet-Nam's going Communist.

"Nixon is certain that by mid-1972, Viet-Nam will no longer trouble the nation as much as it does now, and that this will enable him to close the present confidence gap."

Stockholm: "Chaos . . . Fiasco . . . Whitewash"

Swedish commentators held that the Laos operation represented a defeat for the ARVN and a setback to U.S. policy. Headlines spoke of "chaos in Laos," "fiasco for Vietnamization," and "a whitewash."

Liberal *Dagens Nyheter* of Stockholm said in a typical commentary:

"Soon President Nixon will be the only one who believes—or says he believes—that the invasion of Laos produced the results Washington had hoped for. As if we were not all witnesses to the total retreat of the Saigon troops, characterized by flight and panic, six weeks earlier than the operation, according to advance plans, was to have ended."

Regarding the President's comment in his TV interview that the Laos operation could only be fairly judged in long-range perspective, the paper said, "For the purpose of practical politics this is a nonsensical argument. If taken seriously it would render any debate impossible."

Helsinki: "Farce . . . fiasco"

Independent *Helsingin Sanomat* contended yesterday that the "conflict" between Mr. Nixon's "applause" for his military policy and "the facts" was changing the Indochina war from "a tragedy into a farce."

Swedish-language *Hufvudstadsblated* of Helsinki said of the President:

"It is evident that he is trying to cover up a fiasco."

Copenhagen: "Credibility gap widens"

Editorials and columns in most Copenhagen papers today criticized the Administration's evaluation of the Laos operation and maintained that "the credibility gap" was, as a result, "growing wider."

Tokyo TV: "Will greatly affect withdrawals"

Japan's state-financed NHK–TV yesterday called the Laos operation "a big blow to the Nixon Administration because of growing distrust of their Government by the American people." It held that "the fact that the Laotian operation ended earlier than expected under strong Communist counterattack . . . will have a great effect on the U.S. troop withdrawal plan."

Commercial TBS–TV spoke of "a 'miscalculation' for President Nixon . . . There is a growing credibility gap in the U.S. as a result of Laos . . . President Nixon is losing popularity . . . He faces a decision of negotiating in Paris or continuing the Vietnamization program. If he chooses Vietnamization, observers in Washington believe this will lead to escalation of the bombing of North Viet-Nam."

Commercial Fuji-TV maintained that "the operation succeeded in destroying part of the Ho Chi Minh trail, but South Viet-Nam suffered heavy troop casualties and the U.S. lost many helicopters . . . The performance of South Vietnamese troops . . . was not as strong as expected. U.S. military leaders probably now realize that a military solution is difficult."

Two Correspondents' Reports

Business-oriented *Sankei* of Tokyo gave big play yesterday to interviews with Saigon and Washington correspondents. The Saigon reporter said:

"Large sections of the Ho Chi Minh trail were destroyed, although the South Vietnamese side appears to have suffered heavy losses."

The Washington correspondent reported:

"There seems to be a split in America between those who believe the Laos operation was a success and those who do not believe the announcements of the U.S. Government. . . . Although the American people

believed President Nixon when he stated that the Cambodian operation was a 'big success,' there is an air of doubt towards the President's March 22 TV interview statement calling the Laotian operation praiseworthy."

"Failed in Combat Capability"

Independent-moderate *Yomiuri* of Tokyo concluded today that "South Vietnamese forces failed to demonstrate a ground combat capability in major fighting that measures up to the expectations of the Vietnamization program. . . . The crack troops of the Saigon government were dealt a bitter blow and forced to withdraw earlier than scheduled, in spite of the unprecedented support by the U.S. Air Force. . . . The U.S. will have to start a new, perilous campaign if it wants to withdraw its troops from South Vietnam as scheduled . . ."

Seoul: "Reconsider Vietnamization"

Pro-government and pro-American *Shina Ilbo* of Seoul commented yesterday that the "reality" of the Laos operation was "grim . . . compelling reconsideration of Vietnamization as advocated by the Nixon Doctrine."

Manila: "Damage to U.S. Image"

The *Manila Chronicle*, which is frequently critical of the U.S., said yesterday that "the South Vietnamese and the American allies are getting clobbered disastrously" in Laos and that "almost all reports" indicate that they "are on the brink of an embarrassing psychological and military debacle. . . .

"No matter how one looks at the war, the allied withdrawals and heavy losses can never be equated with victory. It's not only damaging to the South Vietnamese war effort, it is likewise damaging to the American image in Asia, if not in the eyes of the whole world."

Sydney: "Advancing Backwards"

The conservative Sydney *Sun*, in a rare foreign affairs comment yesterday, titled "The Advance From Laos," criticized former Prime Minister Gorton because "his report on the Laos bloodbath makes even President Nixon look like a pessimist.

"It amounts to this—the enemy is retreating forward and our side is advancing backwards."

Hanoi Sustains "Victory" Theme

Hanoi radio domestic service on Wednesday broadcast the full text of a long "special communique of the Supreme Command of the Laotian People's Liberation Army on the glorious victory of the southern Laos armed forces and people in completely defeating the U.S. aggressors' and Saigon puppets' large-scale aggressive operation against southern Laos."

Other North Vietnamese media since then have sustained the "victory" theme, asserting that "the U.S. defeat on Highway 9 is of strategic significance: The American aggressors called for a showdown, and revolutionary forces in the Indochinese countries accepted this challenge, which has ended in a humiliating failure" (Hanoi's *Nhan Dan* yesterday). Reporting the ground attack on Khesanh, *Nhan Dan* today said "shock fighters of the People's Liberation Armed Forces . . . stormed into the base and struck the logistic compound."

U.S. air raids over North Viet-Nam drew further outraged comment, and the Vietnamese News Agency (Hanoi) published today the text of a "special communique" by the "DRV Commission for Investigation of the U.S. Imperialists' War Crimes" which recorded "the most recent war acts taken by the U.S. imperialists against North Viet-Nam."

Peking Derides Nixon Statements

NCNA yesterday carried Peking's first monitored comment on Mr. Nixon's Monday television interview, sharply deriding his statement that ARVN troops "fought in an outstanding manner" and that "the overwhelming majority of the people have greater confidence and higher morale" as a result of the Laos operation (NCNA's quotes). It relied heavily on Western news accounts to refute the President's assessment and said that "even U.S. columnist Alsop, who has always lauded Nixon, had to point out in *Newsweek*'s issue of March 22 that Nixon has crawled farther and farther into a predicament.'"

Meanwhile, NCNA and other Peking media noted the arrival in the capital of a Laotian Patriotic Front delegation which was received by Premier Chou En-lai and met with Prince Sihanouk, and the visit to Peking of a DRV Party delegation headed by First Secretary Le Duan, which also conferred with Chou. Thus, leaders of the "three Indochinese countries" on which Peking has repeatedly said it counts to carry the burden of defeating "U.S.-puppet" aggression in Indochina were again assembled under CPR auspices, this time in the wake of a "glorious victory."

Moscow: "Failure of Intervention"

Two brief reports on Moscow radio domestic service yesterday referred to "the failure of the American-Saigon intervention in southern Laos," asserting that Defense Secretary Laird "was forced to note that the Laotian patriotic forces' stubborn resistance was a deciding factor in the premature end of the operation."

OUTCOME OF THE LAOS OPERATION

SUMMARY

Overseas media over the weekend and today reported that Communist troops were on the move in the demilitarized zone and along the Laotian border, and that they had attacked U.S. bases in South Viet-Nam.

While the bulk of comment to date treated the Laos operation as at least a partial failure, some major commentators continued to suspend judgment or call attention to its accomplishments.

Thus, today's *Times* of London carried its diplomatic correspondent's view that the ARVN troops "did not fight badly," and that "the six-week operation had a fair degree of success in disrupting North Vietnamese supplies."

Italy's prestigious *Corriere della Sera* said it would take "months" to say whether the operation had "widened or narrowed" President Nixon's "remarkable margin of maneuver." Influential *Canberra Times* similarly said that "it will be impossible for some time to establish the extent to which the operation . . . has been successful . . ."

On the other hand, French TV asserted that "at least half" of the ARVN troops "could not be evacuated" from Laos, and Rome TV reported that "in Saigon they say the failure of Operation Laos may cost Thieu his presidency."

Several observers reported division in the U.S. over interpretations of the operation. A writer in the London *Sunday Times* said "a stalemate has now developed, with the official spokesmen insisting that the operation paid off and the news media claiming the opposite."

Peking NCNA gave voluminous coverage to a banquet celebrating "the brilliant victories won by the people of the three Indochinese countries . . ." Moscow TASS asserted that "the American-Saigon invaders suffered a crushing defeat, and not a single one of the military-strategic and political goals they set themselves was reached."

London: "A Fair Degree of Success"

Today's independent *Times* of London carried the view of its diplomatic correspondent that in spite of "sheer bad luck over weather," the ARVN troops in Laos "did not fight badly." He wrote:

"The six-week operation had a fair degree of success in disrupting North Vietnamese supplies. . . . This must have greatly reduced the chance of any successful North Vietnamese attacks in Cambodia or South Viet-Nam for the rest of this year. Much clearly will depend on morale. According to many reports, the South Vietnamese morale will not have been adversely affected.

"The nature of the Laos operation itself—a major raid followed by extrication under attack—was one of the most hazardous in the military textbook."

"Lively Doubts Aroused"

Today's conservative London *Daily Telegraph* reported that "the major Viet-Nam speech" which President Nixon "has promised to deliver next month . . . from the viewpoint of domestic American politics . . . may be one of the most important of his Presidency. Since the controversial Laos campaign began, public confidence in his war leadership had declined sharply in the opinion polls. . . . The Laos operation has now aroused lively doubts. Can Vietnamization be seriously considered successful enough to permit American troop withdrawals at an accelerated pace?"

On Saturday the paper reported from Washington that "President Nixon is going to have a difficult time persuading doubting Americans that the recent American-backed South Vietnamese incursion into Laos was a success. Opposition Democrats are hammering him on it for all they are worth, but his top advisers stoutly maintained yesterday that the operation will prove in time to have paid off."

"Administration-News Media Stalemate"

Writing in the independent-conservative *Sunday Times*, Henry Brandon asserted that the Laos operation "has cost President Nixon dearly in terms of his popularity rating and credibility, at least for the time being. . . .

"But the disgust with the war goes deep, even though no American ground troops were involved in this operation. And nothing has helped revive this distaste more than the sight on TV of South Vietnamese soldiers hanging desperately onto the skids of American helicopters."

Brandon concluded that "a stalemate has now developed, with the official spokesmen insisting that the operation paid off and the news media claiming the opposite."

Paris: "Laos Ended Fiction"

Today's moderately conservative *Figaro* of Paris carried the report of its New York correspondent that in San Clemente President Nixon would "weigh the results—and the lessons—of the South Vietnamese operation in Laos." He continued:

"American reporters in Indochina who saw the South Vietnamese troops after their 'orderly retreat' or 'rout' leave little hope for the standard-bearers of Vietnamization.

"It seems inconceivable that in the political situation in which he finds himself Mr. Nixon can afford not to continue the withdrawal of American troops. But the unfortunate operation in Laos has torn to shreds the fiction that such withdrawal would be possible without endangering Saigon."

"Allies on the Defensive"

French TV on Friday night reported that "the Americans are beginning to dismantle Khesahn. . . . Operation Lam Son 719 has ended. Now is the time for reckoning. . . . The Americans and the South Vietnamese are on the defensive along the Laotian border. . . At least half of the South Vietnamese troops engaged in Laos could not be evacuated. Their losses probably were heavy—from 30 to 60 per cent killed or wounded. . ."

A French correspondent recently returned from Khesanh was asked if he thought Laos had been a true test of Vietnamization. He answered:

"It is up to the Americans to answer that question. President Nixon, for one, declared that Laos constituted neither a defeat nor a

victory. The American press considers that the fighting in Laos marked the failure of Vietnamization."

Rome TV: "Ky Speaks of Defeat"

Italian television reported the situation in terms of South Vietnamese politics:

"Thieu maintains that the objectives of the campaign were achieved. . . . Ky speaks openly of a defeat of the ARVN and of a new Dien Bien Phu. This debate is part of the struggle for the Presidency of South Viet-Nam . . ."

A TV correspondent just back from Laos declared that "the withdrawal . . . was dramatic but not a complete rout. . . . In Saigon they say the failure of Operation Laos may cost Thieu his Presidency."

"Still Much Margin for Maneuver"

The New York correspondent of independent-conservative *Corriere della Sera* of Milan reported "a dispute on the Laotian operation: Was it a success or a setback? There is uneasiness in the U.S. because of Laos." He observed:

"President Nixon intends to reverse the present situation, which is characterized by an atmosphere of uncertainty and uneasiness, by his mid-April announcement of further withdrawals of U.S. troops from Viet-Nam. The President still has a remarkable margin of maneuver. . . . Only the events of the months to come can show whether that margin was widened or narrowed by the Laos operation."

Oslo: "Some Favorable Aspects"

Conservative *Aftenposten* of Oslo, Norway's largest daily, said today that although "the latter part of the campaign turned into a rout" for the ARVN forces and "a battlefield triumph" for the Communists, there were still "some favorable aspects. . . .

"Even though the South Vietnamese did not achieve their primary goal—to cut the supply routes along the Ho Chi Minh trail—there can be no doubt that they have succeeded in so severely limiting the flow of material that North Vietnamese plans for operations in Cambodia and South Viet-Nam have been delayed by perhaps as much as a year. . . . This breathing spell can be used to intensify the Vietnamization process. . ."

Canberra: "Extent of Success?"

The influential independent *Canberra Times* stated on Saturday that "it will be impossible for some time to establish the extent to which the operation against the North Vietnamese supply line through Laos has been successful. . . . There can be little doubt about the accuracy of the day-to-day reports that came out of Laos indicating that heavy damage was inflicted on enemy supply routes and that a large amount of material was destroyed.

"What remains unknown is how quickly the North Vietnamese can re-establish the supply lines."

Djakarta: "Dealt Communists a Blow"

Anti-Communist *Nusantara* of Djakarta concluded that the Laos operation "dealt a heavy blow to the ability of the Communist troops to keep up their fighting strength in Cambodia and South Viet-Nam . . . and caused Hanoi to sense a major threat to the mobility of its troops."

Kuala Lumpur: "Some Substance" in Opposing Assessments

The *Sunday Mail* of Kuala Lumpur called the Laos operation "the battlefield collapse of the Nixon Doctrine. . . .

"Mr. Nixon says things are not as bad as they are made out to be; the newspapers and war correspondents say the full magnitude of the disaster has not been told. There is probably some substance in both positions. The only certainty is that the war thunders on."

"Sales Talk Rather Than Analyses"

Earlier, the *Malay Mail* of Kuala Lumpur described Mr. Nixon's statements on the Laos operation as "sales talk rather than sober analysis. . . .

"The campaign hasn't lived up to expectations. Why can't he say so? . . .

"Every government practices some restraint in its public utterances. This has got to be so. But in this case the Americans—and let us state our admiration for that country and its people—are mature enough to be treated with candor.

"Indeed their sophistication is reflected in the growing so-called 'credibility gap' between the White House and public."

Peking: Chou Lauds "Victories of Three Indochinese Peoples"

Peking NCNA gave voluminous coverage on Friday and Saturday to "a grand banquet warmly celebrating the brilliant victories won by the people of the three Indochinese countries in their war against U.S. aggression and for national salvation."

Hosted by Premier Chou En-lai on behalf of the Party Central Committee and the State Council, the banquet honored visiting top leaders from the North Vietnamese Workers' Party and the National Liberation Front, and the Neo Lao Hak Sat, as well as resident Cambodian Prince Norodom Sihanouk to fill out the trilogy.

NCNA said of the occasion:

"At a time when reports of victory are pouring from the front of resistance against U.S. aggression in Indochina and when the Chinese people are celebrating the splendid victories won along Highway 9 and on various other battlefields in Cambodia, Laos and South Viet-Nam, the arrival in Peking of comrade Le Duan, comrade Kaysone Phomvihan, Professor Nguyen Van Hieu and other Vietnamese and Laotian comrades-in-arms in for a get-together with their comrades-in-arms in the great rear area gives great joy and encouragement to the Chinese people."

The wire service carried the full text of Chou's speech, in which he said:

"The great victory won on Highway 9 is of great strategic importance to the over-all situation in the three Indochinese peoples' war against U.S. aggression and for national salvation. It has upset the U.S. imperialist global plan for aggression and frustrated the Nixon Government's vicious scheme of 'Vietnamizing' its war of aggression against Viet-Nam and of the Nixon Doctrine in using the local people to fight the local people and using Asians to fight Asians, thus placing Nixon in an unprecedented dilemma.

"The great victory of this campaign has fully demonstrated the boundless might of the people's war, given the three Indochinese peoples further initiative on the battlefield, and brought about a new situation on the entire battlefront in Indochina."

Chou repeated the now standard formula regarding "all-out support and assistance to the three peoples of Indochina."

Moscow: "A Crushing Defeat"

A Moscow TASS commentary on Friday asserted:

"Another American adventure in Indochina on which Washington pinned such great hopes has ended in failure. The invasion of Laos pursued not only military-strategic but also certain political aims. It was hoped to influence considerably the entire course of military operations in Indochina in favor of the American aggressors and their 'allies.' At the same time, the Laotian operation was supposed to show in action the meaning of the Vietnamization policy evolved on the basis of the Nixon Doctrine. The troops of the Saigon regime were given the role of the direct executors of the American command's plans designed to make Asians fight Asians . . .

"The American-Saigon invaders suffered a crushing defeat, and not a single one of the military-strategic and political goals they set themselves was reached. The operation ended in a panic-driven retreat of the Saigon mercenaries, who met with powerful blows from the patriotic forces. . . .

"Soon after the invasion of Laos started, *The New York Times*, listing the tasks the invaders set themselves, named as one of them the attempt to raise the morale of the Saigon government. At present, the official American propaganda machine prefers to forget that task altogether. . . .

"Wide public circles in America are growing increasingly indignant, and their distrust in the official declarations and forecasts is mounting. It will be very difficult to restore the confidence lost as a result of the Laotian operation, is the conclusion drawn by the *Washington Post*. Even before the catastrophic failure of the intervention in Laos had become evident, seven out of ten Americans did not believe the Government told them the truth about the war in Indochina."

I believe the articles and news reports I have put in the RECORD are the latest and best information available as to what has actually taken place. I think study of these reports is a first step toward the development of a wiser and better policy. We must first acknowledge what has actually happened.

DAVID BEN-GURION TALKS ABOUT ISRAEL AND THE ARABS

Mr. FULBRIGHT. Mr. President, in the April 3 issue of Saturday Review, there is an extremely interesting article by Mr. John McCook Roots, based upon an interview Mr. Roots had with David Ben-Gurion, former Prime Minister of Israel and still one of the most revered, elder statesman of that country. Mr. Ben-Gurion, certainly one of the greatest statemen produced by Israel, has very positive views about the proper policies for Israel to follow, and I believe he exhibits in these views the great maturity and wisdom which he has acquired through his long experience in that troubled part of the world.

Mr. President, I very much commend Mr. Ben-Gurion's views to the Senate. Most of us know him. He has been here many times. He was the real unchallenged leader of Israel during its period of creation in the early days when he was Prime Minister. We in the Senate must take his views most seriously.

Mr. President, I call this article to the attention of my colleagues and the public, and ask unanimous consent that it be printed in the RECORD.

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

DAVID BEN-GURION TALKS ABOUT ISRAEL AND THE ARABS: "PEACE IS MORE IMPORTANT THAN REAL ESTATE"

(By John McCook Roots)

Amid the imponderables of a Middle East thrown violently out of focus by the death of President Nasser, one towering personality remains—Israel's legendary elder statesman, David Ben-Gurion, father of the Jewish state, for fifteen years its iron-handed first Prime Minister, author of its declaration of independence, creator of its incomparable armed forces, and possibly the closest our age has come to the "philosopher-king" concept immortalized by his favorite author, Plato.

Today, when the question of conquered Arab territories has become a key issue, Ben-Gurion's forthright views on the terms and spirit of the final settlement assume a unique importance. Long enough out of office to see

beyond the battle, yet intimately involved with the struggle for survival whose guidelines he originally laid down, the architect of Israel's rebirth as a nation speaks from a wealth of experience possessed by none of the current leaders on either side. Most Arab heads of state were figuratively in knee pants when Ben-Gurion first became a world figure. Most of those in the present Israeli cabinet are his pupils.

Recently I spent an afternoon with this remarkable man at his desert retreat—kibbutz Sde Boker—deep in the Negev. With Nasser's funeral rites in Cairo still a vivid memory, I wanted to know how Nasser's long-time rival envisaged the future of the Middle East. I was also anxious to probe the questing mind that, during early Egyptian air raids, immersed itself in the Greek and Chinese classics, to see if there might be found wisdom to illumine some of the confusions of the world scene.

The omens for peace were not auspicious. Israel's resolute Prime Minister Golda Meir, herself a Ben-Gurion protegee, was still insisting that her country would never re-enter negotiations until the controversial Soviet-Egyptian anti-aircraft missiles had been moved back from the Suez cease-fire zone. Egypt's new President, Colonel Anwar Sadat, now firmly in the saddle, had responded by declaring once more that in that case a fresh round of fighting was inevitable. To Western reporters familiar with the long-embittered fears, frustrations, cynicism, and pent-up fury in both Jerusalem and Cairo, this dismal routine of charge and counter-charge, so happily broken for a few days by Secretary Rogers's summer truce proposal, appeared to offer no hope whatever for the peace both sides longed for so deeply and needed so much.

What did Ben-Gurion think about it all? The stocky figure, encased in a huge, gray turtle-neck sweater against the desert's winter chill, shot upright in his chair. The leonine head, massive atop the sturdy torso and crowned by the familiar aureole of now-thinning white hair, thrust close to mine. The blue eyes blazed as a stabbing forefinger punctuated his fluent, heavily accented English.

"Peace, *real* peace, is now the great necessity for us," he said. "It is worth almost any sacrifice. To get it, we must return to the borders before 1967. If I were still Prime Minister, I would announce that we are prepared to give back all the territory occupied in the Six-Day War except East Jerusalem and the Golan Heights—Jerusalem for history's sake, the Golan for security."

These were startling and controversial views. With the future of his country at stake, and considering the tough public line of his own government, did he really wish to go on record as strongly as this?

"Certainly," he shot back. "I am a realist and see things as they are. When I think of the future of Israel, I only consider the country before the Six-Day War. We must return to 1967. We should give all gains back, except Jerusalem and the Golan, and these we should negotiate about." Then, as if anticipating the obvious query: "Sinai? Sharm el Sheikh? Gaza? The West Bank? Let them go. Peace is more important than real estate. We don't need the territory. With proper irrigation we now have enough land right here in the Negev to care for all the Jews in the world—if they come. And they certainly will not all come. No, we don't require more land.

"As for security, militarily defensible borders, while desirable, cannot by themselves guarantee our future. *Real* peace with our Arab neighbors—mutual trust and friendship—that is the only true security."

Ben-Gurion, who studiously avoids political discussions, smiled at mention of the Gahal hard-liners whose clamor for even more territory than that gained in 1967 led last summer to their rejection of the American peace plan and resignation from the government.

"Of course," he conceded, gesturing toward a picture of Abraham Lincoln on the wall, "these frontiers I have indicated would be, from our point of view, far from ideal. But a bad peace is better than a good war."

Asked if others in his country now felt the same, he replied, "Yes, Many."

Regarding the question of the Arab refugees, Ben-Gurion believes two things: first, that the Jews cannot be allowed to become a minority in their own country; second, that the refugees clearly have rights which have been far too long denied and must be justly and promptly dealt with.

Concerning the first factor, Ben-Gurion recalled how Chaim Weizmann in 1931 lost his position as head of world Zionism "because he said that Jews would not need a majority in Israel." He quickly added, "Hitler changed his mind." As for the second, Ben-Gurion repeated again and again: "Remember, this land belongs to two peoples—the Arabs of Palestine and the Jews of the world." Undoubtedly, in his view, the unequivocal return of Gaza and the West Bank would contribute to a climate of conciliation in which this extremely thorny issue might be resolved.

Still ruddy and fit after nearly three-quarters of a century devoted to the Zionist cause, Israel's former leader has lived quietly at Sde Boker since his retirement from the government in 1963. The death of his wife Paula two years ago was a searing personal loss. But he maintains close touch with events, keeps in trim with a three-mile walk twice a day, and devotes most of his time to work on his memoirs. Only Friday afternoons are available for friends and visitors. Appointments are rigidly controlled through the Tel Aviv office of his one-time aide Defense Minister Moshe Dayan.

The memoirs will be his legacy to the nation he brought into being. The first volume, now complete, covers events to 1933. "But so much happens after that," he quips, "that from then on it may have to be a volume a year!"

The former Prime Minister, long known as the country's leading "hawk," sees no conflict between his present advocacy of territorial withdrawal and his handling of the traumatic Suez crisis of 1956. At that time, in defiance of world opinion, he invaded Sinai, wiped out the hostile fedayeen bases at Gaza, secured the Red Sea outlet by seizing Sharm el Sheikh, and clung to his gains against massive pressure from the United States and the U.N. "If you offer me a choice," he had explained, "between all the ideals in the world, however attractive, and the security of Israel, I would unhesitatingly choose the latter."

Finally, at the last possible moment, after he had made his point and upon receipt of "assurances" from Washington that there would be an easing of the implacable Arab hostility toward his new state, there was a graceful yielding to the inevitable, a general withdrawal order, and an appreciative word from President Eisenhower.

Much of Israel's seeming intransigence today derives from the aftermath of this first withdrawal from conquered Sinai. A senior Foreign Office official in Jerusalem will cite you chapter and verse why Mrs. Meir, then Ben-Gurion's Foreign Minister and chief U.N. spokesman, feels her country was betrayed at that time by the Americans.

"These 'assurances' and 'assumptions' on which our 1956–57 withdrawal was based," he remarks bitterly, "proved meaningless. There was no change in the Arab attitude. Our ships continued to be banned from the canal. The U.N. force at Sharm el Sheikh, it is true, gave us for a while free passage through the gulf. But exactly ten years later U Thant, on Nasser's demand, suddenly pulled his men out, and we had no alternative but to reoccupy Sinai. Then, following the Six-Day War, came the 'Three No's' of the Arab summit at Khartoum—'no recognition of Israel; no negotiation with Israel; no peace with Israel.'"

That position has now changed dramatically. Last spring Secretary Rogers launched his peace initiative. In July President Nasser, confounding the skeptics, accepted the Rogers formula. By so doing, the Egyptian leader executed a spectacular reversal of the Arab position. He disavowed by implication all three "no's," repudiated his own repeated refusal to negotiate while his country was under occupation, risked personal assassination at the hands of the enraged Palestinian commandos, and, at his death in September, left as a legacy to his successors the reluctant but firm Arab acceptance of a permanent Jewish state in the Middle East.

Nasser thus introduced a new factor into the current deadlock. Ever since the three-year-old U.N. resolution stipulating *both* Israeli withdrawal from its 1967 war gains *and* Arab recognition of Israel, the heart of the Middle East problem has been a simple matter of trust. In essence, it has been the problem of achieving simultaneous compliance with the terms of the resolution by antagonists who hate, fear, and deeply distrust each other and who therefore each insist that the other act first.

The late Egyptian President's contribution to resolving this dilemma was what amounted to a declaration of intent: If Israel withdrew, Arab recognition would follow. First stated publicly in May to Professor Roger Fisher of Harvard in a little-noted television interview, the declaration was officially confirmed by Nasser's "yes" to Secretary Rogers in July. On December 23, in a talk with James Reston of *The New York Times*, President Sadat repeated in substance the Nasser formula, and during a *Newsweek* interview in February, Sadat made the offer of a peace treaty explicit.

Israel, however, had not been heard from beyond the references to "safe, secure borders." Official definition of these borders is of course virtually impossible to achieve outside the conference room. Yet the absence of some declaration of intent, coupled with an Israeli occupation of Arab soil already nearly four years old, had fed deep-seated fears in Arab capitals. Speaking on American television in December, the moderate King Hussein of Jordan put the matter briefly: "What are Israel's real aims? They have not said what they will do. Do they plan to expand? Our position is very simply that they can have peace *or* territory, but not both."

Now for the first time Hussein has an indication. Technically, Ben-Gurion's views are unofficial. But they come from Israel's greatest statesman. And they carry a special authority of their own. They mean that the man who as Prime Minister ordered the first withdrawal from Sinai is now willing, despite his earlier disillusionment with the Arab response, to risk withdrawal a second time, believing that in the altered circumstances of today it is an essential prerequisite to peace. What are those altered circumstances?

Undoubtedly the most compelling development has been the shift in the Arab posture brought about by the late Egyptian President before he died. Ben-Gurrion spoke of it with amazement. "We have had to live for so many years," he explained, "under the threat of Nasser's hostility. I think I understood how he felt, and the pressures he was up against. And when he accepted the Rogers plan in July, it came as a complete surprise. I was frankly astounded. Perhaps he finally came to realize that Israel was here to stay. He must have changed his mind. And it takes a really big man, a really courageous man, to do that."

Related to this new factor—that responsible Arab opinion no longer expects to "push Israel into the sea"—is another. It is a dawning consciousness among many Israelis that

their nation's long and agonizing fight for political identity has essentially been won, that Israel's physical survival over the short term is not now at issue, and that the chief question today concerns the country's relations with its neighbors, the Arab states, which alone can give it the lasting peace and security it craves. This realization is bound to induce a greater sensitivity to Arab desires regarding the final frontiers. It clearly conditions Ben-Gurion's approach to the settlement.

Then there is Russia. Ben-Gurion, like all Israelis' is greatly concerned about the increased Soviet presence in Egypt. He knows that Russian, unlike America, is a Middle East power—that in a showdown in the Mediterranean America would be at a disadvantage roughly comparable to that of Russia in the Caribbean during the Cuban missile crisis. Hence, the urgency about stopping the war on which this Soviet presence feeds.

Finally, there is his own highly developed sense of timing. At certain crises in Israel's brief history, fateful actions were ordered by Ben-Gurion on the authority, in the last analysis, of his inner conviction that "the moment" had arrived.

Clearly, today, Ben-Gurion senses once more that the hour of fate has struck. "In every conflict, there comes a time when to settle is more important than to get everything you want," he said. "And the time has come to settle. Today, above all else, as Jews and as humans, we must have an end to destruction and bloodshed. We must look to the future. The moment has come for peace, and we must seize it.

"One reason I feel so strongly about the need for bold steps now toward a settlement is that I am certain eventual Arab-Israeli cooperation is inevitable. In fact, an Arab-Israeli alliance. Geography and history make it so. The Arabs of the Middle Ages were the most civilized race in the world. They have much to give us, and I believe we in turn have much to give them.

"History has proved the absurdity of regarding traditional enmities as eternal. Nations which have been at each other's throats today may fall on each other's necks tomorrow. Look at France and Germany. Now, with the pace of change so rapid and radical, Arab-Jewish partnership may come faster than we think, and together we could turn the Middle East into one of the garden spots and great creative centers of the earth."

The former Prime Minister spoke again of President Nasser. He spoke with respect. There was a wistful note as he asked about the funeral in Cairo. "I often felt," he recalled, "that if he and I could have sat down together, we might have settled everything between us. He was by far the greatest of the Arabs. He was the one man, and Egypt the one Arab state, strong enough to make peace." Turning to the window, he spread his hands in a gesture of resignation. "And now he's gone," he said with emotion. "What a pity he had to die."

Ben-Gurion, a voracious reader whose long experience with men and affairs enables him to view Israel's dilemma with more detachment than most, then responded to questions on a broad variety of themes, ending with his favorite—world peace.

'The Middle East is not alone in being desperate for peace. Every nation needs it. We need to finish with wars and armies. Our Jewish prophets said: 'Nation shall not rise against nation, neither shall they learn war anymore.' Not only should we not make war, we should not *learn* war. It's nonsense to kill people. What is achieved? Why do it?

"Those who say that abolishing war is impossible forget that not long ago it was considered impossible to abolish slavery. Now it is slavery, not abolishing it, that is considered impossible. And war is worse than slavery."

PRESIDENT NIXON'S APRIL 7 ANNOUNCEMENT ON TROOP WITHDRAWALS FROM VIETNAM

Mr. SCOTT. Mr. President, the President will speak on April 7 of the further withdrawals of American forces. He has expressed to me the hope that the message will be reassuring to the American people. I believe that it will be .

What we are all pushing for and pointing to is finalization, and that is the American soldier from Vietnam.

I would suggest to Hanoi that now is the time for them to indicate that a release of our prisoners of war can be effected if we can at the same time respond with a schedule which will permit us finally to conclude this sad and tragic circumstance which so strongly affects our national life and, of course, theirs.

I hope that the prisoner of war situation will be seriously considered by Hanoi at this time, because some gesture from them might well be of extreme usefulness toward a solution of this problem.

LT. WILLIAM L. CALLEY, JR.

Mr. ALLEN. Mr. President, the verdict and sentence in the court-martial of Lt. William L. Calley, Jr., has rocked and shocked the Nation.

A wave of sympathy and indignation is gathering momentum—and for reason. For, if there is a fact in this case which has been established beyond any question of doubt, it is that our men on the battlefields of Vietnam and on posts and stations scattered throughout the world must have unquestioned moral support of those of us on the home front for whom these men are serving at the risk of their lives.

Mr. President, just a few moments ago the distinguished present occupant of the Chair, the distinguished junior Senator from Illinois (Mr. STEVENSON) introduced a bill having to do with closed circuit television. In the course of his remarks he spoke of the prizefight between Cassius Clay and Frazier. Just the other day on the floor of the other body the dean of the congressional delegation from my State pointed out the unfairness of a system that would allow one man to refuse to fight for his country and end up sharing a $5 million purse, and which would sentence another man to life imprisonment for fighting for his country. That speech was made in the other body by the distinguished Representative from Alabama, Mr. ANDREWS.

Mr. President, in the past such support has at times been woefully lacking—at other times it must have seemed to members of the Armed Forces that popular home support was entirely lacking.

Now, Mr. President, the Calley verdict has exploded over the heads of members of all our Armed Forces. It has had a shattering and devastating effect upon both civilian and troop morale. The wily, cunning, and cruel enemy could not have accomplished such damage to American morale on the battlefields of Laos and South Vietnam as has been accomplished by this verdict in the Calley case. They could not have accomplished such damage with an onslaught with the full force and fury of all the troops and weapons at their command.

Mr. President, the conviction of Lieutenant Calley cannot but sustain the conviction in the minds of our fighting men that our Government has imposed upon them an unbearable burden. A burden of pondering the legality of orders even in the heat of battle—in the midst of an actual assault upon an enemy-held position.

Who among us cannot but wonder if in following orders combat troops may not later be prosecuted by superior officers for executing orders of superior officers?

The faith of our soldiers in their Government must be restored—the faith of our people in the military must be restored. At stake is the effectiveness of the Army as a military component of the armed services. Otherwise, I fear that our Nation shall be torn asunder.

This is our cause. In support of that I call upon the President for Executive clemency. I call upon the President to order the immediate release of Lieutenant Calley from confinement pending an order of Executive clemency. I call upon President Nixon to act in the spirit of President Lincoln who so often, moved by compassion, interposed his judgment to set aside harsh verdicts and sentences imposed by military courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me——

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

Mr. BYRD of West Virginia. I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. I thank the distinguished Senator from West Virginia for his courtesy.

Mr. President, in taking this action, I express not only my own views but also, I believe, the views of the vast majority of the people of Alabama, whom I have the honor to represent; and I believe this expresses the views of the vast majority of the people of the entire Nation. The people of Alabama are a patriotic people. We believe in supporting and backing our Armed Forces. The people of Alabama are deeply concerned by the plight of Lieutenant Calley. Some of their sentiments have been expressed to me in a deluge of telegrams, telephone calls, and mail.

Mr. President, I ask unanimous consent that copies of letters and telegrams marked exhibits 1 through 15 be printed in the RECORD as an indication of feelings of Alabamians which, I believe, are shared with a vast majority of the people of our Nation.

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

(See exhibits 1 through 15.)

Mr. ALLEN. Mr. President, I expressed my sentiments on this subject to the people of Alabama by radio, television, and a release to newspapers. I request unanimous consent that the text of this message be printed in the RECORD.

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

(See exhibit 16.)

Mr. ALLEN. Mr. President, to further illustrate the depth and intensity of feeling of the people of our Nation on this subject, I request unanimous consent that a front page editorial published in the Nashville Banner, Nashville, Tenn., on March 30, 1971, be printed in the RECORD.

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

(See exhibit 17.)

Mr. ALLEN. Mr. President, more is involved than justice for Lieutenant Calley, and I refer to the support of the people of this Nation for the military position of our Nation. This is a most important issue, a most important question, and I believe that this court-martial, while the issues are entirely different, will go down as one of the celebrated courts-martial of history to rank with the Dreyfus case in France in notoriety and in the history of courts-martial.

EXHIBIT 1

GADSDEN, ALA.

Senator JIM ALLEN,
Washington, D.C.:

We the undersigned citizens of this great country of ours with a history second to none and a heritage that we and all our fore fathers can be justly proud, feel that a black day in our history has passed when Lt. Calley was convicted yesterday. We are proud of our great country and our leaders. But we can not condone sending our troops to foreign lands to war and then upon their return put them thru an ordeal such as Lt. Calley has just gone, then sentence them to life in prison or death. We would like you to use the influence of your office to which we helped elect you to, to see that this great injustice is corrected.

Louie Green, Bill Brown, Bill Patterson, Joe Phillips, J. D. Watson, W. E. G. Ady, Jim Smith, J. D. Jennings, Ken Massey, M. Campbell, A. E. Walker, Jerry Mitchell, Barry Holloway, Ralph Taylor, Rex Johnson, Donald Moore, D. S. Tingle, C. T. Amberson, F. R. Fancher, J. R. Horsely, R. L. Hawkins, Don Forman, C. P. Powell, John Bussey.

EXHIBIT 2

JACKSON, ALA.

Senator JAMES B. ALLEN,
Washington, D.C.:

Judge not that you not be judged. Certainly the trial and verdict with respect to Lt. William Calley was a travesty. Think a moment. Was President Harry Truman court-martialed as a result of dropping the atom bomb? Was General Sherman court-martialed as a result of raping Georgia? Were the pilots who bombed Germany court-martialed? Please exert every effort to give this young soldier who was trained to kill the proper place in life.

WAR VETERANS AND INTERESTED CITIZENS OF JACKSON, ALA.

EXHIBIT 3

FLORENCE, ALA.

Re: Lieut. Calley's case.

Senator JAMES B. ALLEN,
U.S. Senate Office Building,
Washington, D.C.:

The time has come for the so-called silent majority to speak out. My heart is heavy today. This boy has indeed taken your place and mine at the bar of justice. If he is guilty then you and I are also for allowing the situation to exist.

Mrs. HENRY L. PUTNAM.

EXHIBIT 4

BURROUGHS CORP.,
Birmingham, Ala., March 29, 1971.

Senator JAMES B. ALLEN.
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I have just heard the news of the conviction of Lt. William Calley by court-martial at Ft. Benning, Ga. and Senator Allen, I am Disgusted.

I don't know Lt. Calley, have never met him, and don't even approve of some of the things he has been saying, but to convict this man as an obvious appeasement to the "get out of everything" element disgusts me.

Quite obviously his actions, what ever they might have been, were known to the Army long before he was brought to trial. If they considered them a necessary part of a necessary war then, how can they now, in good conscience, convict him. This is the same army who now advertises, "We want to join you." Grow your hair long; come and go as you please; if you don't like the order, forget it. I'm glad I was in the Marine Corps. But what really makes this hard for me to swallow is, on the same newscast it was reported on was the report of the Supreme Court of our country today overruling the conviction of a known criminal because of "improper procedures." How anyone can watch Lt. Calley's conviction and not feel that something very wrong is happening in this country?

I respectfully request that you do all within your power to help this man who, wrong as he may have been, was fighting for what I believe in, and in all probability, just the way I would have.

Sincerely Yours,

CHARLES R. POOLE.

EXHIBIT 5

ELKMONT, ALA.

Senator JIM ALLEN.

DEAR SIR: I have just watched the verdict of guilty given to Lieut. Calley on T.V. I would like for you to know how I as a mother of two boys ages fourteen and fifteen feel about this verdict. If this is what happens to our boys who fight and give their lives for our country then I don't want any part of it.

Would you please as a Senator use your influence to see that this injustice is not done. I don't know Lieut. Calley except as a soldier doing a job that some say has to be done. Although I have never understood why our boys have to serve in Vietnam, I think all people know that in war the innocent are killed too. I have spoken to a few boys that have returned from Vietnam. In one case one boys was telling me his buddy was killed because he picked up a small child and was blown to bits. The child had a hand grenade under its shirt. I believe Lieut. Calley deserves your help.

Thanking you in advance.

Sincerely,

Mrs. CHARLOTTE BROCK.

EXHIBIT 6

HUNTSVILLE, ALA.,
March 29, 1971.

Senator JAMES ALLEN,
Washington, D.C.

DEAR SENATOR ALLEN: I am writing in protest of the verdict against Lt. Calley for doing his duty in the Army of the United States.

I hope and pray for our future that you can help change this and that it will never happen again to an officer for doing what he was told to do in a war he had not wanted to be in, in the first place. How can we do this to our armed forces? We will kill any feeling of allegiance and duty to our country if we keep this up.

What a joke this must be on us from the Viet Cong side. They must really be laughing at us for dying in vain. I wish you could help this young man. This trial was all wrong. It can only stir up hatred for the Army and for doing a duty that we are forced to do. How can we ever get a voluntary army this way? It is an impossibility to want to serve.

Sincerely yours,

HELEN MACE.

EXHIBIT 7

HUNTSVILLE, ALA.,
March 30, 1971.

Senator JAMES ALLEN,
Senate Building,
Washington, D.C.

DEAR SIR: As a former combat veteran of the Korean conflict, I am outraged at the conviction of Lt. William L. Calley. If Lt. Calley is guilty as charged then I as well as the millions of men that have fought for the American Flag are also guilty. I have always considered the people that have fought and are presently fighting for the American Flag as patriots not criminals.

It is shameful that a man such as Clay the former Heavy Weight Champion of the world refuses to come to the defense of his country, at the time that others are required to, is allowed to go free and unpunished when a young man that is willing to defend his country is convicted of murder, then Senator something is certainly wrong with the system.

I believe that it is high time that we disregard world opinion, a world that for some unknown reason our government feels it must feed and police, and free Lt. Calley. I do not see how the United States government leaders could send any more American servicemen to die in South East Asia, unless we decide to win the war.

Senator, I urge you to demand that the President of the United States, as Commander in Chief of all military services set aside Lt. Calley's outrageous conviction.

Very Truly Yours,

THOMAS A. SHARP.

EXHIBIT 8

MARCH 30, 1971.

Hon. JAMES "JIM" ALLEN,
Member of the Senate,
Washington, D.C.:

As a World War II Marine Corps combat veteran, I respectfully urge you to do everything within the authority and influence of your office to rectify the gross miscarriage of justice in the case of Lt. William Calley.

The integrity of every combat veteran in the history of this nation has just been raped.

Sincerely,

RAYMOND E. BELCHER.

EXHIBIT 9

BIRMINGHAM, ALA.,
March 30, 1971.

President RICHARD NIXON,
President of the United States, Washington, D.C.

DEAR MR. PRESIDENT: I just want to write you this letter to say that I am appalled at the news last night that one of our boys, who was sent to Viet Nam and asked to put his life of the line there, in a battle that goes by few, if any of the rules of war as we have known them in the past, would be brought home and tried and convicted of murder for doing the very thing he was sent there to do.

I have a brother-in-law who is a career officer and has recently completed his second twelve months tour in that far away land where the boys never can tell from one minute to the next who are truly civilians and who are working with the Viet Cong. Even the little children have been known to do harm to our boys, if allowed to catch them off guard.

I am not an anti-war nut and have tried

to support our country and the efforts of our leaders, both at home and abroad; but can this be "American Justice" to do this horrendous thing to one of our own who has done his duty while so many were burning their draft cards, running away from the country, demonstrating and just generally acting like the no accounts that they are?

I don't know Lt. Calley, but I hate to think that this could have been one of my own family, and that this is my own country that is dealing out this kind of "justice"? And I know that this smacks of Injustice and wrong doing in my book, even to try these men in the first place, to say nothing of conviction.

Won't you please do whatever possible to give these men a full pardon and the apologies of their countrymen who have seemingly spit in their faces for protecting our freedom?

An Interested Voter.

Very truly yours,

JUANITA M. INGRAM.

EXHIBIT 10

MARCH 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR SIR: This letter will mark the first time I have ever written an elected official, but I felt I had to write regarding the unbelievable verdict in the Lt. Calley court-martial. When I heard that the jury had actually found this man guilty, my first reaction was shocked unbelief. Even though war is horrible and tragic, it has always been my understanding that on the battlefield it is "kill or be killed". I realize this is the law of the jungle, but then, isn't war the most terrible jungle of all?

I have always been immensely proud that I am a citizen of the United States and have always felt very "patriotic", if you will, about our armed forces. But, I cannot understand a military system that will send men to foreign soil to ostensibly protect a people with whose cause we are sympathetic, and then will fail to stand behind our own men when they carry out military orders handed down to them by a higher authority. These men are not in Vietnam for their health, but because they have been sent there.

I admit to being woefully ignorant of the workings of a giant military machine, but I fail to see a great difference between the alleged My Lai "massacre" and the countless bombings by our planes in Vietnam. In all these instances, innocent men, women and children are killed, as has been the case in all wars since the beginning of recorded history. This, so we learn from reading history, is the fruit of war. Tragic, sad, useless, we say, but how much sadder and more tragic if our men in the armed services were forced to defend our ideals and beliefs on our native soil!

In closing, Mr. President, let me say that I am behind you all the way regarding your policies in the Vietnam situation, but if you were ever needed to intervene in the behalf of a defender of our country, the time is now. As it now stands, Lt. Calley will never overcome the effects of having to undergo the ordeal of this court-martial, caused by his merely following orders.

I am afraid one of the effects of this verdict will be that the very vocal anti-war segment of our society will secure a great deal more support than they have previously enjoyed, as if Lt. Calley's court-martial verdict stands, it will be obvious to all that if the men in our armed forces, in the course of their duties, have to kill suspected enemy sympathizers, they do so at the risk of being court-martialed.

Respectfully yours,

Mrs. MELBA HAMBERG.

EXHIBIT 11

MENTONE, ALA.,
March 30, 1917.

Senator JIM ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to urge you to use your influence in the U.S. Congress to make known to the entire United States and to the world that 99% of we Alabamians think the Calley Court Martial was a miscarriage of justice.

I feel that the powers that be are trying to demoralize and undermine the morale of our fighting men. Who knows what our reactions would have been had we been in Lt. Calley's place under the same circumstances?

I am a veteran of World War II, was raised on the farm, had never seen a Japanese prior to Pearl Harbor, but was drafted, taught to hate and kill. And before I even reached the South Pacific and saw a Jap I would have gladly dropped the bomb that would have sunk the whole Japanese islands.

I think we should stand behind our troops instead of handcuffing them and subjecting them to such a spectacle as we have witnessed at Ft. Benning. This undoubtedly will go down in history as the most unpopular decision in the annals of our military courts.

Respectfully,

LELAND M. COX.

EXHIBIT 12

March 29, 1971.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATER: I have just heard the verdict concerning Lt. Calley and I must say that our nation is in a sorry, rotten state when our government takes a youngster, teaches him violence, then convicts him of carrying out what he was taught to do.

I know that I voice the sentiments of the majority of the citizens in our area, and I hope that something can be done to rectify the warped feeling of some of the people that are trying and convicting people such as Lt. Calley.

Sincerely,

JEFF DIGE.

EXHIBIT 13

BIRMINGHAM, ALA.,
March 31, 1971.

DEAR SIR: I would like to take this means to let you know how upset and displeased I am over the verdict in the Lt. Calley Court Martial. I was shocked enough when I first learned that there was a court martial being held, but I felt sure he would be found innocent of the charges against him. But now, to actually learn that he has been convicted and actually faces a prison sentence or maybe death is more than I can bear without speaking out.

I do not doubt that Lt. Calley did in fact kill many people, and perhaps some of them were actually innocent bystanders. But how can anyone, including a court martial board, determine the guilt or innocence of people on the battlefield? How many of our soldiers have been killed by innocent women and children? How should our soldiers determine who the innocent persons are? Perhaps they should ask each person if he is innocent before they fire at him. Of course if this method is used, I doubt if anyone but American Soldiers would ever be killed.

I can't help but wonder why Lt. Calley has been singled out to be court martialed. Do you think he is the only one in Viet Nam who has killed a possibly innocent person? I know I don't and I doubt that you do. How is this guilty verdict going to affect the rest of our servicemen in Viet Nam? How many are going to be killed by "innocent women and children" because they were afraid to shoot first?

If we ever hope to win this war, someone is going to have to die, and I for one don't want it to be our American Soldiers. How can we ask our men to go to another country and fight under the so called rules that have been set up for them. Those rules don't protect anyone but the enemy. I am not opposed to the cause for which we are fighting, but if we are going to continue to play games, then it is time to bring our servicemen home before more are killed needlessly.

We constantly hear about the hope for a volunteer Army. Is this the way we are going to get it. I volunteered one time, but now I don't think I would do it again. If you refuse to fight you can be shot, and if you fight and kill the wrong person you are likely to be court martialed. If Lt. Calley is actually made to serve time in prison, or worse yet executed, then I personally feel all hope for a volunteer army is gone.

I strongly urge you to use your position to do everything possible to help set Lt. Calley free. I sincerely hope that you will be able to help him in some way. Wishing for peace, I am.

Respectfully yours,

R. K. THOMAS, Jr.

EXHIBIT 14

FAIRHOPE, ALA.,
March 30, 1971.

RICHARD M. NIXON,
President of the United States of America,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am worried. Yesterday evening I heard by radio of the conviction of Lt. Calley, of murder in Viet Nam.

I have a son in Viet Nam, sent there by our government in early January. This son has become 21 since he got there, and is now considered a man in our country, but he was drafted, trained to kill, and sent to Viet Nam trained to use Mortar as a mine. There is one purpose in this training, to kill the enemy. This not only is not his own desire but he has undertaken this only because he is trained at home for his whole lifetime that he is to obey the laws of his country, and the draft laws are necessary, we, his parents really believe, both for defending our country and to fulfill our commitments to our allies, and those in need of defense to secure their own freedoms.

Now my real worry, and concern is, (and has been throughout the publicity and trial of Lt. Calley, and this whole Mai Lai incident exposure) what is going to happen to our son when he obeys the orders of superiors, and kills some Vietnamese, who are difficult to identify as enemy or ally?

We have been relieved somewhat of this worry, when upon getting to Viet Nam he was able to type, and work in an office, but he has to stand his turn at guard duty, and this can apply to him then. It is enough a parent needs to constantly be before his God to pray for the son's safe return from the war zone, (and that we are prepared to do willingly for our country, as it defends Viet Nam (South) from the very real world enemy of communism) but to have to *also* be concerned that he has to weigh every action, quick as it has to be in time of battle, and self-defense, whether it would stand up in court martial, and be sure that isn't contrary to some soft-hearted peace-nik, "dove" American's idea of what war is supposed to be like. We know and realize war is hell, and sent from the pits of hell to rush souls to an eternal destiny by the devil himself. Therefore, we deplore the necessity of Christians to partake in it, but we know the Bible teaches us to resist the Devil, and he will flee from you, and at times we believe the part of resistance of the devil and his evil coherts is to actually fight physical battles.

Have I passed on my concern to you for my son effectively enough? I feel you really already feel this concern in a real way, by try-

ing to bring our boys back as soon as possible. I am just trying to put across the message and plea to give them a chance when they get home before our courts, and courts-martial, and that the lower echelon of officers do not have to bear the brunt of national and higher official decision.

We pray for you and our other officials, and are very concerned about the future of our country. To this end we feel a strong resistance, and offensive against communism is the answer. We feel from the information we have, Lt. Calley shows he was also doing his little part in the whole effort to win the war in Viet Nam against Communism.

We are praying for Lt. Calley, and we do hope the pressure of the political issues involved in this long trial will not prevent justice being done to him, and others involved with him in this case.

To make it personal, we are praying for our son up within 40 or 50 miles of the DMZ that he make right decisions, and especially that he be led of the Lord in any decisions he has to make that they will not unnecessarily involve him in future tortuous trials Lt. Calley and his group have had to undergo, and probably still will in the news media and before judge and jurors that can put the rest of their lives in jeopardy physically and emotionally, really worse than undergoing the horrors of war itself.

Sincerely yours,

Mrs. Earl Johnson,

(Mother of Pfc. David Paul Johnson Stationed at Phy Bai, Viet Nam.)

Dear Senator Allen: As my representative in the Senate, I am sending to you a copy of the letter I have just written to our President. I am concerned, normally enough for my son in the war zone, but to think he might have to stand trial when he gets back to the U.S.A. makes a real cloud hanging over our heads.

I have been much in favor of the Cambodian and Laotian offensives and I feel these have helped my son's and other servicemen's chances to get safely home.

Sincerely,

Mrs. Earl Johnson.

Exhibit 15

Prattville, Ala.,
March 30, 1971.

Senator Jim Allen.

Dear Mr. Allen: We are very much upset in the way Lt. Calley has been treated in his case. We would like very much for you to do everything in your power to see he is set free, free from all charges.

You have made a wonderful Senator and we will be giving you our assistance next time you run.

Sincerely,

Till Aileen Deasan.

Exhibit 16

Lieutenant Calley

The verdict has shocked and rocked the nation and there is a wave of sympathy and support for Lt. Calley throughout the country and among our armed forces in Southeast Asia.

Calley's conviction may discourage the American GI and cause him to believe his government will not back him in combat situations.

Is a soldier to be safe in carrying out orders from superiors or must he ponder on the legality of the order as he faces death in battle?

Must a soldier face not only the enemy but look over his shoulder constantly to see if he may be prosecuted by his government for carrying out orders?

These are the big questions arising from this unfortunate case, and satisfactory answers were not given in the Calley case.

For this reason I do not believe that the verdict will stand through the several avenues of appeal that are available to Lt. Calley.

Exhibit 17

"Military Justice": Calley Conviction Damnable, Unconscionable Outrage

In ancient days it was customary by way of mass absolution to load a scapegoat with the sins of the people and drive him into the wilderness to perish. Yesterday at Ft. Benning, Ga., the practice was reinaugurated. By court-martial conviction, a lot of charged iniquities—certainly not all of them his own—were put on Army Lt. William L. Calley Jr., and that climax of an outrageous procedure in military jurisprudence shocked no less than the incident of March, 1968, on which it was predicated.

Let it be understood, nobody is condoning brutality as such on anybody's part—on or off the battlefield. But circumstantial fact no less than law belongs in consideration of cases in the extraordinary setting and category involved. Disregard the fact that it was Lt. Calley; it could have been any American son.

Nothing like this in the way of so-called military justice has occurred in U.S. military history.

Under the Constitution, which goes with every citizen wherever the Flag goes, the life of no man can be jeopardized by law without trial by a jury of his peers. That did not occur in the case of William L. Calley Jr.

The fault is in the whole conflict between the system of war and the ethics of peace which, by inference in this case are supposed to prevail together at one and the same time in one and the same place.

The man, in most instances a very young man, is taken from civilian life, trained to kill, sent to some foreign country, furnished arms and means of killing, sent into the field with orders to search, destroy and kill; these are drilled into him, along with the doctrine of treason on refusal to obey orders—and then in this monstrous consequence of that, he is arrested, tried, and convicted for doing exactly what he has been taught to do.

How do we expect soldiers to react?

War is the uncivilized, ruthless, brutal process of destroying the enemy—physically, militarily, economically—before he can destroy you. And the Vietnamese war is such if we ever had one, the longest in our history, and the passions of people normally pacific in all attitudes have been on edge for years. That is true on the home front and no less, certainly, on the war front where American sons have been fighting and dying. To expect boys under those circumstances to react humanely and pacifically on the field of battle—where people are concerned, or otherwise, is ridiculous to the point of complete irrationality. Maybe it shouldn't be that way, but that's the way it is.

Many an American soldier has lost his life as the result of mines, grenades, or other instruments of death planted in village areas or thrown by children below the teen age.

As of now, and rightly so, nobody has suggested court-martial of General Westmoreland, General Abrams—or any other commanding officers, past or present, who have been responsible for command decisions, or however indirectly the conduct of fighting men.

That could be next in the process of self-abnegation—and mass insanity retribution on or off the battlefield. If it is not to happen the drift in such a direction of demoralization and scapegoatism must be halted right where it is. It must be halted in the Ft. Benning case.

The thinking there occasioned by pressurized, appeasement ideas, was the product of the Nuremberg process.

Bear in mind that when we—and our allies in World War II—hit Germany with saturation bombing, destroying Essen, Frankfurt, and hundreds of other cities large or small, with firebombings day and night, and with no regard for civilian populations, nobody held President Roosevelt, General Eisenhower, or General Spaatz or their counterparts in command responsible—and nobody was court-martialed.

Harry S Truman gave the order for dropping the atom bomb on Hiroshima and Nagasaki—the deaths there inflicted almost totally civilian ran into the hundreds of thousands. Neither President Truman, Gen. Curtis LeMay, nor the crews of the two planes were held responsible for what turned out to be wholesale death and almost total destruction.

If we're going to train our military people to kill, and send them into mortal combat, concepts of justice to them must be shaped just as intelligently as the basic premise of justice prevailing, under the same Constitution, in courts of civil law. Who, in this instance, can be sure no perjury is being committed by other witnesses to save their own hides?

If civilized standards are to prevail, it is time to revise our whole system of military justice. If, on the contrary, the present system is continued, with the demonstrated possibilities of monstrous and unconscionable outrage, we'd better move to bring these boys back home instantly and forget about the war in Indochina.

It is unfair to these thousands of American men still over there—and to their parents. It is a disgrace to the Army, to the whole system of military justice, and to this court which perpetrated this outrageous farce in the name of justice.

Regardless of the source of appeal, or the route it takes, the President as Commander-in-Chief should order all proposed courts martial on similar charges to be dropped immediately, and should give Lt. Calley a presidential pardon.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Candidates Selected for NROTC College Scholarship Program

A letter from the Chief of Naval Personnel submitting a list of principal and alternate candidates selected for the 1971 NROTC College Scholarship program (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation With Respect to Pilot Rating Requirements for the Armed Services

A letter from the Assistant Secretary of the Air Force submitting proposed legislation with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force (with accompanying papers); to the Committee on Armed Services.

Report of Civil Aeronautics Board for 1970

A letter from the Chairman of the Civil Aeronautics Board transmitting, pursuant to law, the annual report of the Board covering the fiscal year 1970 (with accompanying report); to the Committee on Commerce.

Proposed Legislation Regarding Load Lines on U.S. Vessels

A letter from the Secretary of Transportation transmitting proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

AVIATION COST ALLOCATION STUDY INTERIM REPORT

A letter from the Secretary of Transportation transmitting, pursuant to law, a progress report entitled "Aviation Cost Allocation Study Interim Report" (with accompanying report); to the Committee on Finance and Committee on Commerce, jointly.

REPORTS BY COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of the financial statements of the Tennessee Valley Authority for the fiscal year 1970 (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the need for the Department of Defense to remove more low-cost low-usage items from inventories (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on postage due and handling costs for processing mail with insufficient postage not being recovered by the Post Office Department (with accompanying report); to the Committee on Government Operations.

CONTINUATION OF CONCESSION CONTRACT AT GRAND CANYON NATIONAL PARK, ARIZ.

A letter from the Secretary of the Interior transmitting, pursuant to law, a proposed amendment to the concession contract authorizing the continuation of the operation of a motion picture, lecture, and photographic studio for the public on the South Rim of Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the calendar year 1970 report on extraordinary contractual actions to facilitate the national defense (with an accompanying report); to the Committee on the Judiciary.

REPORT ON THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Executive Director of the American Revolution Bicentennial Commission transmitting, pursuant to law, a report on the activities of the Commission during the calendar year 1970, including an accounting of funds received and expended (with accompanying report); to the Committee on the Judiciary.

REPORT OF THE OFFICE OF EDUCATION

A letter from the Commissioner of Education transmitting, pursuant to law, the annual report of the Office of Education (with accompanying report); to the Committee on Labor and Public Welfare.

A STUDY OF NATIONAL HEALTH INSURANCE PROPOSALS

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on a study of national health insurance proposals (with accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A concurrent resolution of the general assembly of South Carolina; to the Committee on Finance:

CALENDAR NO. S. 283

A concurrent resolution memorializing the President and the Congress to Take Steps Necessary to Restore Order to International Trade in Textiles and Commending the President for Rejecting the Unsatisfactory Japanese Unilateral Textile Export Restraint Offer

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the revenues of the State Government, County Governments and Municipal Governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short time manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile-apparel exports to the United States; and

Whereas, the Japanese proposal has been rejected by the President of the United States, by the Governor of South Carolina, by many members of the Congress, including the Senators and Representatives from South Carolina, by the American Textile Manufacturers Institute, by the South Carolina Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the recent Japanese offer is based upon imports at the highest level in history; and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II; and

Whereas, it would undercut the long-term arrangement on cotton textiles that has been in effect for ten years; and

Whereas, the Japanese plan destroys the vitally important concept of categories and government to government agreements; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, and the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, these unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action, to see that order is restored to the chaotic international textile-apparel trade situation.

Be it further resolved that the General Assembly of South Carolina expresses to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave his strong support to textile quota legislation (H.R. 20) now pending before the Congress; and also expresses to the members of the South Carolina Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives of Congress from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, the Secretary of Commerce and the Secretary of State of the United States.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the Senate of March 30, 1971, the following report of a committee was received on March 31, 1971:

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 581. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes (Rept. No. 92–51).

REPORTS OF A COMMITTEE

The following report of a committee was submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 484. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes (Rept. No. 92–52).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. BENTSEN, from the Committee on Armed Services:

Maj. Gen. Homer I. Lewis, U.S. Air Force Reserve, to be Chief of Air Force Reserve.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Brig. Gen. James Milnor Roberts, Jr., Army of the United States (colonel, U.S. Army Reserve).

Mrs. SMITH. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 35 general and flag officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 1,102 appointments in the Regular Air Force in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (The nominations, ordered to be placed on the Executive Calendar, are as follows):

IN THE AIR FORCE

Maj. Gen. Homer I. Lewis for appointment as Chief of Air Force Reserve.

IN THE ARMY

Gen. George Robinson Mather, when retired, to general; and

Brig. Gen. James Milnor Roberts, Jr., for appointment as Chief, Army Reserve, and for appointment as major general.

For appointment in the Regular Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, section 3284 and 3307:

To be major general

Maj. Gen. Howard Wilson Penney, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roderick Wetherill, [redacted] Army of the United States (brigadier general U.S. Army).

Maj. Gen. David Stuart Parker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Lloyd Brinkley Ramsey, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Philip Seneff, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Harleston deSaussure, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Hugh Franklin Foster, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Andrew Peach Rollins, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Robertson Desobry, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Lafayette Mabry, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Herron Nichols Maples, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leo Henry Schweiter, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Bautz, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Marion Seignious II, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Logan Irby, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Franklin Milton Davis, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Paul Alfred Feyereisen, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard George Ciccolella, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James Francis Hollingsworth, [redacted] Army of the United States (brigadier general, U.S. Army).

To be major general, Medical Corps

Maj. Gen. Kenneth Dew Orr, [redacted] Army of the United States (brigadier general, Medical Corps, U.S. Army).

Lt. Gen. Hal Bruce Jennings, Jr., [redacted] Army of the United States (brigadier general, Medical Corps, U.S. Army).

JUDGE ADVOCATE GENERAL'S CORPS

Brig. Gen. George Shipley Prugh, Jr., [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as The Judge Advocate General, U.S. Army, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

Brig. Gen. Harold Edward Parker, [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as the Assistant Judge Advocate General, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

IN THE NAVY

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

Line

John H. Pedersen	Graham Tahler
Richard Freundlich	George V. Fliflet
Edwin M. Wilson, Jr.	Eddie H. Ball

Medical Corps

Ben Eiseman

Supply Corps

Jack F. Pearse — Robert H. Spiro, Jr.

Dental Corps

George J. Coleman

(For nominations ordered to be placed on Secretary's desk, see end of Senate proceedings of March 10, 1971.)

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. HANSEN:

S. 1429. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States. Referred to the Committee on Finance.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1430. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1431. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. JORDAN of Idaho, Mr. GURNEY, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1432. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1433. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes. Referred to the Committee on Government Operations.

By Mr. RIBICOFF:

S. 1434. A bill for the relief of Harold Jacobson. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 1435. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television. Referred to the Committee on Commerce.

By Mr. BYRD of West Virginia:

S. 1436. A bill for the relief of Doctor Alfredo R. Soliva. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. MAGNUSON, Mr. PEARSON, and Mr. SPONG):

S. 1437. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes. Referred jointly to the Committee on Finance and the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CHURCH, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. INOUYE, Mr. HRUSKA, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, Mr. HUMPHREY, Mr. MUSKIE, and Mr. HATFIELD):

S. 1438. A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 1439. A bill to establish a Judiciary Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage reform, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 1440. A bill to establish a Federal Judiciary Council. Referred to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 1441. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. ALLEN, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. MCGOVERN, Mr. METCALF, Mr. PASTORE, and Mr. RANDOLPH):

S. 1442. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 1443. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes;

S. 1444. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and

S. 1445. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. CRANSTON (for himself, Mr. TUNNEY, Mr. MUSKIE, and Mr. NELSON):

S. 1446. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1447. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1448. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1449. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1450. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1451. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes; and

S. 1452. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 1453. A bill to amend part A of title IV of the Higher Education Act of 1965, relating to educational opportuntly grants, in order to authorize an increase in the amount of such grants in certain cases and to authorize such grants for students attending institutions of higher education on a less than full-time but at least half-time basis. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1454. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 1455. A bill for the relief of Mateo Rojas Ayala and his wife, Dominga Mayorga Ayala. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 1456. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians in Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BELLMON, Mr. BIBLE, Mr. BROCK, Mr. BROOKE, Mr. DOLE, Mr. GRIFFIN, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HUMPHREY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S. 1457. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1458. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preseves, and for other purposes. Referred to the Committee on Commerce.

S. 1459. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. PELL, Mr. RIBICOFF, Mrs. SMITH, Mr. THURMOND, and Mr. HOLLINGS):

S. 1460. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recongized Indian tribes qualify as recipients. Referred to the Committee on Interior and Insular Affairs.

By Mr. MCGOVERN (for himself and Mr. Moss):

S. 1461. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics and comparative price of advertised products and services. Referred to the Committee on Commerce.

By Mr. MCGOVERN (for himself and Mr. BURDICK):

S. 1462. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MCGOVERN:

S. 1463. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife. Referred to the Committee on Agriculture and Forestry.

By Mr. INOUYE:

S. 1464. A bill for the relief of Jose Figueredo. Referred to the Committee on the Judiciary; and

S. 1465. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE (for himself and Mr. FONG):

S. 1466. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 1467. A bill for the relief of Capt. John H. Beaumont, U.S. Air Force Reserve. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1468. A bill to amend the National Labor Relations Act with respect to the terms of members of the National Labor Relations Board. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 1469. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes. Referred to the Committee on Armed Services.

By Mr. THURMOND:

S. 1470. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; and

S. 1471. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay. Referred to the Committee on Armed Services.

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

S. 1472. A bill to extend Letters Patent No. 2,322,210, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1473. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities. Referred to the Committee on Labor and Public Welfare.

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

S. 1474. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN (for himself, Mr. ERVIN, Mr. HANSEN, Mr. TALMADGE, and Mr. THURMOND):

S. 1476. A bill to revise section 801 of the Revenue Act of 1916 to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1477. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART (for Mr. MAGNUSON) (by request):

S. 1478. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes. Referred to the Committee on Commerce.

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 1479. A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices; and

S. 1480. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S.J. Res. 78. A joint resolution to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing and export of narcotic drugs, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. BOGGS, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. FONG, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. NELSON, Mr. ROTH, Mr. SCHWEIKER, Mr. STEVENS, Mr. STEVENSON, Mr. TOWER, and Mr. TUNNEY):

Senate Joint Resolution 80. A joint resolution expressing the support of the Congress that the United States should convene in 1971 an International Conference on Ocean Dumping. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS:

Senate Joint Resolution 81. A joint resolution to authorize the President to proclaim the last Friday of April 1971 as "National Arbor Day". Referred to the Committee an the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HANSEN:

S. 1429. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States. Referred to the Committee on Finance.

AN ADDITIONAL DUTY MAKES GOOD SENSE

Mr. HANSEN. Mr. President, I introduce today a bill to impose an additional duty on the import of articles from foreign countries which expropriate property owned by U.S. citizens and to provide a means whereby these citizens may receive compensation for such expropriated properties.

In submitting this legislation, I urge its prompt consideration by the Senate. Over the past several years, a number of American firms and individuals with substantial investments abroad, especially in Latin American countries, have had their properties nationalized or otherwise expropriated by foreign governments with little or no real compensation. Each day we read dispatches and news articles relating new and more severe schemes, under one guise or another, to take over additional properties belonging to American citizens and corporations. Contracts and agreements are being unilaterally abrogated; property is being seized, assets are being impounded and American firms and citizens have little or no recourse.

Several years ago, the Congress passed an amendment to foreign aid legislation, the so-called Hickenlooper amendment, which authorizes the U.S. Government to cut off all aid and grants to foreign governments which expropriate American property without just compensation. Unfortunately, it has been rarely used. Despite the fact that it has been effective when properly utilized, our State Department has time after time sat idly by and watched American property go down the drain, refusing to invoke the Hickenlooper amendment. Traditionally, our Government has encouraged U.S. corporations and individuals to invest in Latin American countries to aid in their development. Yet, when those investments have been threatened, these Americans find that the backing of their own Government silently slips away.

I believe this bill provides important protection for American firms and, at the same time, embodies a fair and reasonable means for compensating citizens whose property is seized. This bill is similar to one introduced in the House (H.R. 38) by the distinguished Member from Kentucky, Representative JOHN WATTS. I have added the provision which would provide for compensation to the aggrieved parties.

The thrust of the bill is to require a doubling of the duty on products of foreign countries which have expropriated American-owned property when those products are imported into the United States. This would, of course, encompass any products, grown, mined, or manufactured, such as bananas, sugar, fish products, minerals—and so forth, copper, zinc, lead, silver or gold—coffee, cocoa, and so forth. Furthermore, the monies raised under this bill would be used to compensate on a proportionate basis all Americans whose property has been expropriated. This will insure that everyone will be paid at a fair percentage of his loss. If and when all involved are fully paid, the monies derived from the double duties shall revert to the general funds.

I am certain that my colleagues will agree that we must act to protect the interest of United States and its citizens and that this is an imminently fair and equitable method of doing so. It is as simple as this. Those countries which treat our citizens properly will have no fears. Those governments which put themselves above the law and valid agreements, should and would pay the penalty.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. ANDERSON, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH and Mr. SAXBE):

S. 1430. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes. Referred to the Committee on Government operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. ANDERSON, Mr. DOMINICK, Mr. GURNEY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1431. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. ANDERSON, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1432. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. ANDERSON, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1433. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes. Referred to the Committee on Government Operations.

Mr. PERCY. Mr. President, before proceeding, I ask unanimous consent that Mr. Robert Vastine, minority counsel for the Committee on Government Operations, be permitted to be present on the floor of the Senate during the consideration of this matter today.

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

Mr. PERCY. Mr. President, I take great pleasure in introducing today specific legislative proposals to implement the President's plans to restructure the executive branch.

I am pleased that my distinguished colleague from Connecticut, the Chairman of the Subcommittee on Executive

Reorganization of the Government Operations Committee (Mr. RIBICOFF), is joining me as principal cosponsor of these four landmark bills. We welcome the decision of the chairman of the Government Operations Committee, the senior Senator from Arkansas (Mr. MCCLELLAN), to hold comprehensive hearings on these bills by the full committee.

I particularly wish to mention the cosponsorship of my distinguished colleague, the Senator from New York (Mr. JAVITS), who is ranking member of both the Labor and Public Welfare Committee and the Executive Reorganization Subcommittee of the Government Operations Committee. Senator JAVITS has made the field of human betterment and resources his life work. His expertise and understanding in this field will be especially valuable when we consider the bill creating the Department of Human Resources. I know that the Senator from New York will take a leadership role in this legislation.

I wish to note also the cosponsorship of these four bills by the Senator from Utah (Mr. Moss), a member of the leadership as Secretary of the Senate Democratic Conference and author of a bill on natural resources, and by the Senator from New Mexico (Mr. ANDERSON), the able Chairman of the Committee on Aeronautical and Space Sciences. The Senator from Washington (Mr. JACKSON), chairman of the Committee on Interior and Insular Affairs and second ranking majority member of the Committee on Government Operations, is cosponsoring the bill for a Department of Natural Resources. Their cosponsorship helps insure that this vital legislation will be regarded as bipartisan in every sense of the term. I also wish to note the cosponsorship of the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader; the Senator from Michigan (Mr. GRIFFIN), the assistant minority leader; the Senator from Idaho (Mr. JORDAN), a senior member of the Committee on Interior and Insular Affairs; the Senator from Utah (Mr. BENNETT), ranking member of the Committee on Finance; the Senator from Colorado (Mr. DOMINICK), a senior member of the Committee on Labor and Public Welfare; our esteemed colleague the Senator from Ohio (Mr. SAXBE); and every Republican member of the Government Operations Committee, including Senators MUNDT, GURNEY, MATHIAS, ROTH, and BROCK, whose cosponsorship indicates that this very high priority legislation of the President should be assured of receiving expeditious and thoughtful handling by the Senate.

The need for reorganizing the executive branch has received extensive bipartisan recognition through the years. A succession of Presidential advisory commissions on Government organization, serving at the request of Presidents Roosevelt, Truman, Eisenhower, and Johnson, has recommended governmental reform. President Nixon is to be particularly commended for acting on the recommendation of his council on governmental organization—the Ash Council—in formulating and submitting to Congress these bold proposals.

To many these sweeping plans for altering the structure of Government may seem unnecessary. We have grown accustomed to working with departments and agencies that have seemed almost permanent fixtures of American Government. We have come almost automatically to conceive and legislate new programs, both great and small, within the framework of the existing departments. We frequently add new departments and agencies. Rarely do we eliminate any. As a consequence, we have perhaps been too slow to see that the resulting structures hinder the fulfillment of the very programs created to solve the pressing problems of our society.

This is why we need to rethink our present governmental structure. Our objective is simple: We want to make Government work for people. We want to make sure that Government services are actually delivered, that taxpayers' dollars are spent well and most efficiently, that Government works as swiftly as possible to help people by solving their problems. Behind the dry prose in which these reorganization bills are couched is an overwhelmingly important, vital purpose: To show the American people that their Government can work effectively to solve the urgent problems that we see everywhere around us. If we can achieve this purpose we can answer positively the great question in the minds of so many Americans about the ability of their Government to serve them.

In the weeks ahead, we will be exploring these proposals and alternatives. While I fully accept the theory and the need for a reorganization along the lines proposed in these bills, I want to stress that I do not consider them to be in any sense final. They contain controversial changes. In hearings on the bill we undoubtedly will modify, refine, and attempt to improve these measures.

These bills would create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs out of seven existing Departments and five agencies. The theory for the creation of these four new departments stems from the management concept that like functions should be grouped in functionally related organizations:

The Department of Community Development would gather together the broad range of programs to improve the physical, social and economic environment of our communities.

The Department of Natural Resources would improve conservation and management of our natural resources by grouping together Government programs that are now widely dispersed.

The Department of Human Resources would group together programs for the development and well-being of people.

The Department of Economic Affairs would combine Government programs for small and minority business, major programs for farm commodities, intercity transportation, and economic reporting.

Implementation of a reorganization of the executive branch along the lines proposed in these bills will bring several benefits.

One of the most significant is that Government programs will be implemented at levels closer to the people. Under these bills, regional centers will be established in 10 major cities across the country for each of the four new departments. A regional director, responsible to each new Secretary in Washington, will represent each department and expedite action on local problems. This will make it easier for people with problems to get Government help in solving them.

Another benefit is that decisions can be made more immediately at lower levels. Today too many issues reach the Chief Executive's desk for decision. By creating more rational decisionmaking structures, interagency disputes which now escalate to the White House for arbitration will be settled more quickly.

Less costly Government will be another benefit of this legislation. The reorganization of Government activities proposed in these bills will not automatically mean a reduction in Government programs, budgets, or personnel. In the transfers to the new departments, most of the present programs are expected to remain intact. However, merging related programs will enable them to operate more efficiently. As Roy Ash, chairman of the President's Council on Executive Organization, has noted, more logical consolidation of existing programs may eventually lead to a cost saving of at least $5 billion annually.

Mr. President, I have discussed some of the potential benefits of these bills. At the same time, I believe we must face squarely some of the problems they will raise.

One is the issue of size, since the new departments will be very large. But as Roy Ash has written:

> The manageability of an agency is directly related to its own integral structure—the way authorities and responsibilities are distributed within it and the means established for interlinking and controlling these.

Size alone is no detriment of efficiency. We all know many small agencies are inefficient; some larger ones are thought to function well. For example, many small- and medium-sized businesses go bankrupt, while A.T. & T., a company with over 1 million employees and annual sales of $17 billion in 1970 is soundly and efficiently managed.

Another problem is that of the relocation of personnel and agencies from the existing to the new organizational structures. This raises real human and organizational problems that we must seriously consider. No one wants to create needlessly an environment of insecurity and disorganization; this can result in demoralization and it can hurt the functioning of the existing agencies. I would point out, however, what I believe to be a major provision in each bill; that each person transferred under any of the bills cannot be separated or reduced in grade or compensation for 1 year after he is transferred. This provision should provide a strong measure of security to the personnel of reorganized departments. It gives ample time to establish new structures to accommodate existing employees without separation.

More efficient, more responsive, less costly Government operation is a compelling need. I hope that we can respond

positively, creatively, energetically, and wisely to satisfying this need.

Mr. President, I take pleasure in sending to the desk four bills that will implement the President's reorganization of the executive branch of the Federal Government, together with certain explanatory materials which I ask unanimous consent to have printed in the RECORD at this point.

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

THE PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Housing and Urban Development:		
Housing Production and Mortgage Credit (includes Federal Housing Administration and GNMA)—(excludes college housing program to DHR)	9,177	$439
Housing Management	1,509	816
Community Planning and Management	362	54
Community Development	1,393	1,728
Federal Insurance Administration	64	—4
Open Space Program		72
Subtotal	12,565	3,105
From the Department of Agriculture:		
Rural Electrification Administration	879	547
Certain functions and staff from the Farmers Home Administration:		
Water and waste disposal grants and loans	525	38
Rural housing	4,826	—321
Subtotal	6,230	264
From the Department of Health, Education, and Welfare: Grants for the construction of public libraries	1	12
From the Office of Economic Opportunity:		
Community action programs (including senior opportunities and services)	1,500	400
Special impact programs	37	26
Subtotal	1,537	426
From the Department of Transportation:		
Federal Highway Administration and its programs, except motor carrier safety	4,610	4,778
From NHTSA: Highway safety grants	111	66
Urban Mass Transportation Administration	258	215
Subtotal	4,979	5,059
From the Department of Commerce:		
Economic Development Administration	911	251
Regional Commissions	52	30
Subtotal	963	281
From the Appalachian Regional Commission: Entire Commission	127	275
From the Small Business Administration: Disaster loan program	10	94
From the Office of Emergency Preparedness: Disaster Relief Operating Functions	100	3
General Department Administration	3,465	147
Grand total	29,977	9,666

SUMMARY REPORT, DEPARTMENT OF COMMUNITY DEVELOPMENT

I. GENERAL BACKGROUND

In his State of the Union Address, President Nixon emphasized the need for ". . . A sweeping reorganization of the Executive Branch . . . if Government is to keep up with the times and the needs of the people." Under the leadership of the President's Advisory Council on Executive Organization (Ash Council) a comprehensive plan to revitalize and modernize the current Federal departmental structure was prepared. One of the basic recommendations was to create a new Department dedicated to community development.

The concept of community development encompasses a broad range of governmental and private sector activities which contribute to a sound physical, social, and economic environment for all communities. Progress in community development means:

Effective and responsive governmental institutions;

An adequate supply of housing at reasonable cost;

Access to a range of basic community facilities and services;

A balanced and integrated community transportation system; and

Opportunity for individuals to participate in charting the future development of the community.

To help achieve these objectives the President has proposed the creation of a new Department of Community Development. The new Department will consist of the following major components:

Urban and Rural Development, administering programs to build up capacities of State and local government, to encourage individual participation in community development and to provide basic public facilities.

Community Transportation, administering programs to develop balanced and integrated community transportation systems including both public transit and highways.

Housing, administering programs to produce, manage and maintain adequate housing.

II. THE CASE FOR REORGANIZATION

The Federal Government plays a vital supportive role in community development but current responsibilities are severely fragmented and unresponsive to local needs. In many cases, the ability of State and local government to coordinate and integrate developmental activities at the community level is undermined by the fragmentation.

The Ash Council pointed out, "The present organizational structure encourages fragmentation when comprehensive responses to social and economic problems are needed. Problems are defined to fit within the limits of organizational authority, resulting in piecemeal approaches to their solutions by separate departments and agencies."

This point was clearly illustrated in a recent case in Ohio:

Monroe, Ohio, requested assistance in submitting an application to the Federal Government for sewers in a portion of newly annexed territory.

A State Field Advisor discovered that the community was eligible for grants from the following agencies: The Economic Development Administration, Farmers Home Administration, Department of Housing and Urban Development, and the Ohio Water Development Authority. The location of these agencies is widely scattered: two are located in Columbus, Ohio; one in Huntington, West Virginia; and one in Chicago, Illinois.

The proposed reorganization directly addresses these problems by:

Providing a central point in the Federal system for formulating policy, advising the President on community development problems and needs, and assigning accountability for Federal performance, thereby reducing the need for interagency coordination and resolution of jurisdictional disputes.

Establishing a better balance between rural and urban areas in terms of Federal concern and resource allocations.

Assuring that development of physical aspects of an area are planned within the context of total community needs.

There is no neat dividing line between "urban" and "rural." Small towns and rural areas have many of the same problems as large cities. More over with the passage of time, many smaller communities become urban in character. No longer is there a rationale for splitting the Federal response to the needs of communities based on size alone.

The new Department, by offering a broad range of programs—transportation, housing, and community facilities and services—aimed at total community needs, will move away from the narrow functional orientation which currently exists. A single department will be capable of working with State and local governments from overall planning through execution of key community development activities.

III. MAJOR OBJECTIVES AND FUNCTIONS

The new Department will focus on five major areas in providing Federal support for community development:

1. Strengthen public and private community institutions, including financial and technical assistance to States, areawide agencies and localities to enhance their capacity to coordinate and manage public services, and to plan for growth and development.

2. Encourage and assist citizens, voluntary organizations, and private economic entities to contribute ideas, skills, and resources to solving community problems and meeting community needs.

3. Provide financial and technical assistance to public and private institutions for the planning, financing, construction and maintenance of certain basic community facilities (such as water and sewer facilities, neighborhood facilities, libraries, parks and open space), for the revitalization of deteriorating neighborhoods and for meeting the special needs of rural areas.

4. Support a broad range of activities for the planning, financing, construction, rehabilitation, maintenance and management of housing, pursuant to the national goal of providing decent housing for every American in both urban and rural communities.

5. Support the development of balanced and integrated public transit and highway systems, within and between communities. This includes highway construction grants for communities, interstate highway networks linking communities, highway safety improvements and urban mass transit assistance.

Within the new Department, there are logical groupings of programs. Urban and Rural Development programs fall into three broad areas. One would be assistance to State and local government institutions. This would include programs of grants for planning and management, designed to build the capacity of State and local government to make and carry out policy decisions.

A second grouping would cover assistance for community physical development. This would include such programs as Urban Renewal, water, and sewer, open space, rural electric and telephone facilities and regional economic development programs.

The third group of Urban and Rural Development programs would be those which operate through or are designed to encourage involvement by groups of private citizens, or are aimed at providing specialized assistance for individuals. This would include Model Cities, the Community Action and Special Impact programs and disaster assistance.

The Community Transportation programs logically divide into two groupings. One would be the programs which tend to be local in nature, such as urban mass transit. The other would consist of regional and State-oriented programs such as Federal aid highways.

In Housing, again, there tend to be two logical groupings. In one would be the activities related to production of housing (in-

cluding mortgage insurance and subsidy contracting). The other set of activities relates to Federal responsivility for assisted housing once it is completed. This would include payment of subsidies and the management and disposition of acquired housing.

IV. ORGANIZATION AND MANAGEMENT OF THE NEW DEPARTMENT

A. Basic Management Structure

The organization of the Department contemplates—(1) strong national level leadership and coordination through line program administrators who head groupings of related functions; and (2) strong local level program leadership and coordination through the decentralization of operations to Regional Directors and the sub-regional organization. Program authority will flow from the Secretary through the program Administrators to the Regional Directors. The overall management team of the Department of Community Development is headed by the Secretary and Deputy Secretary and includes the three major program Administrators, two Under Secretaries, four Assistant Secretaries, and the General Counsel.

B. Field Organization

The field organization has unique importance for the Department of Community Development. To a much greater extent than other Departments, it will work very closely with local and State governmental entities and has a peculiar need to "decentralize." Programs must be coordinated at the State and local levels—and the coordination and implementation of programs must be suited to the particular needs, problems, and opportunities of each community. Cities must be encouraged to create total community development strategies and to fit categorical program assistance for planning, management, development, community services, housing and transportation into these strategies.

C. Management Improvements

Through the reorganization program, the new Department can significantly improve the responsiveness of Federal support for communities and their development efforts. Illustrative of the new opportunities for such improvements are:

Reorientation of evaluation programs: Broader and more comprehensive assessments of the impact of Federal assistance can be undertaken with responsibility for follow-up lodged in a single Department.

Systems analysis can be applied to community development problems which cross present program and organizational lines. For example, the impact of proposed transportation systems on land utilization, housing patterns, and local economic development can be assessed within a single department which is also accountable for Federal performance in each of these areas.

D. Budget and Manpower Data

The new Department will consist of three major program administrations and one smaller administration (for insurance programs) plus general departmental management and support offices. A breakdown of approximate manpower and budget resources by program area based on FY 1971 data is as follows:

Major components	Fiscal year 1971 employment	Fiscal year 1971 outlays (millions)
1. Urban and rural development	5,897	$3,530
2. Community transportation	4,979	5,059
3. Housing	15,572	[1]934
4. Federal insurance programs	64	—4
5. General departmental management	3,465	147
	29,977	9,666

[1] Reflects reduction in outlays based on sale of assets.

E. Safeguards for Federal Employees

In accomplishing the reorganization, current plans include provisions to keep disruption to employees to an absolute minimum; utilizing normal turnover to accommodate cut-backs in staff where necessary, and strict avoidance of actions which could adversely affect employees.

DEPARTMENT OF COMMUNITY DEVELOPMENT ACT

SECTION-BY-SECTION ANALYSIS

Section 1. Provides that this Act may be cited as the Department of Community Development Act.

TITLE I—DECLARATION OF PURPOSE

Section 101. (a) Sets forth Congressional findings (1) that the general welfare of the nation requires the development, through growth and renewal, of urban and rural communities which provide for all citizens wholesome living environments and responsive, equitable and effective service to their varying needs and (2) that the attainment of sound community development requires the active participation of citizens, private institutions, and local, State and Federal governments to achieve and maintain (A) effective and responsible community government, (B) communication and cooperation between citizens and government, (C) necessary community facilities and services, and (D) an adequate housing supply.

(b) States that it is in the public interest to establish a Department of Community Development to bring together and provide common leadership to those Federal activities that bear most directly on, or importantly affect, the objectives set forth in subsection (a), and to effectively coordinate such Federal activities with related activities of States and local governments, public and private institutions, and individuals.

(c) States that the Department shall, among other things: encourage and assist the development and management of institutions and processes essential to responsible, responsive and effective community government; encourage and assist citizens, private groups and organizations to contribute ideas, skills and resources to solving community problems and meeting community needs; provide assistance in the planning, financing, construction and rehabilitation and maintenance of housing, balanced transportation systems, and other community facilities and services conducive to a safe and wholesome environment for all citizens; assist research, development, management and training activities designed to foster new, better and more economical means of dealing with the housing and other problems of community development and government; and implement disaster assistance and relief on behalf of the Federal Government.

TITLE II—ESTABLISHMENT OF DEPARTMENT

Section 201. Establishes the Department of Community Development, provides for the appointment of a Secretary of Community Development who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202. (a) Provides for the appointment of a Deputy Secretary of Community Development (Level II).

(b) Provides for the appointment of two Under Secretaries (Level III).

(c) Provides for the establishment in the Department of an Urban and Rural Development Administration, a Community Transportation Administration and a Housing Administration, each headed by an Administrator (Level III). There would also be in the Community Transportation Administration an Associate Administrator for Highways (Level III). It is also contemplated that the Secretary will establish, under subsection (e) of this section, a Federal Insurance Administration headed by an Administrator (Level IV) appointed by him.

(d) Provides for the appointment of four Assistant Secretaries and a General Counsel (Level IV). Appointments to positions designated in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

(e) Authorizes the Secretary to appoint not more than fifteen additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See Sec. 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

(f) Provides that officers appointed pursuant to section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provides that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the office of Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order as the Secretary shall prescribe.

TITLE III—TRANSFERS

Section 301. (a) Transfers to the Secretary of Community Development all of the functions of the Secretary of Housing and Urban Development, the Department of Housing and Urban Development, and all officers and components of that Department except functions under title IV of the Housing Act of 1950 (loans and debt service grants for college housing and related facilities) and except that the Community Development Corporation established by the Housing and Urban Development Act of 1970 would be transferred as a corporate entity and would thereafter be designated the "New Community Development Corporation."

(b) Transfers to the Secretary of Community Development the functions of the Director of the Office of Economic Opportunity with respect to—

(1) Special Impact programs of economic and community development in selected poverty areas under part D of title I of the Economic Opportunity Act of 1964; and

(2) programs under title II of that Act (Community Action Programs) except as they pertain to (A) Indian programs and projects conducted under that title, (B) research pilot or demonstration programs provided for in section 232, and (C) "Special programs" provided for in section 222(a) of that title, other than the Senior Opportunities and Services program, which is transferred to the Secretary.

(c) Transfers to the Secretary of Community Development the functions of the Secretary of Transportaiton, the Department of Transportation, and the officers and components of the Department of Transportation under—

(1) the Urban Mass Transportation Act of 1964 and the Urban Mass Transportation Assistance Act of 1970;

(2) the following laws relating to highways—(A) chapters 1, 2 and 3 of title 23, United States Code and the Federal-Aid Highway Act of 1970, 1968, 1966, 1962, and 1954, (B) the Act of September 26, 1961 (authorizing conveyance to Virginia of all interests of the United States in portions of the Shirley Highway and highways comprising the Pentagon road network), (C) the Highway Revenue Act of 1956 (giving the Secretary of Transportation certain functions with respect to the highway trust fund), (D) the Highway Beautification Act of 1965, (E) the Alaska Omnibus Act (providing for the transfer to the State of Alaska of all properties of the Bureau of Public roads except those that must be retained for additional road pur-

poses), (F) the Joint Resolution of August 28, 1965 (requiring a biennial report to the Congress estimating the future highway needs of the Nation), (G) section 525(c) of the General Bridge Act of 1946 (relating to the resolution of conflicts between States as to the location and planning of interstate bridges), (H) the Act of April 27, 1962 (relating to appointment or reappointment of persons as members of bridge commissions and the review of reports submitted by the bridge commissions), (I) Reorganization Plan No. 7 of 1949 (transferring functions of the Public Roads Administration and the Commissioner of Public Roads), (J) the Act of November 8, 1966 directing the Secretary of Transportation to construct a 12½ mile highway along the U.S.-Mexico border in El Paso, Texas. The highway trust fund now in the Treasury would remain in the Treasury but all functions of the Secretary of Transportation with respect to that fund would be transferred except for those relating to certain vehicle and driver aspects of highway safety under the Highway Safety Act of 1970;

(3) the following laws relating to highway safety: (A) chapter 4 of title 23, United States Code (Federal Highway Administration) insofar as it relates to the design, construction, and maintenance of highways, traffic control devices, identification and surveillance of accident locations, and highway related aspects of pedestrian safety; and (B) title 23, United States Code, section 402 (National Highway Traffic Safety Administration) insofar as it relates to grants for highway safety programs;

(4) the Act of August 1, 1947, to the extent it authorizes the establishment and fixing of compensation for scientific and professional positions related primarily to transportation which require the services of specially qualified personnel;

(5) the following laws and provisions of laws insofar as they relate to the reasonableness of tolls: section 4 of the Act of March 23, 1906, section 503 of the General Bridge Act of 1946, section 17 of the Act of June 10, 1930, the Act of June 27, 1930, and the Act of August 21, 1935. Under these laws the Secretary of Transportation is authorized to review and determine the reasonableness of rates charged by a bridge owner for transit across a bridge over navigable waters.

(d) Transfers to the Secretary of Community Development the functions of the Commissioner of Education under title II of the Library Services and Construction Act.

(e) Transfers to the Secretary of Community Development the following functions of the Secretary of Agriculture, the Department of Agriculture, and the officers and components of the Department of Agriculture—

(1) the functions of the Rural Electrification Administration under the Rural Electrification Act of 1936;

(2) the functions of the Economic Development Division (excluding the Human Resources Branch) of the Economic Research Service; these functions consist of conducting research and service work relating to economic development and community services in rural areas under section 1 of the Act of June 29, 1935 and the Agricultural Marketing Act of 1946;

(3) the functions of the Farmers Home Administration relating to (A) the rural housing programs conducted by that agency under title V of the Housing Act of 1949 and (B) water and waste disposal loans and grants and comprehensive planning grants under section 306 of the Consolidated Farmers Home Administration Act of 1961; and

(4) the functions of the Soil Conservation Service and the Farmers Home Administration relating to resource conservation and development loans to public agencies and local nonprofit organizations under section 32 (e) of title III of the Bankhead Jones Farm Tenant Act.

(f) Transfers to the Secretary of Community Development the functions of the Secretary of Commerce until title I and sections 201, 301(a), (b) and (f) and 403(a)(3) and (4) of the Public Works and Economic Development Act of 1965 insofar as they relate to financial and planning assistance for public works and development facilities.

(g) Transfers to the Secretary of Community Development—

(1) the functions of the Secretary of Commerce under title V of the Public Works and Economic Development Act of 1965 relating to economic development regions and regional commissions and under section 601(a) of that Act (42 U.S.C. 3201) insofar as it relates to coordination of the Federal Cochairmen of the Regional Commissions;

(2) the functions of the Secretary of Transportation under section 513 of the Public Works and Economic Development Act of 1965 relating to the conduct of studies and investigations of needs for regional transportation systems; and

(3) the functions of each Federal Cochairman, or his alternate, of a regional commission established under title V of the Public Works and Economic Development Act of 1965.

(h) Transfers to the Secretary of Community Development the functions of the Federal Cochairman of the Appalachian Regional Commission, or his alternate, under the Appalachian Regional Development Act of 1965 and the functions of the Secretary of Transportation under section 201 of such Act relating to assistance for the Appalachian development highway system.

(i) Transfers to the President the functions of the Director of the Office of Emergency Preparedness under the Disaster Relief Act of 1970. It is anticipated than an over-all coordinator for disaster relief will be designated in the Executive Office of the President, but that the implementation of disaster relief work transferred hereby will be assigned, by Executive Order, to the Secretary of Community Development.

(j) Transfers to the Secretary of Community Development the functions of the Administrator of the Small Business Administration, the Small Business Administration, and all officers and components of that Administration relating to the making of disaster loans with respect to residential property under section 7 of the Small Business Act and under sections 231, 234, 235, 237, 243, and 304 of the Disaster Relief Act of 1970.

Section 302. (a) Provides that any functions vested by chapter 5 of title 5 of the United States Code in hearing examiners which are transferred under the provisions of this Act be vested in the hearing examiners of the Department of Community Development.

(b) Terminates any requirements for consultation or approval between agency heads in cases where the functions of both with respect to the matter involved have been transferred pursuant to this Act to the Secretary of Community Development or any other official.

Section 303. Transfers to the Secretary of Community Development for appropriate allocation the personnel, positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds available to or to be made available in connection with the functions transferred to the Secretary by this Act.

Section 304. Provides that, except as provided in section 305, the transfer of nontemporary personnel pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

Section 305. Requires persons holding positions compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code on the effective date of this Act to be compensated at no less than the rate of their previous position if they are appointed in the Department of Community Development to a position having comparable duties without a break in service.

TITLE IV—DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. (a) Defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities.

(b) Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference to laws as amended now or hereafter (after this legislation is enacted but before it becomes effective).

Section 402. (a) Authorizes the Secretary to prescribe policies, standards, criteria, procedures, rules, and regulations incident to his functions. (See Sec. 203(b)(1) of NASA Act (72 Stat. 426); OEO Act, 42 U.S.C. 2942 (n); Sec. 9(e)(1) DOT Act (80 Stat. 944); Sec. 7(d) of DHUD Act (79 Stat. 667)).

(b) Directs the Secretary to carry out policy planning, to evaluate programs and progress in achieving departmental missions, and other studies to promote efficient and coordinated administration of the Department.

Section 403. (a) Authorizes the Secretary to delegate his functions to officers and employees of the Department and to authorize successive redelegations. (See Sec. 7(d) of DHUD Act (79 Stat. 667); Sec. 9(e) of DOT Act (80 Stat. 944)).

(b) Authorizes the Secretary to establish and modify the internal organization of the Department, but not to discontinue "Administrations" created by section 202(c) of this Act, or any other organizational units or components expressly established by future Acts or Reorganization Plans. (The Secretary of Housing and Urban Development now has similar authority.)

Section 404. Authorizes the Secretary to maintain, establish alter, or discontinue field offices.

Section 405. This is a customary provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such offices and employees, including attorneys, as are necessary to the performance of his functions. (See Sec. 7(c) of DHUD Act (79 Stat. 667)).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS 18 of the General Schedule. (See Sec. 7(e) of the DHUD Act (79 Stat. 667), as amended by Sec. 906 of the Housing and Urban Development Act of 1970 (P.L. 91-609, 84 Stat. 1811)).

Section 407. This is a customary provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See Sec. 7(e) of DHUD Act (79 Stat. 667), as amended by Sec. 905 of P.L. 91-609 (84 Stat. 1810); Sec. 9(o) of DOT Act (80 Stat. 944)).

Section 408. (a) Authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

(b) Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

(c) Provides that the status, office, rank,

or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See Sec. 9(d)(1) of DOT Act (80 Stat. 944)).

Section 409. Provides that a person who is not a citizen of the United States may be employed as an expert, scientist, technician, or professional person in connection with scientific or technical activites of the Department if the Secretary deems the employment to be in the public interest.

Section 410. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 411. Authorizes the Secretary to enter into such contracts and agreements, including grant agreements, with public agencies and private organizations and persons; to make such payments in lump sum or by installments or in advance or by way of reimbursement; and to take such other steps as he may deem necessary or appropriate to perform his functions. (See Sec. 203(b)(5) of NASA Act (72 Stat. 426)).

Section 412. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department. (See Sec. 203(b)(3) of NASA Act (72 Stat. 426)).

Section 413. Would authorize the Secretary (subject to standards in regulations issued by the President) to permit concessionaires to provide services on property under the Secretary's jurisdiction.

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder if useful in the performance of his functions. (See 10 U.S.C. 2386).

Section 415. Authorizes the Secretary to engage in such basic and applied research and development and to disseminate technological information as he may deem necessary to carry out his functions. (See title V, Housing and Urban Development Act of 1970 (84 Stat. 1784); Sec. 9(q) of DOT Act (80 Stat. 947)).

Section 416. Authorizes the Secretary, in his discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. Charges to private persons and organizations under this Act would be determined in accordance with users standards, policies on charges, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91-412—Dept. of Commerce).

Section 417. Authorizes the Secretary to make necessary provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See Sec. 905(k) of the Housing and Urban Development Act of 1970 (P.L. 91-609, 84 Stat. 1810); Sec. 9(m) of DOT Act (80 Stat. 946)).

Section 419. Authorizes the Secretary to prescribe a seal for the Department. (See Sec. 7(g) of DHUD Act (79 Stat. 667)).

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See Sec. 9(j) of DOT Act (80 Stat. 945); Sec. 7(f) of DHUD Act (79 Stat. 667)).

Section 421. This is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise supporting or incidential powers given by law to the transferring agency without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make it clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department during the preceding fiscal year, including a statement of goals and an assessment of progress.

Section 424. Authorizes the Secretary, but only when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five percent.

Section 425. Authorizes the establishment of service funds for the Office of the Secretary, the Urban and Rural Development Administration, the Community Transportation Administration and the Housing Administration. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans and Executive Orders, the department, agency, or other body shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I-V positions. (See Sec. 9(i) of DOT Act (80 Stat. 945)).

Section 502. Repeals the Department of Housing and Urban Development Act except for certain miscellaneous administrative functions enacted last December which are transferred to the Secretary of Community Development.

Section 503. Substitutes the Department of Community Development for the Department of Housing and Urban Development in the definition of "Executive Department" in title 5 of the United States Code.

Section 504. Substitutes the Secretary of Community Development for the Secretary of Housing and Urban Development in section 19(d) of title 3 of the United States Code relating to presidential succession.

Section 505. Substitutes the Secretary of Community Development for the Secretary of Housing and Urban Development in Reorganization Plan 2 of 1970 relating to membership of the Domestic Council.

Section 506. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, personnel, personnel positions, assets, liabilities, contracts, property, records, appropriations, authorizations and other funds as may be necessary to carry out the intent and purpose of the Act. This is a customary provision in Reorganization plans involving interagency transfer of functions.

TITLE VI—SAVINGS PROVISIONS

Section 601. This provision continues the effectiveness of all existing contracts, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. This is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This conforming provision states that, with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials in whom the functions were previously vested shall be deemed to be references to the Secretary.

Section 604. This is a technical provision. Some of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to preserve for the future the President's authority under present law to modify, terminate, or transfer these delegated functions.

TITLE VII—SEPARABILITY

Section 761. This is a customary separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801. (a) Provides that the Act shall become effective 120 days after the Secretary takes office, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

(b) Authorizes the President, in cases where officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act, to designate any officer whose appointment was required to be made by and with the advice and con-

sent of the Senate and who was such an officer immediately prior to the effective date of the Act to act in such office until the office is filled as provided in this Act. While so acting such persons would receive compensation at the rates provided by this Act for the respective offices in which they act.

THE PROPOSED DEPARTMENT OF NATURAL RESOURCES

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of the Interior:		
Bureau of Outdoor Recreation	504	$229
National Park Service	6,935	160
Bureau of Sport Fisheries and Wildlife	3,839	143
Bureau of Land Management	3,678	204
Bureau of Reclamation	9,290	324
Office of Saline Water	144	29
Office of Water Resources Research	42	12
Geological Survey	8,201	110
Bureau of Mines	5,588	208
Power Marketing Agencies	3,332	130
Bureau of Indian Affairs	14,574	393
Office of Territories	368	86
Office of Coal Research	23	17
Office of Oil and Gas	63	1
Office of Minerals and Solid Fuels	7	----
Oil Import Administration and Appeals Board	(1)	----
Defense Electric Power	6	----
Underground Power Transmission Research	2	----
Departmental Administration	1,324	9
Subtotal	57,920	2,055
From the Department of Agriculture:		
Forest Service	21,430	612
Soil Conservation Service	14,419	289
Agricultural Research Service (Soil and Water Conservation Division)	1,004	16
Economic Research Service (Natural Resources Economics Division)	160	3
Farmers Home Administration (Watershed loans only)	41	6
Subtotal	37,054	926
From the Department of the Army: Corps of Engineers (planning and funding only)	2,500	1,366
From the Atomic Energy Commission:		
Uranium raw materials	124	5
Uranium enrichment	226	165
Civilian nuclear power reaction	0	288
Plowshare (funding and certain planning functions only)	21	9
Subtotal	371	467
From the Water Resources Council: All functions	38	5
From the Department of Transportation: Oil and gas pipeline safety programs	83	3
From the Department of Commerce: National Oceanic and Atmospheric Administration	12,422	267
Departmental Administration: (other than Interior)	320	5
Grand total	110,708	5,094

[1] Included in OOG.

DEPARTMENT OF NATURAL RESOURCES

SUMMARY

Introduction—The President has proposed establishment of a Department of Natural Resources concerned with our physical environment, including the preservation and balanced use of the Nation's natural resources. This proposal is consonant with the need for consolidation of resource programs recognized in studies over the past fifty years.

The needs of future generations can only be met if effective action is taken now to accommodate the demands of a growing population, increased per capita consumption, and the need for restoring, protecting, and enhancing environmental quality. The challenges facing the Nation are:

To provide sufficient supplies of petroleum and other sources of energy, water, minerals, and timber to support our future economic development;

To maintain and enhance our forests, unique natural resource areas, historic properties, lands, waters, fish and wildlife, beaches, and estuaries so as to meet aesthetic, cultural and recreational needs of the people;

To understand our physical environment and the natural and man-made changes that are taking place so that modifications can be made when advantageous and possible, and, when modifications are not possible, to provide advance hazard warnings;

To manage our resources in a way which will assure ecological balance and thus sustain the basis on which public needs can continue to be fulfilled.

The close relationships among resource uses must be recognized. Forestry practices directly affect water supplies, fish and wildlife, and outdoor recreation. Flood control or water supply projects have similar impacts on other resource values. Mineral development and utilization can, if carelessly done, destroy other resources and result in serious water and air pollution. The need for balance and environmental protection and enhancement is linked directly to every form of natural resource use. These inter-relationships are not recognized under the current organizational structure.

The Department of Natural Resources will bring together natural resource programs which are now scattered throughout several Federal organizations and will provide the essential capabilities required to weigh alternatives and priorities in program planning, establish policies, and operate programs to meet national objectives. The mission of DNR will be to provide leadership for assuring: adequate supplies of natural resources; a better understanding of the earth, atmosphere and the oceans; availability of technology for development and utilization of natural resources; a national energy policy that optimizes use of limited resources; an aesthetically pleasing environment; and adequate outdoor recreational opportunities.

Rationale for DNR—Federal natural resource programs have developed on a piecemeal basis over the years, resulting in programs scattered among agencies with attendant overlaps, inefficiencies and voids. Examples of this scattered array are major water resources development programs in the Departments of the Interior, Agriculture, and Army. Nonmilitary Federal lands are administered by four agencies in the Departments of Agriculture and the Interior, with lands often adjacent to each other and sometimes intermingled. Federal recreation areas are administered by six different agencies in the Departments of the Interior, Agriculture, and Army and by the Tennessee Valley Authority. While creation of the National Oceanic and Atmospheric Administration within Commerce achieved significant consolidation, the related offshore oil, gas, and mineral resource programs are separately managed by Interior. Energy programs are scattered among the Departments of the Interior, Transportation, Army and the Atomic Energy Commission.

Under the existing structure, there are numerous problems:

No single official is responsible for formulating and implementing a unified national policy in such areas as land management, energy resources development or water resources management.

Agencies' programs are sometimes at cross purposes, generating jurisdictional conflicts, wasted effort or lack of vigorous action.

Duplication results in common management functions such as construction, surveys and mapping, and land appraisal and acquisition.

State and local governments, private organizations, and individuals have had to deal with several agencies in addressing common natural resource problems.

Functions—DNR will provide national leadership and establish effective working relationships with private organizations and individuals, State and local governments, and other Federal agencies in order to:

Foster the conservation, management, and utilization of natural resources;

Assure maintenance of the ecological balance necessary to sustain human and unique plant and animal life systems;

Explore and survey the earth, the atmosphere, and the oceans and to assess their physical characteristics;

Conduct scientific research and encourage development of technology to conserve and efficiently utilize natural resources with minimum impact on the environment;

Undertake programs for the optimal development of various energy sources, including research on nuclear power and managing uranium raw materials and enrichment;

Provide physical and economic data, maps, charts, and hazard warnings, and other information regarding the earth, atmosphere and oceans;

Manage Federal public lands and other resources, including national parks, forests, wildlife refuges, fish hatcheries, and minerals;

Preserve irreplaceable park, wilderness, scientific, historic, fish and wildlife, and other biotic resources;

Assist in providing outdoor recreational opportunities;

Plan and undertake programs for the conservation, management, and utilization of land, water, forest, range, mineral, fish and wildlife resources;

Facilitate the development and protection of commercial fisheries;

Foster the health and safety of miners;

Assist in achieving oil and gas pipeline safety; and

Foster development of the potential of Indians, Alaska natives, and territorial peoples.

Organization of DNR—Natural resource programs will be grouped on the basis of common purposes. Following are the primary groups with functions of the existing statutory agencies and programs that would be placed therein.

Land and Recreation Resources—The land component would include the Bureau of Land Management of Interior and the Forest Service, Economics Research Service (Natural Resources Economics), and Agricultural Research Service (Soil and Water Conservation) of Agriculture. The recreation component would include the Bureau of Outdoor Recreation, National Park Service and Bureau of Sport Fisheries and Wildlife of Interior.

Water Resources—This would include the functions of the Water Resources Council, including policy formulation, comprehensive river basin planning, and administration of planning grants to States. Also, included would be the Bureau of Reclamation, Power Marketing Agencies, Office of Saline Water and Office of Water Resources Research of Interior; the Corps of Engineers (civil functions planning, policy and funding) of the Army; and the Soil Conservation Service and Farmers Home Administration (Watershed Loans) of Agriculture.

Energy and Mineral Resources—This would include the existing constituents of Interior, oil and gas pipeline safety of Transportation, and four programs of the Atomic Energy Commission: raw materials management, uranium enrichment, civilian nuclear power development, and Plowshare, R&D and related activities of the latter two nuclear programs would be carried out through the AEC.

Oceanic, Atmospheric, and Earth Sciences—This would include the Geological Survey of Interior and the National Oceanic and Atmospheric Administration of Commerce.

Indian and Territorial Affairs—This would include functions of the Bureau of Indian

Affairs and Office of Territories now vested in Interior.

Management of DNR—Effective management of DNR will be ensued by providing the Secretary with the authority and capabilities to carry out its mission. The Secretary would be vested with the functions of DNR and have authority over its internal organization and appointment of subordinates.

The Secretary would concern himself primarily with the priorities and strategy for his department, its overall performance and be its spokesman to the President, the Congress and the public. He would be assisted by a strong managerial team. The Deputy Secretary would serve as the General Manager and the Secretary's alter-ego and would be responsible for allocating resources, assessing the quality of program performance, and harmonizing the efforts of the line and staff elements. Two Under Secretaries would serve as staff arms in such areas as development of overall policy strategy and plans for implementation, organization, and business management. An Assistant Secretary for Research and Technology would provide staff support in promoting, assessing and coordinating activities in this area.

The programs would be carried out through five Administrations representing broad subdivisions of the Department: Land and Recreation Resources; Water Resources; Energy and Mineral Resources; Oceanic, Atmospheric and Earth Sciences; and Indian and Territorial Affairs. The respective Administrators will be appointed by the President and confirmed by the Senate and will be accountable for the programs under their purview.

Secretarial representation in the field will be provided by Regional Directors who will coordinate related departmental activities within their areas, and evaluate performance.

Current plans ensure that the interests of employees affected by the reorganization are protected. No employee will be separated. No employee will be reduced in classification or compensation for one year after the reorganization.

Budget and Manpower—Total FY '71 outlays for the proposed Department of Natural Resources, based on the President's Budget, would be approximately $5.1 billion. Permanent employment would total approximately 111,000. Distribution by major program components would be approximately:

	1971 outlays (dollars in millions)	Permanent employment
Land recreation resources	1,365	37,600
Water resources	2,160	29,800
Energy and mineral resources	695	6,100
Oceanic, atmospheric and earth sciences	375	20,600
Indians and territorial affairs	480	15,000
Other	15	1,600
Total	5,090	110,700

SECTION-BY-SECTION ANALYSIS

A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new *Department of Natural Resources*, and for other purposes

SHORT TITLE

Section 1 states that the Act may be cited as the "Department of Natural Resources Act."

TITLE I—DECLARATION OF PURPOSE

Section 101 expresses congressional recognition that our natural resources, including energy sources, although abundant, are not unlimited; that their proper conservation, management, and utilization underlies all of the aspirations of the American people now and in the future; and that the Federal Government has a national responsibility to itself practice, and to foster the practice by others of, appropriate resource conservation, management and utilization policies. To best achieve these objectives, and to improve Government operations, the Congress finds that it is necessary to establish a Department of Natural Resources, bringing together those Federal activities which bear most directly on resource policy. The administration of the trust responsibility for, and selected programs to assist, the Indians, Alaska natives, and territorial peoples is also placed in the Department.

TITLE II—ESTABLISHMENT OF DEPARTMENT

Section 201 establishes the Department of Natural Resources under the supervision and direction of a Secretary of Natural Resources, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate provided for Level I of the Executive Schedule.

Section 202 establishes the top policy offices in the Department and describes the general structure for the internal organization of the Department. There will be a Deputy Secretary, at Level II of the Executive Schedule, and two Under Secretaries at Level III. In addition, there will be five Level III Administrators heading, respectively, a Land and Recreation Resources Administration, a Water Resources Administration, an Energy and Mineral Resources Administration, an Oceanic, Atmospheric, and Earth Sciences Administration, and an Indian and Territorial Affairs Administration. The bill also provides for an Assistant Secretary and a General Counsel at Level IV. All of the foregoing Level II to IV officers will be appointed by the President by and with the advice and consent of the Senate.

Subsection (e) establishes a pool of twenty-five Level IV and V officers to be appointed by the Secretary to assist in the management of the Department. Subsection (f) provides that all of the Level II to V officers will perform such functions as the Secretary shall specify from time to time.

Section 203 provides for the order of succession in the event of the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

TITLE III—TRANSFERS

Title III effectuates the transfer of the functions under existing law which will be carried out by the new Department of Natural Resources. Section 301 identifies the functions that are transferred and provides that they shall be vested in the Secretary. The remaining sections of title III contain technical provisions relating to these transfers. Under the broad definitions in section 401 and the savings provisions of section 601, the operative term "functions" includes all existing relevant powers, rights, duties, etc., whether created, vested, or assigned by statute, reorganization plan, executive order, delegation, agreement, or otherwise. Section 506 authorizes the Director of the Office of Management and Budget to make additional incidental dispositions of functions as necessary to accomplish the purposes of the Act.

Subsection 301(a) transfers to the Secretary of Natural Resources all of the functions of the Secretary of the Interior, the Department of the Interior, and all officers and components of that Department. The Interior Department operates under the authority of several thousand laws, many of which do not appear in the United States Code. Those that are codified are found principally in title 16 of the United States Code, relating to the national park system, outdoor recreation, fish and wildlife, power marketing, and various other resource programs; title 25, Indians; title 30, mineral lands and mining, including mine health and safety; title 42, pertaining to desalination and water resources research, title 43, public lands, reclamation, and Department of the Interior; and title 48, territories.

Virtually all of the authority under these laws is presently vested in the Secretary of the Interior, pursuant to Reorganization Plan No. 3 of 1950, 64 Stat. 1262, 5 U.S.C.A., App., and as provided in statutes enacted thereafter; and subsection (a) transfers this authority to, and vests it in, the Secretary of Natural Resources. The additional reference in the subsection to all functions of officers and components of that Department similarly transfers to and vests in the Secretary the few remaining miscellaneous authorities that reside expressly or by implication in subordinate officers and components of the Department.

Subsection 301(b) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the National Oceanic and Atmospheric Administration (NOAA). NOAA was created by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), which brought together the Environmental Science Services Administration and its major elements, the Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center and Research Laboratories (Reorganization Plan No. 2 of 1965, 15 U.S.C. Chapter 9, 49 U.S.C. Chapter 20, 33 U.S.C. Chapter 17); the Bureau of Commercial Fisheries, Marine Fish Research Program and Marine Minerals Technology Center, formerly in the Department of Interior (16 U.S.C. *passim*); the National Oceanographic Data Center and National Oceanographic Instrumentation Center, formerly administered by the United States Navy; the National Data Buoy Development Project, formerly of the Coast Guard; the National Sea Grant Program, formerly of the National Science Foundation (33 U.S.C. Chapter 22); and elements of the United States Lake Survey, formerly of the Corps of Engineers. This consolidation of activities and functions was designed to improve man's comprehension and uses of the physical environment and its oceanic life.

Subsection 301(c) transfers to the Secretary of Natural Resources, under paragraph (2), such of the functions of the Secretary of Defense, the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and the Corps of Engineers of the Department of the Army, as relate to or are utilized for civil works and regulatory functions, with the proviso that all civil works construction, operation and maintenance, flood and coastal emergencies, and related activities so transferred shall be accomplished through and under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. To the extent they are codified, the laws authorizing these programs are found in title 33 of the United States Code.

The civil works functions of the Corps include the investigation, study, planning, construction, and operation and maintenance of measures for navigation, flood control, fish and wildlife enhancement, hydroelectric power, recreation, municipal and industrial water supply, beach erosion control and beach restoration, and water quality. Included are authorities for comprehensive river basin studies, flood plain information studies, emergency flood and coastal protection, a vast number of individual project authorizations, and continuing authorities to construct small projects without the specific authorization of the Congress.

The bill provides that the construction and operation of civil works, the provision of aid in flood and coastal emergencies, and related activities so transferred would continue to be accomplished through and directed by the Secretary of the Army and the Corps of Engineers. This will assure the continued train-

ing and experience of officers of the Army Corps of Engineers in contract administration, construction, and coordination with civilian authorities; preserve the flexibility, efficiency, and responsiveness of the Corps to meet alternating civil and national defense needs; and maintain the capability of the Corps to provide assistance to civilians in emergencies. However, the functions of investigation, study, planning, budgeting and funding, and coordination would be transferred to the Secretary.

The civil regulatory functions of the Corps, which would be transferred to the Secretary, pertain generally to the protection of the navigable waters of the United States. No filling, erection of structures, dredging, diversion of flow, or depositing of refuse in such waters may be done unless permitted by the Secretary, who, in determining whether permission should be granted, considers all matters relating to the general public interest, including navigation, flood control, economic matters, fish and wildlife values, and ecological, esthetic, and environmental values.

Certain study and review functions are vested by law in the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Center, the Board on Coastal Engineering Research, the Mississippi River Commission, and the California Debris Commission. These functions are also transferred to the Secretary by paragraph (2) of the subsection.

Subsection 301(d) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and offices and components of that Department, as relate to or are utilized by the Forest Service. Forest Service activity covers three major areas of operation concerned with the country's forest and related range, watershed and other wildland natural resources: (1) management, protection, and development of the National Forests and National Grasslands; (2) cooperation with the States in obtaining better forestry on State and private forest lands; and (3) research needed for (1) and (2) and for forest and range lands generally.

There are numerous laws relating to the Forest Service. Of those which have been codified, the principal statutes appear in title 16 of the United States Code, relating to the three major programs of the Forest Service, and in title 7 of the United States Code, relating to the general authorities of the Department of Agriculture. Reorganization Plan No. 2 of 1953 (67 Stat. 633, 7 U.S.C.A. 2201 note) vested in the Secretary of Agriculture all of the functions of the Service, as well as all of the functions of the other components of the Department of Agriculture transferred under this Act.

Subsection 301(e) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil Conservation Service. Soil Conservation Service activities cover four major areas of operation: (1) the development and carrying out of a national soil and water conservation program (primarily through conservation districts), including the national cooperative soil survey, technical assistance in the development of conservation plans and application of conservation treatments, the conduct of snow surveys to develop stream flow forecasts, and the operation of plant material centers; (2) the development and carrying out of watershed protection and flood prevention projects, including furnishing technical and financial assistance to State and local organizations, and conduct of river basin surveys and investigations in cooperation with other agencies; (3) the administration of the Great Plains Conservation program for the mitigation of wind and water erosion damages in the Great Plains area; and (4) the aiding of local sponsors in developing and carrying out of multicounty resource conservation and development projects.

There are numerous laws relating to the programs of the Soil Conservation Service. Of those which have been codified, the principal statutes appear in title 7 of the United States Code, sections 1010 et seq. (resource conservation and development) and other sections related to the general authorities of the Department of Agriculture; title 16, sections 590 (a) to (f) (soil and water conservation operations), 590(p)(b) (Great Plains conservation), and 1001 et seq. (watershed protection); and title 33, sections 701(a) et seq. (flood prevention).

Subsection 301(f) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Natural Resource Economics Division of the Economic Research Service. This Division conducts research in the economics of the use, conservation and development of land and water resources. These activities are authorized under various statutes, including primarily 7 U.S.C. 411, 1621 et seq., 1761, 2201, 2202; 42 U.S.C. 1891–1893.

Subsection 301(g) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil and Water Conservation Division of the Agricultural Research Service. This Division conducts research in the conservation of soil and water and the control of certain forest and range insects and diseases. These activities are authorized under various statutes including primarily the Department of Agriculture Organic Act of 1862 (7 U.S.C. 2201) and the Research and Marketing Act of 1946, as amended (7 U.S.C. 427, 427i).

Subsection 301(h) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Transportation, the Department of Transportation, and officers and components of that Department as relate to or are utilized for pipeline safety. The referenced functions consist of all of the authority under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.); and such of the authority under sections 831–835 of title 18 of the United States Code as relates to pipeline safety. The latter, originally administered by the Interstate Commerce Commission, was transferred to the Department of Transportation for administration through the Federal Railroad Administration pursuant to subsections 6 (e) and (f) of the Department of Transportation Act (80 Stat. 931, 939, 940).

Subsection 301(i) transfers to the Secretary of Natural Resources all of the functions of the Water Resources Council. The Council was established by and functions under the Water Resources Planning Act (42 U.S.C. 1962 et seq.). Its responsibilities include the coordination of all Federal water resource programs, assessment of water supplies and requirements, establishment of principles, standards and procedures for Federal water and related land resources projects, review of comprehensive regional and river basin plans and the administration of grants to States for comprehensive planning.

Subsection 301(j) transfers certain programs and activities from the Atomic Energy Commission to the Secretary of Natural resources as follows:

(1) The civilian power program. In general, this encompasses the programs to make possible the maximum exploitation for civilian use of the vast energy resources latent in nuclear material. Their objectives apply to nuclear units for central station power plants desalting and dual purpose plants; propulsion and power for civilian maritime uses; attended and unattended earth and undersea power devices; and related fuel reprocessing, waste disposal and environmental systems. They include development of civilian power and test reactors, isotopes, waste and environmental related systems, and associated equipment for general nuclear oriented research; new and advanced technology leading to improvements in fuel utilization, reprocessing and waste disposal, and new concepts and processes; investigations and research into safety of reactor systems and nuclear processes, and establishment of environmental and safety criteria; and fostering and coordinating development and application of civilian nuclear power in cooperative arrangements with industrial, utilities, and other government organizations.

In order to assure that the vital research and development program and related activities can continue to benefit from the closest possible integration with other highly technical AEC programs, activities, and personnel, such work would continue to be accomplished through and directed by AEC and carried out under AEC contracts administered by that agency. However, the functions of planning, budgeting and funding, coordination, assessment of resources and establishment of priorities as related to national energy planning would be transferred to the new Department. It is not intended, by the transfer of any civilian power functions to the Department, to preclude AEC continuance of research and development effort in safety, reactor technology, fuel reprocessing, waste management, or other activities that relate primarily to programs remaining with the Commission.

(2) The raw materials program. This encompasses acquisition and management of uranium ore concentrates; assistance in the development of a viable competitive domestic uranium mining and milling industry; and development and evaluation of information on availability of uranium and thorium for nuclear programs.

(3) The uranium enrichment and related distribution activities constituting part of the Commission's program for the production of special nuclear materials. This encompasses the program for uranium enrichment services to meet the needs for enriched uranium in domestic and foreign peaceful applications of atomic energy, for Department of Defense applications, and for AEC research and development programs. It includes operation and maintenance, and improvement of three existing gaseous diffusion plants (and related feed facilities), together with manufacture of special materials and components; research and development to advance enriching technology; the sale of uranium enriching services, including determination of prices to be charged; and the planning for future needs.

(4) With respect to the Plowshare program, the Department would have funding responsibility for all aspects of the program. The Department's responsibilities would also encompass the identification of programs to be undertaken which would utilize nuclear explosives, such as specific projects for gas stimulation or geothermal enhancement; negotiation and administration of contracts for industrial participation in such projects; and conduct of economic studies anticipating future provision of Plowshare services on a commercial basis. General research and development, device research and development, device technology, explosive effects tests, development of fielding systems, project execution and related activities would remain with AEC, and the Department would budget for and transfer to AEC the necessary in hearing examiners by subchapter II of funds for these activities.

Section 302 provides that functions vested chapter 5 of title 5 of the United States Code will continue to be vested in hearing

examiners of the Department of Natural Resources.

Section 303 provides that in any case in which the head of a department or agency is required to consult or obtain the approval of the head of another department or agency as a condition to his performance of a function, and the functions of both with respect to the matter involved have been transferred to the Secretary of Natural Resources, the requirement for such consultation or approval is terminated.

Section 304 provides that personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 506 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312–5316) would not be transferred to the new Department by the Act. Those personnel positions would lapse, as provided in section 501. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 306 of the Act.

Section 305 provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 304 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause or removal from a Schedule C position. (See Sec. 9(h) DOT Act, 80 Stat. 944).

Section 306 provides that persons entitled to compensation under the Executive Schedule (Level I to V) may be employed by the new Department and if that employment is without break in service and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, such person will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See Sec. 9(h), DOT Act.)

Sections 307, 308 and 309 set forth the specific statutory framework within which the Secretary will carry out the AEC programs and activities to be transferred by this bill. Although many of the authorities and requirements of the Atomic Energy Act would thereby be made applicable to the Secretary, it would not be feasible for both AEC and the Department to duplicate programs or staffs, or, even more important, for responsibility to be diffused, in several sensitive areas. Hence, these sections contemplate that AEC would continue to be responsible for policies, procedures, and requirements relating to the control of Restricted Data; the Department would administer the transferred programs and activities under AEC physical security and classification policies, guides and procedures; and Department employees and other persons engaged in the transferred programs and activities would be required to have appropriate AEC security clearances.

None of AEC's licensing authority and responsibility would be transferred to the Secretary. In the transferred programs and activities, the Department and contractors for its account would be exempt from requirements for AEC licenses, but the Department's standards and procedures for radiological protection of the public health and safety and the safeguarding of the national defense and security would be required to be consistent with those of the Commission governing its own activities, and to be established with the Commission's advice and concurrence.

The Commission would retain its present exclusive authority in the definition of extraordinary nuclear occurrence, source and special nuclear materials, and production and utilization facilities, an authority that is basic to the licensing, indemnification, and weapons programs of the Commission. AEC would also retain the authority with respect to negotiation of international arrangements and agreements for cooperation with foreign countries and organizations; the Secretary would, however, have the authority, consistent with the overall international agreements, to negotiate implementing agreements for distribution of source and special nuclear materials and for reprocessing and toll enrichment of such materials for peaceful uses.

Section 307 lists the specific provisions of the Atomic Energy Act under which the Secretary will administer the transferred programs and activities, with all the powers and duties of the Commission thereunder except as otherwise specified. These provisions include:

1. Chapters 1 and 2 of the Act, stating overall policies and purposes and prescribing definitions, with the determinations as to "extraordinary nuclear occurrence," "production facility," "source material," "special nuclear material," and "utilization facility" retained in the Commission (subsections (a), (b)).

2. Those provisions of chapter 3 ("Organization") that relate to advice from the General Advisory Committee and to liaison with the Department of Defense (subsection (c)). It is intended that with respect to the transferred programs and activities the Department of Defense shall have the same rights and responsibilities vis-a-vis the Secretary as it has in other respects with the Commission.

3. Chapters 4 ("Research") and 5 ("Production"), which provide the principal statutory base for the civilian power, Plowshare, and uranium enrichment programs and activities transferred to the Secretary (subsection (d)). The provisions of section 44 of the Act, relating to disposition of energy produced in Commission operations, will apply to energy produced in Department operation of production or utilization facilities.

4. The provisions of chapter 6 that relate to the acquisition and distribution, as distinguished from the defining or licensing, of special nuclear material (subsection (e)). These include the provisions governing determination of charges and guaranteed purchase prices. The Commission would retain its function under subsection 57b with respect to authorizing persons to directly or indirectly engage in the production of any special nuclear material outside the United States.

5. The provisions of chapter 7 that relate to the reporting, acquisition, and distribution, as distinguished from the defining or licensing, of source material (subsection (f)). The Commission would retain the authority under section 64 to determine whether proposed foreign distributions not undertaken pursuant to an agreement for cooperation will be inimical to the interests of the United States.

6. The provisions of chapter 8 that relate to distribution, as distinguished from the licensing, of byproduct material (subsection (g)). The Commission would retain the authority under subsection 82b to determine whether foreign distributions not undertaken pursuant to an agreement for cooperation will be inimical to the common defense and security.

7. In chapter 9, the authority under subsection 91b(1) relating to delivery under Presidential direction of enriched uranium to the Department of Defense (subsection (h)).

8. In chapter 11, the provisions of section 121 with respect to the effect of Commission actions in conflict with any international arrangement made after enactment of the Atomic Energy Act, and section 122 requiring maximum Commission implementation of any international arrangement made after such enactment, are made applicable to the Department (subsection (i)); the remaining sections of chapter 11 concern the entering into of agreements for cooperation and international arrangements, and no responsibilities or authority thereunder are transferred to the Secretary.

9. In chapter 12, "Control of Information," subsection 144a would apply to the Secretary's implementation of agreements for cooperation; subsection 145b, with respect to security investigations and clearances, would apply to Department employees and others for whom access to Restricted Data is required, but the Commission would retain the security clearance function; and the Department would be subject to the limitation in subsection 146b with respect to controlling or restricting dissemination of information (subsection (j)). No responsibilities or authority under the remaining provisions of chapter 12 relating to policy, classification and declassification of Restricted Data, Department of Defense participation, international cooperation, and restrictions, are transferred to the Secretary.

10. Numerous listed sections and subsections of chapter 14, "General Authority," which have provided the Commission with needed or desirable authority and flexibility, or imposed certain limitations on authority, are made applicable to the transferred programs and activities (subsection (k)). Some of these are general in nature, e.g., advisory boards, subpoena power, appointment and compensation of employees, acquisition and disposition of property, carrying of firearms, issuance of rules and regulations, granting of easements, sale of utility and other services, Presidential contract exemption authority, proscribed contract practices, Comptroller General audit, and payments in lieu of taxes. Others are more directly keyed, though not exclusively so, to the transferred programs and functions. Those include the authority to contract to provide certain processing, fabricating, separating and refining services to licensees and to sell materials to them (subsection 161m of the Act); perform similar services in implementation of agreements for cooperation (subsection 161t); enter into long-term contracts for acquisition of reactor or reactor-related services, or for other materials or services under certain stated conditions (subsection 161u); enter into long-term contracts to produce or enrich special nuclear material for licensees, or in implementation of agreements for cooperation, under certain stated conditions (subsection 161v); enter into long-term power contracts for the Oak Ridge, Paducah and Portsmouth installations (sec. 164); settle claims for damages resulting from detonation, explosion, or radiation produced in a program involving detonation of an explosive device (sec. 167); and enter into agreements of indemnification with certain types of contractors covering risk of public liability for a substantial nuclear incident

(sec. 170). It is intended that the Department's policies and procedures with respect to agreements for indemnification shall be consistent with those followed by the Commission with respect to its contractors. The "no subsidy" requirement of section 169 with respect to Commission-licensed facilities is applicable to the Department. It should also be noted that the statutory committees—the General Advisory Committee, the Military Liaison Committee, and the Advisory Committee on Reactor Safeguards—will be available for consultation by the Department, although the appointment of members and administrative support will remain as heretofore. A continuing close and effective relationship between the Department and the Commission is required and expected on the many matters of mutual concern that will evolve in carrying out their respective functions.

11. In chapter 15, the provisions (secs. 171, 172, 174) relating to just compensation for property acquired, condemnation of real property, and Attorney General approval of title (subsection (*l*)).

12. In chapter 17, "Joint Committee on Atomic Energy," the provisions of section 202 relating to Joint Committee oversight of the Commission and the Commission's responsibility to the Joint Committee (subsection (m)).

13. In chapter 18, "Enforcement," the provisions of sections 229 and 230, relating to trespass upon and photographing, etc., of Commission installations, modified to make them applicable to Department installations used in carrying out the transferred programs and activities (subsection (n)).

14. In chapter 19, "Miscellaneous," the provisions of section 251 with respect to reports to Congress, and section 261 requiring prior legislative authorization for appropriations and waiver of use charges and containing other provisions relating to appropriations (subsection (o)).

Section 308 provides that no AEC license (which would otherwise be required by the Atomic Energy Act) shall be required for the conduct by the Secretary or by persons under contract with and for the account of the Secretary, of the transferred programs and functions, thus paralleling the exemption now existing for AEC and certain contractors with respect to those programs and functions. However, the Secretary is required, with the advice and concurrence of the Commission, to establish standards and procedures for radiological protection of the public health and safety that are consistent with those established by the Commission to govern its own activities. The Secretary is also required, in the conduct of the transferred programs and activities, to establish standards and procedures for the safeguarding of the common defense and security that have the concurrence of the Commission and are consistent with those established by the Commission to govern its own activities. It is intended that the Commission's functions with respect to radiological public health and safety and the common defense and security not be diffused.

Section 309 provides that with respect to the transferred programs and activities the Secretary shall have all the Commission's rights, powers and duties under section 152 of the Atomic Energy Act in the case of inventions useful in the production or utilization of special nuclear material or atomic energy, made in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Secretary, to the same extent as if entered into with or for the benefit of the Commission. The present authority of the Commission with respect to inventions relating to atomic weapons and filing of reports (sec. 151 of the Atomic Energy Act), compulsory patent licensing (sec. 153), and compensation, awards, and royalties will remain with the Commission. It is expected that AEC invention review capabilities will be utilized to the maximum extent and that the patent policies and procedures of the Department with respect to the transferred programs and activities will be established and administered in close coordination with the Commission.

Section 310 provides that the Commissioned Officer Corps of NOAA shall become the Commissioned Officer Corps of the Oceanic, Atmospheric and Earth Sciences Administration of the Department of Natural Resources. This Corps was established by statute in 1917, as a special personnel system in the Coast and Geodetic Survey, to satisfy the need for the close defense relationship and because of the mobile and short-fuse nature of assignments. It has been continued in the Environmental Sciences Services Administration and more recently in the National Oceanic and Atmospheric Administration. The Commissioned Officer Corps is one of the seven branches of the uniformed services of the United States. Officers are available and utilized in a broad range of assignments throughout NOAA. Service aboard NOAA's oceanographic fleet is a common and principal factor in the officer's service. Approximately one-third of service career is spent assigned to such vessels.

The provisions relating to the appointment of Corps officers to policy positions in OAESA are the same as those provided in Reorganization Plan No. 4 of 1970 for appointment to policy positions in NOAA except that the requirement for Presidential appointment to such positions has been omitted in keeping with the provisions of subsection 202(e) of the Act.

TITLE IV—DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. Subsection (a) defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

Subsection (b) provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto as now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402 authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him. (See sec. 203(b)(1), NASA Act; OEO Act, 42 U.S.C. 2942(n); sec. 9(e), DOT Act, 80 Stat. 944; sec. 7(d), DHUD Act, 79 Stat. 667.)

Section 403. Subsection (a) authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See sec. 7(d) of DHUD Act, 79 Stat. 667; sec. 9(e) of DOT Act, 80 Stat. 944).

Subsection (b) authorizes the Secretary to establish and modify the internal organization of the department by creating, altering, and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the "Administrations" created by section 202(c) of the Act, or any other organizational units or components expressly established within the Department by this or any future Act or Reorganization Plan, such as the Commissioned Officer Corps of OAESA established by section 310 of this Act. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice. See also sec. 203(b)(8), NASA Act, 72 Stat. 430).

Section 404 authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will expressly permit the Secretary to design and establish the best field office system he can devise to assure effective expeditions, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisability of such a change.

Section 405 is a standard provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See sec. 7(c), DHUD Act, 79 Stat. 667).

Section 406 authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS–18 of the General Schedule. (See sec. 7(e) of the DHUD Act as amended by sec. 906 of the Housing and Urban Development Act of 1970, P.L. 91–609).

Section 407 is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See sec. 7(e) of the DHUD Act, as amended by sec. 905, P.L. 91–609; sec. 9(o) of DOT Act, 80 Stat. 944).

Section 408 authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of OAESA, or the Regular or Reserve Commissioned Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

Subsection (b) permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

Subsection (c) provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See sec. 9(d)(1), DOT Act, 80 Stat. 944).

Section 409 authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 410 authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See sec. 203(b)(5), NASA Act, 72 Stat. 426).

Section 411 authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and

their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary or the Department (See sec. 203(b)(3), NASA Act, 72 Stat. 426).

Section 412 authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilities and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations, would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Budget and Management and with 31 U.S.C. 483a and 5 U.S.C. 5911. (See sec 9(*1*), DOT Act, 80 Stat 946, and 15 U.S.C. 1514).

Section 413 would authorize the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regulations issued by the President. (See 16 U.S.C. 20–20g, 580d).

Section 414 authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386).

Section 415 authorizes the Secretary to engage in such basic and applied research and disseminate technology as he may deem necessary to carry out functions entrusted to him. (See title V, Housing and Urban Development Act of 1970, P.L. 91–609; sec. 9(q), DOT Act, 80 Stat. 947).

Section 416 authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public and private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. As noted with respect to section 142, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91–412—Department of Commerce).

Section 417 authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418 authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See sec. 905(k) of Housing and Urban Development Act of 1970, P.L. 91–609; sec. 9(m), DOT Act, 80 Stat. 946).

Section 419 authorizes the Secretary to prescribe a seal for the Department. (See sec. 7(g) of DHUD Act, 79 Stat. 667).

Section 420 authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See sec. 9(j), DOT Act, 80 Stat. 945; sec. 7(b), DHUD Act, 79 Stat. 667; and 43 U.S.C. 1467, Interior Department).

Section 421 is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422 is designed to make it clear that authority expressly provided by this Act is in addition to and not in substitution for any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423 requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year, a statement of goals, and an assessment of progress.

Section 424 authorizes the Secretary, when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five per cent. This does *not* permit such transfers unless they are authorized in an appropriation act.

Section 425 authorizes the establishment of service funds for each Administration. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426 authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

Section 427 directs the Secretary from time to time to prepare and publish compilations of laws and treaties applicable to the various program areas of the Department as he deems to be in the public interest.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501 provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. It applies only when all of the functions of the agency or component have been transferred to the Secretary. Thus it would not apply, for example, to the Corps of Engineers, whose military functions and construction and other activities continue; nor would it apply to the Economic Research Service or the Agricultural Research Service, unless the remaining functions of these Department of Agriculture agencies are transferred to another department under the reorganization program. The section also provides that all Executive Schedule offices and positions in a department or agency that lapses under the first sentence of the section shall also lapse.

Section 502 repeals the section of the Flood Control Act of 1970 which established the position of the Assistant Secretary of the Army for Civil Works, as this statutory office is not covered by section 501.

Section 503 substitutes the Department of Natural Resources for the Department of the Interior in the definition of "Executive Department" in title 5 of the United States Code.

Section 504 substitutes the Secretary of Natural Resources for the Secretary of the Interior in section 19(d) of title 3 of the United States Code relating to presidential succession.

Section 505 substitutes the Secretary of Natural Resources for the Secretary of the Interior in Reorganization Plan No. 2 of 1970 relating to membership on the Domestic Council.

Section 506 authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization plans involving interagency transfer of functions.

TITLE VI—SAVINGS PROVISIONS

Section 601 is a savings clause that continues the effectiveness of all existing orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential Executive orders, directives, documents, and obligations, and will afford the President and the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602 is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603 is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be a reference to the Secretary.

Section 604 is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

TITLE VII—SEPARABILITY

Section 701 is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801 provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations,

orders, etc., as may be necessary for a smooth transition.

THE PROPOSED DEPARTMENT OF HUMAN RESOURCES

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Health, Education, and Welfare:		
Food and Drug Administration	4,551	$82.5
Health Services Mental Health	25,234	1,582.3
Deduct Bureau, Occupational Health and Safety	−514	−13.0
National Institutes of Health	11,244	1,553.5
Environmental Health Service	955	50.4
Social Security Administration	51,652	2,841.1
Office of Education (except public library construction grants, to be in DCD)	2,892	4,470.3
Social and Rehabilitation Services	1,865	10,640.4
Special Institutions	0	67.7
Office of the Secretary	4,505	8.5
(Construction included above)	(500)	(819.0)
Subtotal, Federal funds	102,384	21,323.7
Social Security trust funds	0	43,181.0
Receipts and intergovernmental deducts	0	−2,589.3
Subtotal	102,384	61,915.4
From the Office of Economic Opportunity:		
Alcoholism, family planning, drug rehabilitation	39	34.9
Migrants	47	37.0
Nutrition (phasing out)	22	28.8
Subtotal	108	100.7
From the Department of Labor:		
Manpower Administration	4,595	1,600.9
Employment Service	0	374.5
Women's Bureau	75	1.2
UCFEX	0	319.4
U.I. benefits and administration	0	5,589.9
Overhead	492	8.1
Subtotal	5,162	7,894.0
From the Railroad Retirement Board	1,933	1,906.8
From the Department of Housing and Urban Development: College housing	60	139.3
From the Department of Agriculture:		
Economic Research Service	39	1.0
Agriculture Research Service (Human nutrition and consumer research programs)	225	4.0
Food and Nutrition Service	2,170	2,220.1
Meat and Poultry Inspection	9,200	131.8
Egg Products Inspection	0	0
Overhead	326	5.8
Subtotal	11,960	2,362.7
From the Department of Commerce: flammable fabrics	33	.9
President's Committee on the Handicapped	37	.7
Grand total	121,677	74,320.5

DEPARTMENT OF HUMAN RESOURCES

SUMMARY

Introduction: The President's Departmental Reorganization Program proposes the creation of a Department of Human Resources, which will contain those programs directed at the development and well-being of individuals and families. Included in the Department will be the programs presently administered by the Department of Health, Education, and Welfare, the manpower programs from the Department of Labor; health, drug abuse and migrant programs from the Office of Economic Opportunity; food distribution, inspection and research programs from the Department of Agriculture, and the college housing program from the Department of Housing and Urban Development.

The mission of the new Department will be achieved through a partnership of the Federal Government with State and local governments, public and private institutions and individuals. Its functions will be: assisting in the enhancement of intellectual growth and development; maintaining and improving the skills of individuals through training; maintaining and improving physical and mental health; extending opportunities for participation of all individuals in the Nation's labor force; protecting the quality, purity, and safety of foods, medicines, and other consumer products; assuring basic income security for those withdrawn from the work force, their survivors, and dependents, and for those who cannot provide for themselves; providing basic social services to individuals and families unable to meet basic needs for themselves, and providing for those who have not been able to compete in and participate fully as citizens in a free society.

To accomplish these functions, the Department will make grants, conduct and support research and studies, provide technical assistance and administer direct Federal services.

Problems with Present Organization: The present structure does not permit development of a unified system of programs and services to individuals. Programs are split among several Departments, and often overlap or result in fragmented approaches to problem solving. This has frequently led to confusion on the part of both recipients and State and local officials who must deliver the services.

For examples: A community mobilizes to assist migrant families in overcoming serious health, nutritional educational and social problems. The community seeks Federal aid to supplement its local and State resources. It finds that the Department of Health, Education and Welfare has separately administered health and education programs; that the Office of Economic Opportunity operates a broad migrant service program and finances a migrant Head Start program whose operation has been delegated to Health, Education and Welfare; and the Department of Labor registers migrant crew leaders, provides for guarantees of safety and insurance coverage and arranges an anual sequence of work opportunities.

Present organizations along professional program lines makes it difficult for existing agencies to identify and serve the broad public interest. Past efforts to decentralize program responsibility to the field and to improve responsiveness to local and regional needs have met resistance. In 1967, for example, a Federal agency initiated decentralization of one of the major programs to the field. Positions were transferred to Regional Offices and people hired to fill them. The effort was reversed by an organization of professional interest groups who opposed the decentralization.

One of the most serious problems is that accountability for effective program performance is difficult to establish because authority and responsibility are split between and within Departments. The Concentrated Employment Program (CEP) is an example of this problem:

Under that program, the Department of Labor enters into "prime" contracts with local governments and community action agencies to provide a comprehensive program of manpower services in ghetto areas. These services include institutional training components which are approved and funded separately. The Office of Education approves and funds these projects through State vocational agencies using funds appropriated to the Department of Labor and transferred to Health, Education and Welfare. If the State Vocational agency is unwilling to approve the institutional training, the CEP is left with no capacity to provide an essential training component of its program.

In such a case, program accountability is impossible to establish.

The proposed reorganization will directly address these problems by:

Linking programs with similar objectives, such as training and welfare, education and health, in a single Department.

Providing the new Department with a comprehensive, national purpose which will strengthen the ability of the Government to serve the broad public interest.

Providing strong, department-wide policy and management machinery and a small number of administrative units.

Providing that decision-making affecting states and legal communities will occur in the field, rather than in Washington.

Organization and management of the new Department:

The Department of Human Resources will provide a single, integrated focus for meeting the Federal responsibility to and for individuals. Its programs will be operated through three Administrations, headed by Administrators, appointed by the President, with Senate confirmation, as follows:

Income Security Administration.—Functions of this Administration will be to administer the systems of contributory social insurance authorized under the Social Security Act, and other social insurance programs such as railroad retirements and unemployment insurance. It will also provide benefits for the poor and near-poor through public assistance, food stamp, and medicaid programs and, upon enactment, the Family Assistance and Family Health Insurance plans.

Health Administration.—Functions of this Administration will be to improve the health care delivery system, to develop new means of preventing and curing illness, protect individuals from possible health hazards and insure the adequate provision of health personnel.

Human Development Administration.—This Administration will combine existing education, manpower, and social services programs. Its function will be to insure quality basic education, to aid school systems in achieving desegregation and preventing racial isolation; to improve higher education and insure its accessibility, to provide occupational training, support for apprenticeship, work experience and employment to individuals and services designed to place workers in employment, and to assist States and communities in providing adequate services to individuals and families to overcome problems.

Within the Administrations, support will be provided to permit each Administrator to perform adequate policy planning, evaluation, and management functions for the programs which he will operate.

Management of the new department

Departmental Management functions will be carried out by the Secretary, Deputy Secretary, two Under Secretaries and such additional Assistant Secretaries and staff as the Secretary considers necessary to permit him to manage the Department effectively. The Secretary will concern himself primarily with the priorities and strategy for the Department, with its overall performance and with serving as its spokesman to the President, the Congress and the Public. The Deputy Secretary will assist the Secretary in carrying out his responsibilities and will act in the Secretary's absence. He will concentrate his primary attention on overseeing the operations and management of the Department. All executive management staff will have cross-cutting, department-wide responsibilities assigned to them by the Secretary. Such responsibilities for the Under Secretaries may include policy and managerial and evaluation and field operations. Responsibilities of the Assistant Secretaries may include planning and analysis, congressional relations, fiscal management, and human rights.

Field organization

Regional offices, which conform to the ten standardized Federal regions, will be headed by Regional Directors, appointed by the Secretary. Programs which can reasonably be decentralized for decision-making, such as manpower programs, college housing, and family planning, will be operated under the direction of the Regional Director. In general, these will be grants-in-aid to States, localities and institutions. Policy and program guidance will issue from the Administrators to the Regional Director who will manage their operation through his program staff.

Certain other programs, such as Social Security, will have staff housed in the Regional Offices, but the Regional Director will act in a coordinative capacity with those programs as they have particular impact in his Region. Research programs will be centrally administered by the Headquarters office and the relationship of the Regional Director will be incidental, based entirely on any regional implications which those programs may develop.

Regional Directors will be provided with adequate resources to carry out performance evaluations, planning, management, and to represent the Secretary as the chief Department official in the field.

Budget and manpower

Based on outlays for fiscal year 1971, the new Department would have a 1971 budget of $74.3 billion in budget authority, with 121,679 permanent employees. This includes $50.7 billion in budget authority for the Social Security, Railroad Retirement, and Unemployment Insurance trust funds.

Program continuity

In forming the new Department, consideration has been given to existing organizational units and to individuals presently employed in those units. As the new Department takes form, care will be taken to preserve program continuity and to assure effectiveness in meeting current needs. Savings clauses and hiring policies based on attrition will preserve the rights of those presently employed.

DEPARTMENT OF HUMAN RESOURCES ACT

SECTION-BY-SECTION ANALYSIS

Title I

Declaration of Policy

Section 1. Provides that this Act may be cited as the Department of Human Resources Act.

Section 101(a). Declares that the general welfare of the Nation requires the continuing effort by the Federal Government to promote personal and family well-being of all its citizens. The section also declares that the responsibility for developing the means by which individuals can meet their needs and develop their potential and by which society can meet its common goals is shared by the Federal Government with State and local governments, public and private institutions, and individuals.

Section 101(b). Declares that Congress finds it necessary to establish a Department of Human Resources in order to assure the responsible development and administration of coordinated programs to meet the Federal Government's responsibility set out in the preceding subsection. The Department would bring together those activities of the Federal Government which bear most directly on individual and family well-being.

Section 101(c). Sets forth, in general terms, the functions of the Department.

Title II

Establishment of Department

Section 201. Establishes the Department of Human Resources, provides for the appointment of a Secretary of Human Resources who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202(a). Provide for the appointment of a Deputy Secretary of Human Resources (Level II).

Section 202(b). Provides for the appointment of two Under Secretaries (Level III).

Section 202(c). Establishes within the Department three administrations—Health, Human Development, and Income Security—each headed by an administrator (Level III).

Section 202(d). Provides for the appointment of four Assistant Secretaries and a General Counsel (Level IV). Appointments for positions designtaed in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

Section 202(e). Authorizes the Secretary to appoint not more than 41 additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See section 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

Section 202(f). Provides that officers appointed pursuant to section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provide that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the Office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the Office of the Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order of succession as the Secretary shall prescribe.

Title III

Transfers

Section 301(a). Transfers all the functions of the Secretary of Health, Education, and Welfare, the Department of Heatlh, Education, and Welfare, or any officer or component of that Department to the Secretary of Human Resources unless such function is specifically excluded from the transfer by another provision of the Act. The exclusions are enumerated in section 302(1).

Section 301(b). Transfers to the Secretary all the functions of the Secretary of Agriculture, the Department of Agriculture, or any officer or component of that Department contained in the enumerated statutes, except the authority to declare certain foods as being in abundance. The functions included under this subsection are those now performed by the Food and Nutrition Service, those food inspection programs performed by the Consumer and Marketing Service, those research functions performed by the Agriculture Research Service relating to consumer and food economics, human nutrition, and human resources, and those functions relating to the distribution and donation of food commodities under the statutes enumerated in paragraph (3).

Section 301(c). Transfers to the Secretary all the functions of the Secretary of Labor, the Department of Labor, or any officer or component of that Department contained in the enumerated statutes and executive orders. The functions included under this subsection are those now performed by the Unemployment Insurance Service, Bureau of Employees Compensation (except those programs regarding Federal employees), the Employees Compensation Appeals Board, the U.S. Training and Employment Service, the Bureau of Apprenticeship and Training, the Job Corps, and the Women's Bureau. The programs under the Bureau of Employees Compensation with respect to Federal employees, as well as functions relating to safety programs involving civilian employees of the Federal government, are transferred to the Civil Service Commission by this subsection.

Section 301(d). Transfers to the Secretary all the functions of the Secretary of Commerce, the Department of Commerce, or any officer or component of that Department required to carry out the provisions of the Flammable Fabrics Act and the Refrigerator Door Latch Safety Program.

Section 301(e). Transfers to the Secretary all the functions of the Secretary of Housing and Urban Development, the Department of Housing and Urban Development, or any officer or component of that Department necessary to carry out the college housing program.

Section 301(f). Transfers to the Secretary all the functions of the Director of the Office of Economic Opportunity or any officer or component of that Office contained in the enumerated statutes. The functions included in this subsection are those necessary to carry out the migrant, emergency food and medical services, drug rehabilitation, health (except experimental health), nutrition, manpower training and development, Headstart and Follow-Through, and familly planning, and alcoholic counselling and recovery programs.

Section 301(g). Transfers to the Secretary all the functions of the Railroad Retirement Board, establishes the Board in the Department and requires that the Secretary carry out the judicial and quasi-judicial functions transferred to the Secretary through the Board.

Section 301(h). Transfers to the Secretary all the functions of the President's Committee on Employment of the Handicapped.

Section 301(i). Excludes from the transfers in subsection (a) of section 301 the functions of the Commissioner of Education regarding grants for the construction of public libraries and the Secretary of Health, Education, and Welfare under the Occupational Safety and Health Act of 1970.

Section 301(j). Transfers functions of the hearing examiners of existing Departments to hearing examiners of the new Department.

Section 302. Terminates the requirement for the Secretary to consult with himself when the functions of two or more officials required to consult have all been transferred to him.

Section 303. Preserves existing trust funds while transferring those functions relating to their administration to the Secretary. Because of the consolidation of two board members (the Secretaries of Health, Education, and Welfare and Labor) into one, the President is authorized to appoint a third member. (The Secretary of the Treasury is the other member.) Authority to appoint a Secretary is also provided because the functions of the present Secretary are transferred to the Secretary by section 301(a).

Section 304. Transfers to the Department the commissioned corps of the Public Health Service and assures that no member's rank, grade, or title will be affected because of the transfer.

Section 305. Provides that personnel, personnel positions, assets, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 507 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the

effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312–5316) would not be transferred to the new Department by the Act. Those personnel positions lapse. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 307 of the Act.

Section 306. Provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 305 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause of removal from a Schedule C position. (See section 9(h), DOT Act, 80 Stat. 944.)

Section 307. Persons entitled to compensation under the Executive Schedule (Level I to V) may, under section 307, be employed by the new Department and if that employment is without break in service and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, he will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See section 9(1), DOT Act.)

Title IV

Definitions and Administrative Provisions

Section 401(a). Defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

Section 401(b). Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402(a). Authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to peform functions now or hereafter vested in him. (See section 203(b)(1), NASA Act, 72 Stat. 426; OEO Act. 42 U.S.C. 2942(n); section 9(e)(1), 80 Stat. 944, DOT Act; section 7(d), 79 Stat. 667, DHUD Act.)

Section 402(b). Requires the Secretary to evaluate programs and plan policy.

Section 403(a). Authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See section 7(d) of DHUD Act, 79 Stat. 667; section 9(e) of DOT Act, 80 Stat. 944).

Section 403(b). Authorizes the Secretary to modify the internal organization of the department by creating, altering, renaming, and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the administrations created by section 202(c) of the Act, the Regular or Reserve Corps expressly transferred by section 304 of the Act, or any other organizational units or components which Congress may expressly establish in, or transfer to, the Department by subsequent legislation or which may be transferred to the Department by a subsequent Reorganization Plan. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice.) (See also section 203(b)(8), NASA Act, 72 Stat. 430.)

Section 404. Authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional, district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will permit the Secretary to design and establish the best field office system he can devise to assure effective, expeditious, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisibility of such a change.

Section 405. Is a standard provision authorizing the Secretary subject to the Civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See section 7(c), DHUD Act, 79 Stat. 667).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS–18 of the General Schedule. (See section 7(e) of the DHUD Act, 79 Stat. 667, as amended by section 906 of the Housing and Urban Development Act of 1970, P.L. 91–609).

Section 407. Is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See section 7(e) of the DHUD Act, 79 Stat. 667, as amended by section 905, P.L. 91–609; section 9(o) of the DOT Act, 80 Stat. 944).

Section 408(a). Authorizes the appointment, detail, or assignment of members of the Coast Guard, the commissioned officer corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

Section 408(b). Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

Section 408(c). Provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See section 9(d)(1), DOT Act, 80 Stat. 944).

Section 409. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 410. Authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See section 203(b)(5), NASA Act, 72 Stat. 426).

Section 411. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department. (See section 203(b)(3), NASA Act, 72 Stat. 426).

Section 412. Authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilities and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Management and Budget and with 31 U.S.C. 483a. (See section 9(*1*) DOT Act, 80 Stat. 946, and 15 U.S.C. 1514).

Section 413. Authorizes the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regulations issued by the President. (See 16 U.S.C. 580d).

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386.)

Section 415(a). Authorizes the Secretary to engage in basic and applied research and development and disseminate technology as he may deem necessary to carry out the functions entrusted to him. (See title V, Housing and Urban Development Act of 1970, 84 Stat. 1784; section 9(q), DOT Act, 80 Stat. 947.)

Section 415(b). Authorizes the employment of non-citizens in technical and scientific capacities.

Section 416. Authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with public and nonprofit private organizations and agencies involving matters of mutual

interest and to share the costs of such projects. As noted with respect to section 412, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91–412—Dept. of Commerce.)

Section 417. Authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See section 905(k) of Housing and Urban Development Act of 1970, P.L. 91–609; section 9(m), DOT Act, 80 Stat. 946.)

Section 419. Authorizes the Secretary to prescribe a seal for the Department. (See section 7(g) of DHUD Act, 79 Stat. 667.)

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See section 9(j), DOT Act, 80 Stat. 945; section 7(f), DHUD Act, 79 Stat. 667, P.L. 89–174).

Section 421. Is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year, a statement of goals and an assessment of progress.

Section 424. Authorizes the Secretary, when authorized in an appropriation Act, to transfer funds from one appropriation to another as long as such transfers do not increase or decrease an appropriation by more than five percent. This does *not* permit such transfers unless they are authorized in an appropriation Act.

Section 425. Authorizes the establishment of service funds for each Administration and for the Office of the Secretary. These funds would be used to defray the initial costs of reimbursable services provided to other departments or agencies or to persons, agencies, or organizations outsde the Government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriate Acts.

Title V

Transitional and Conforming Provisions

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof, have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I to V positions. (See section 9(i), DOT Act, 80 Stat. 945).

Section 502. Substitutes the Department of Human Resources for the Department of Health, Education, and Welfare in the definition of "Executive Department" in title 5 of the United States Code.

Section 503. Substitutes the Secretary of Human Resources for the Secretary of Health, Education, and Welfare in section 19(d) of title 3 of the United States Code relating to Presidential succession.

Section 504. Substitutes the Secretary of Human Resources for the Secretary of Health, Education, and Welfare in Reorganization Plan No. 2 of 1970 relating to membership on the Domestic Council.

Section 505. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property, records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization Plans involving interagency transfer of functions.

Title VI

Savings Provisions

Section 601(a). Is a savings clause that continues the effectiveness of all existing contracts, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. Is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be a reference to the Secretary.

Section 604. This is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

Title VII

Separability

Section 701. Is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

Title VIII

Effective Date and Interim Appointments

Section 801. Provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

THE PROPOSED DEPARTMENT OF ECONOMIC AFFAIRS

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Commerce:		
Bureau of Domestic Commerce	861	13
Bureau of International Commerce	1,117	28
Office of Business Economics	302	4
Bureau of the Census	3,475	102
Economic Development Administration (except planning and public works)	375	78
Maritime Administration	1,678	434
Office of Minority Business Enterprise	68	2
Patent Office	2,679	55
National Bureau of Standards (except Product Safety)	3,057	44
U.S. Travel Service	77	5
National technical Information Service	365	4
Office of Foreign Direct Investment	118	2
Regional Action Planning Commission (title V) (business development and technical assistance only)	0	0
Office of Telecommunications	248	0
Departmental Management	700	4
Subtotal	15,120	775
From the Department of Labor:		
Bureau of International Labor Affairs	163	3
Labor-Management Services Administration	725	15
Workplace Standard Administration (except Women's Bureau, and Bureau of Employees' Compensation	2,107	38
Bureau of Labor Statistics	1,660	28
Occupational Health and Safety Administration	560	11
Departmental Management	554	4
Subtotal	5,769	99
From the Department of Agriculture:		
Farmers Home Administration: Farm operating loans	2,655	[1] 579
Farmer Cooperative Service	100	2
Commodity Exchange Authority	170	3
Consumer and Marketing Service (except food inspection programs)	5,125	493
Packers and Stockyards Administration	208	4
Economic Research Service	841	14
Foreign Economic Development Service	126	0
Cooperative Extension Service	275	160
Statistical Reporting Service	1,220	18
Agricultural Research Service (except Human Nutrition and Home Economics Research)	13,553	269
Cooperative State Research Service	92	70
National Agricultural Library	190	5
Commodity Credit Corporation	(2)	[3] 3,592
Agricultural Stabilization and Conservation Service	4,037	512
Export Marketing Service	200	703
Federal Crop Insurance Corporation	645	9
Foreign Agricultural Service	735	26
Departmental Management	1,710	21
Subtotal	31,882	6,480
From the Department of Transportation:		
Federal Highway Administration (motor carrier safety program only)	221	3
National Highway Traffic Safety Administration (motor vehicle safety and alcohol safety programs only)	540	44
Federal Railroad Administration	1,130	48
Federal Aviation Administration	54,261	1,355
Coast Guard [4]	[5] 5,825	618
St. Lawrence Seaway	171	4
National Traffic Safety Board	274	6
Office of the Secretary (except SST program to NASA)	1,732	36
Subtotal	64,154	2,114

See footnotes at end of table.

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Small Business Administration: Entire administration (except nonresident loan program)	4,100	1,300
From the Federal Mediation and Conciliation Service: Entire service	438	9
From the Department of Health, Education, and Welfare: National Institute for Occupational Health and Safety	514	13
From the National Mediation Board: Nonregulatory functions only	60	1
From NASA: Office of Technology Utilization	40	4
From Smithsonian Institution: Science information exchange	0	1
Grand total [4]	[4] 122,077	$10,796

[1] Includes 578 loan level.
[2] In ASCS.
[3] Includes 2,027 loan level.
[4] Plus 39,167 military.

DEPARTMENT OF ECONOMIC AFFAIRS

SUMMARY

Need and Purpose: Wage earners, businessmen and farmers all make vital contributions to the productivity of our economy. The rapid and efficient movement of people, raw materials and finished goods is equally important to the operation of the economy. All of these productive sectors of the economy share alike in the benefits of a growing and dynamic national economy. A healthy, balanced economy is a fundamental national objective to which all sectors contribute and which serves the interests of all Americans.

There is now no single government Department which has a comprehensive concern with the attainment of this national objective. A healthy and balanced economy in the central purpose of the Department of Economic Affairs.

The Case for Reorganization: Over the years many governmental programs have been established which are focused on various aspects of economic life. These programs are distributed among several departments and agencies, frequently on the basis of their relationship to a particular sector of the economy.

To illustrate, there are farm income maintenance programs administered by the Department of Agriculture, export expansion programs in the Commerce Department, programs to promote labor/management harmony and protect worker interests in the Labor Department. The Department of Transportation administers programs to facilities safe and efficient movement of goods and people. Programs administered by the Small Business Administration build and maintain the viability of small enterprises and those owned by minority and other disadvantaged persons.

The dispersal of these and other programs which relate to the total economy has made it extremely difficult to formulate comprehensive national economic policies and programs which recognize the interrelatedness of all economic sectors. For example, the government has widely scattered the responsibility for assisting U.S. agricultural and industrial firms in their overseas operations among seventeen programs in four executive Departments. The consolidation of these programs in the Department of Economic Affairs will permit a more consistent approach in these international economic activities and result in improved service to U.S. firms.

The fragmentation of related economic programs has constituted a major barrier to the development of common field systems which can provide affected citizens with more convenient access to regional officials who have sufficient authority to respond effectively to their needs. The lack of common field systems for related programs also inhibits consistent policies and adequate coordination at field levels. A prime instance of this problem occurs in regard to business loan programs. The Economic Development Administration (Commerce), the Farmers' Home Administration (Agriculture) and the Small Business Administration all make loans to businesses. Instances have occurred in which loan programs in two or more agencies fail to coordinate loan actions in a given geographic area. As a result, loans have been made to two businesses which compete in the same local market that is too small to support both.

Composition of the Department: The Department of Economic Affairs will provide an organizational framework for overcoming the problems arising from fragmentation of related programs and will permit a more orderly, balanced pursuit of our national economic objectives.

The Department of Economic Affairs will be composed of authorities and programs transferred from the Departments of Agriculture, Commerce, Labor, and Transportation and from the Small Business Administration, and other agencies as follows:

From Agriculture: Programs which relate to farm productivity, farm economy stabilization, and the marketing of agricultural commodities domestically and abroad.

From Commerce: Programs which furnish economic, social and technical information support the development and application of technology, assist minority and other disadvantaged firms, facilitate domestic and foreign marketing of U.S. goods, and foster a strong merchant marine.

From Labor: Programs which promote industrial harmony between labor unions and management, assure the well-being of workers and a safe and healthful work environment, provide labor statistics and analyses, and represent the government in international labor matters.

From Transportation: Programs which promote and facilitate balanced, safe, reliable and efficient national systems for the movement of people and economic goals.

From Small Business Administration: Programs to strengthen small business participation in the economy and to assist minority and other disadvantaged persons to participate as owners and managers.

From other agencies: Federal Mediation and Conciliation Service.

Mediation functions of the National Mediation Board.

Technology transfer programs from National Aeronautics and Space Administration and Smithsonian Institution.

Primary Organization: All of the substantive program authorities assigned to the Department, with a few minor exceptions, will be vested in the Secretary. To facilitate effective management, the programs will be grouped into primary Administrations each charged with a coherent and related set of program responsibilities. Each Administration will assure policy consistency, and provide program direction and coordination to its constituent programs. Each Administration will also provide a point of contact and response for citizen groups concerned with its programs.

The organization plan of the Department contains six strong Administrations (organization chart attached). Four of these would provide policy and program coordination to government programs related to four major economic sectors; Business, Labor, Agriculture and National Transportation. The other two Administrations cross economic sectors to provide concentrated policy and managerical attention respectively to programs for gathering and disseminating social, economic and technical information and for supporting U.S. participation in the world market. The six Administrations of the DEA are identified and briefly described below:

Business Development Administration: This Administration has the broad purpose of assisting business to adjust to the changing economic environment. Special assistance will be extended to minority and other businesses less able to compete. Other programs will facilitate the development and application of technolnogy.

Farms and Agriculture Administration: This Administration will be a central point for government programs which assist in the production and marketing of agricultural produce adequate for domestic and foreign needs. Programs for farm income maintenance and agricultural research and extension services.

Labor Relations and Standards Administration: The Administrator of this component will be a spokesman in government for the interests of labor in the formulation of national economic policy. Programs assigned to this Administration will promote harmony between unions and management and insure that workers share in the benefits of economic growth and productivity. Finally, the Administration will be charged with assuring a safe and healthful work environment.

National Transportation Administration: This Administration will be responsible for governmental programs relating to national transportation systems. Its mission is to help assure safe, convenient, economical, reliable and efficient movement of goods and people via air, surface and water carrier. Inclusion of these programs in the Department will assure that national transportation policy is consistent with overall evonomic policy. Transportation programs which have a predominant influence on communities will be transferred to the Department of Community Development.

Social, Economic and Technical Information Administration: This Administration will serve as a central point for the collection, analysis and dissemination of a wide range of economic, social, demographic and technical data. Services will be designed to provide information in convenience form to assist government, business, agriculture, and labor unions in economic planning and technology utilization.

International Economics Administration: This Administration consolidates policy formulation and management direction to Federal programs which foster effective participation by the U.S. in the world's markets. The programs consolidated in this Administration will include those related to industrial, agricultural and labor interests. The Administration will also promote participation of U.S. private capital and skills in the total international economic development effort.

Departmental Management System: The Department of Economic Affairs requires a carefully designed management system in order that the Secretary can effectively direct the Department and be properly accountable for its performance. To help accomplish this goal, a number of significant management improvements are incorporated in the plan. Among these are:

The capability to react to changing needs by assigning to the Secretary the authority to organize and manage the Department internally.

Extensive decentralization of authority and responsibility to regional offices which places the power to act where the problems are best solved in the interest of the public.

Greater flexibility in the use of resources to accomplish program objectives by giving the Secretary discretion to allocate funds within broad appropriations.

Another essential component of the Secretarys management system will be the support

of a strong management team of policy level officials who share his department-wide perspective. This team, including a Deputy Secretary, two Under Secretaries, and the six Administrators will provide the Secretary with strong support in developing and carrying out comprehensive policies and programs to foster a balanced and healthy national economy.

Responsive Field System: A key feature of the Department's management plan is to have a coordinated field system responsive to Secretarial policy guidance and authorized to take final action at the regional level wherever possible.

The Secretary will exercise direct influence and obtain representation at the field level by placing a Regional Director in each of ten Federal regions. These Regional Directors will not exercise direct supervision over the Department's programs in the field. However, they will communicate and interpret policy from the President and the Secretary, help coordinate and evaluate the performance of programs in the field, and respond to the concerns of citizen groups including farm, labor and business leaders as well as State and local officials.

Paralleling this system of Secretarial representation and influence, the Department will move toward a field/headquarters system of program direction which will link the Administrator of each component with his counterpart in the regions.

Summary Budget and Manpower Data: Financial and manpower resources transferred to the Department and assigned to its component Administrations are approximately as follows:

Administration	Fiscal year 1971 Program level (in billions)	Employment
Business development	$1.5	$12,000
Farm and agriculture	5.7	28,800
Labor relations and standards	.1	4,500
National transportation	2.5	105,000
Social, economic and technical information	.2	7,900
International economics	.8	2,400
Federal Mediation and Conciliation Service	.01	500
Grand total DEA	$10.8	161,100

TRANSITION PLANNING AND EMPLOYEE PROTECTION

In establishing the new department, it is planned that initially most of the existing organizational units and programs transferred to the Department of Economic Affairs will remain intact to avoid serious disruption of essential functions or services and avoid uncertainty on the part of the public in making contact with units serving their needs. Changes will be made over time to achieve the maximum potential benefits associated with establishing the new department.

The bill to establish the Department provides for protection of the interests of present officers and employees.

More specifically, no employee will be separated because of the reorganization. In addition, the bill to establish the Department includes a provision that no employee will be demoted as a result of the plan for one year after the reorganization becomes effective. All personnel changes will be governed by present law and Civil Service Commission regulations, with full employee protections and appeal rights. The reorganization will improve the range of opportunities for promotion and career development, as more broadly conceived program management and staff positions evolve in the new department.

DEPARTMENT OF ECONOMIC AFFAIRS ACT—SECTION-BY-SECTION ANALYSIS

TITLE I DECLARATION OF PURPOSE

Section I. Provides that this Act may be cited as the Department of Economic Affairs Act.

Section 101. Declares the purpose of the Act is to establish the Department of Economic Affairs and delineates the mission and objectives of that Department. The mission and objectives of the Department shall be to provide leadership for assuring: full employment with reasonable price stability; effective participation in the world economy; profitable and productive use of economic resources; continuous improvement in America's standard of living; a fair distribution of the benefits of economic growth; and efficient, safe, reliable, and convenient movement of people and economic goods; a stable base to meet national security needs; an adequate supply of food and fiber; a safe and healthful work environment; and increased participation of disadvantaged and small business enterprises.

TITLE II ESTABLISHMENT OF DEPARTMENT

Section 201. Establishes the Department of Economic Affairs, provides for the appointment of a Secretary of Economic Affairs who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202. (a) Provides for the appointment of a Deputy Secretary of Economic Affairs (Level II).

(b). Provides for the appointment of two Under Secretaries (Level III).

(c). Provides for the establishment within the Department of a Business Development Administration, a Farms and Agriculture Administration, a National Transportation Systems Administration, a Labor Relations and Standards Administration, a Social, Economic and Technical Information Administration, and an International Economics Administration, each of which is to be headed by an Administrator. Provision is also made for an Associate Administrator for Federal Aviation and an Associate Administrator for Small Business. The Administrators and Associate Administrators are to be appointed by the President with the advice and consent of the Senate at Level III of the Federal Executive Salary Schedule.

(d). Provides for the appointment of five Assistant Secretaries and a General Counsel (Level IV). Appointments for positions designated in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

(e). Authorizes the Secretary to appoint not more than forty-two additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See Sec. 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

(f). Provides that officers appointed pursuant to Section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provides that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the office of Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order of succession as the Secretary shall prescribe.

TITLE III TRANSFERS

Section 301. (a). Transfers to the Secretary all of the functions of the Department of Agriculture except those enumerated in subsection (b).

(b). Excepts from the transfer from the Department of Agriculture the Forest Service; the Soil Conservation Service; the Rural Electrification Administration; the Farmers Home Administration, except real estate loans to individuals, operating loans, and emergency loans; the Food and Nutrition Service; the meat, poultry and egg products inspection functions of the Consumer and Marketing Service; research in consumer and food economics and in human nutrition, research into water and land resources, and research relating to economic development.

(c). Transfers the Commodity Credit Corporation to the Department.

(d). Transfers the Federal Crop Insurance Corporation to the Department.

Section 302. (a). Transfers to the Secretary all of the functions of the Department of Labor except those enumerated in subsection (b).

(b). Excepts from the transfer from the Department of Labor the Manpower Administration; the Bureau of Employees' Compensation; the Employee Compensation Appeals Board; the Women's Bureau.

Section 303. (a). Transfers to the Secretary all of the functions of the Department of Commerce except those enumerated in subsection (b).

(b) Excepts from the transfer from the Department of Commerce the National Oceanic and Atmospheric Administration; functions relating to State and community public works and development facilities; safety functions with respect to household refrigerators and flammable fabrics; and certain functions with respect to the regional commissions under the Public Works and Economic Development Act of 1965.

Section 304. (a). Transfers to the Secretary all of the functions of the Department of Transportation except those enumerated in subsections (b) through (h).

(b). Transfers the National Transportation Safety Board to the Department.

(c). Transfers the Coast Guard to the Department.

(d). Retains the power of the President to transfer the Coast Guard to the Navy in time of war.

(e). Transfers the functions of the General Counsel of the Department of Transportation under the Uniform Code of Military Justice to the General Counsel of the Department.

(f). Retains the power of the President to transfer the Federal Aviation functions to the Department of Defense.

(g). Excepts from the transfer from the Department of Transportation the functions relating to highways; urban mass transportation; highway safety; functions relating to reasonableness of tolls; and pipeline safety.

(h). Transfers the development of supersonic aircraft to the National Aeronautics and Space Administration.

Section 305. (a). Transfers to the Secretary all of the functions of the Small Business Administration except those enumerated in subsection (b).

(b). Excepts from the transfer from the Small Business Administration the function of making disaster and economic injury loans on residential property.

Section 306. (a). Transfers to the Secretary the functions of the Federal Mediation and Conciliation Service.

(b). Transfers to the Secretary the functions of the National Institute for Occupational Health and Safety.

(c). Transfers to the Secretary the non-regulatory functions of the National Mediation Board.

(d). Transfers to the Secretary the functions of the Science Information Exchange of the Smithsonian Institution.

(e). Transfers to the Secretary the functions under the rural loan program of the Office of Economic Opportunity.

(f). Transfers to the Secretary the functions of the Technology Utilization Office of the National Aeronautics and Space Administration.

Section 307. (a) Transfers functions of the hearing examiners of the existing Departments to hearing examiners of the new Department.

(b) Terminates requirement that the head of one department or agency obtain approval of the head of another department or agency where the functions of both are transferred to the new department.

Section 308. Provide that personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 507 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312–5316) would not be transferred to the new Department by the Act. Those personnel positions would lapse. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 310 of the Act.

Section 309. Provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 308 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause or removal from a Schedule C position. (See Sec. 9(h), DOT Act, 80 Stat. 944).

Section 310. A person entitled to compensation under the Executive Schedule (Level I to V) may, under section 310, be employed by the new Department and if that employment is without break in servicce and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, he will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See Sec. 9(1), DOT Act, 80 Stat. 945).

TITLE IV DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. (a). Defines "function", functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

(b). Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto as now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402. (a). Authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him. (See Sec. 203(b)(1), NASA Act, 72 Stat. 426; OEO Act, 42 U.S.C. 2942(n); Sec. 9(e)-(1), 80 Stat. 944, DOT Act, 80 Stat. 944; Sec. 7(d) DHUD Act, 79 Stat. 667).

(b). Directs the Secretary to engage in such policy planning and program evaluation as will promote efficient administration of the Department and assess progress toward the achievement of its mission.

Section 403. (a). Authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See Sec. 7(d) of DHUD Act, 79 Stat. 667; Sec. 9(e) of DOT Act, 80 Stat. 944).

(b). Authorizes the Secretary to establish and modify the internal organization of the department by creating, altering, renaming and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the "Administrations" created by section 202(c) of the Act, or any other organizational units or components established in, or transferred to the Department by, this or any future Act or Reorganization Plan. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice.) (See also Sec. 203(b)(8), NASA Act, 72 Stat. 430).

Section 404. Authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional, district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will permit the Secretary to design and establish the best field office system he can devise to assure effective, expeditious, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisability of such a change.

Section 405. Is a standard provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See Sec. 7(c), DHUD Act, 79 Stat. 667).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS–18 of the General Schedule. (See Sec. 7(e) of the DHUD Act, 79 Stat. 667, as amended by Sec. 906 of the Housing and Urban Development Act of 1970, P.L. 91–609).

Section 407. Is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See Sec. 7(e) of the OHUD Act, 79 Stat. 667, as amended by Sec. 905, P.L. 91–609; Sec. 9(o) of DOT Act, 80 Stat. 944.)

Section 408. (a) Authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, and the commissioned Regular or Reserve Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

(b) Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

(c) Provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this Section. (See Sec. 9(d)(1), DOT Act, 80 Stat. 944.)

Section 409. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229.)

Section 410. Authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See Sec. 203(b)(5), NASA Act, 72 Stat. 426.)

Section 411. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department (See Sec. 203(b)(3), NASA Act, 72 Stat. 426).

Section 412. Authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilites and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school-age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Budget and Management and with 31 U.S.C. 483a. (See Sec. 9(1), DOT Act, 80 Stat. 946, and 15 U.S.C. 1514).

Section 413. Would authorize the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regula-

tions issued by the President. (See 16 U.S.C. 580d).

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386).

Section 415. Authorizes the Secretary to engage in such basic and applied research and development projects and dissemination of information as he may deem necessary or appropriate. (See Title V, Housing and Urban Development Act of 1970, 84 Stat. 1784; Sec. 9(q), DOT Act, 80 Stat. 947).

Section 416. Authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorized the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. As noted with respect to section 412, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91–412—Dept. of Commerce).

Section 417. Authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See Sec. 905(k) of Housing and Urban Development Act of 1970, P.L. 91–609; Sec. 9(m), DOT Act, 80 Stat. 946).

Section 419. Authorizes the Secretary to prescribe a seal for the Department (See Sec. 7(g) of DHUD Act, 79 Stat. 667).

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See Sec. 9(j), DOT Act, 80 Stat. 945; Sec. 7(f), DHUD Act, 79 Stat. 667).

Section 421. Is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make it clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year.

Section 424. Authorizes the Secretary, when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five percent. This does *not* permit such transfers unless they are authorized in an appropriation act.

Section 425. Authorizes the establishment of service funds for each Administration and for the Secretary. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I–V positions. (See Sec. 9(i), DOT Act, 80 Stat. 945).

Section 502. Substitutes the Department of Economic Affairs for the Department of Agriculture and deletes the Departments of Commerce, Labor, and Transportation in the definition of "Executive Department" in Title 5 of the United States Code.

Section 503. Substitutes the Secretary of Economic Affairs for the Secretary of Agriculture and deletes the Secretaries of Commerce, Labor, and Transportation in section 19(d) of Title 3 of the United States Code relating to presidential succession.

Section 504. Substitutes the Secretary of Economic Affairs for the Secretary of Agriculture and deletes the Secretaries of Commerce, Labor, and Transportation in Reorganization Plan 2 of 1970 relating to membership on the Domestic Council.

Section 505. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property, records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization plans involving inter-agency transfer of functions.

TITLE VI SAVINGS PROVISIONS

Section 601. (a). Is a savings clause that conitnues the effectiveness of all existing contracts, determinations, rules, regulations. permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. Is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be references to the Secretary.

Section 604. This is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

TITLE VII SEPARABILITY

Section 701. Is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801. Provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

Mr. PERCY. Mr. President, I am happy to yield to the distinguished Senator from Connecticut, who is the chairman of the Subcommittee on Executive Reorganization of the Committee on Government Operations and the principal cosponsor of this monumental measure.

Mr. RIBICOFF. One of the great problems we face in the executive branch, in Congress and in the country is that we are so concerned with the day-to-day problems which press upon us that we give too little attention to the overwhelming problems that will confront this Nation in the future. We have an obligation, since we are proposing such a monumental reorganization, to assure that we are setting up a governmental structure that is suited to handle the problems of the future.

I would expect that in the hearings, the Members of Congress and the public will have their own ideas as to reorganization and as to the proper priorities for the country.

Knowing our committee, those of us on it are most anxious not only to cooperate with the President but also to assure that independently, from our own experiences, we will come up with proposals that we believe will move the country forward and accomplish a much more effective and efficient Government.

I look forward to the hearings, but results will not come overnight. When we reorder a government the size of the United States, there are many things to consider.

I look forward to working with the distinguished Senator from Illinois and members of the executive branch and will try to present to this body reorganization legislation that will be meaningful for the future of the Nation.

Mr. President, I am pleased to join the senior Senator from Illinois in cosponsoring legislation to reorganize the seven domestic program departments into four new super-Cabinet posts.

The President deserves great credit for proposing this monumental restructioning of the executive branch. Never before in our history has such a massive reorganization of domestic departments been presented.

I have long believed that the Federal Government needs a drastic overhaul. The present departmental organization has resulted in uncoordinated planning, piecemeal programs, and administrative chaos.

This is a critical time in our Nation's history. In recent years new programs have been oversold to the American people, and then have failed to meet their stated goals. The public has become disillusioned and dissatisfied with Government and lacks confidence that we can solve our social and economic problems.

Therefore, one of our central tasks must be to restore confidence in Government. Reorganization of the executive branch is a vital step in this direction which will allow us to change the way we do things, and to do them better.

These bills should be the subject of full and complete hearings. We will want to examine not only this legislation, but also every reasonable alternative. One of these alternatives, for example, is establishment of a separate Department of Education. On Monday, I will introduce a bill for such a Department which, I believe, deserves serious consideration.

Undoubtedly, the hearings will produce many other constructive suggestions for changes, improvements and substitutes for the President's legislation. We should consider all these ideas with an open mind.

In the next 30 years, our country will face a myraid of difficult problems. By reorganization, we have an opportunity to structure our Government to meet these challenges. ue must ensure that the reorganization bills we adopt will solve the problems of the future, not merely correct the mistakes of the past.

Mr. PERCY. Mr. President, at this time I yield to my distinguished colleague from New York.

Mr. JAVITS. Mr. President, there have been introduced into the Senate today, on behalf of the administration, the four bills which constitute the President's proposed reorganization of the Federal executive branch.

I join as a cosponsor of these bills as ranking minority member of the Executive Reorganization Subcommittee of the Senate Government Operations Committee.

I am very pleased that these bills are not on a take-it-or-leave-it basis. They are not reorganization plans; they are proposed laws. I have no doubt they will be amended. Indeed, I reserve my judgment and the right to introduce amendments, certainly in the area of human resources.

Our people are rightly concerned about the failure of our governmental structures to fit todays needs. Many of the findings of the President's Commission on Executive Reorganization validate and support that concern.

Therefore, I strongly support the general objectives of the Commission which simply and concisely stated is to make our Federal system works more effectively. Related functions of Government should indeed be brought together in order to bring about more effective and efficient management of our Federal programs.

I believe that the President's proposals will generate a constructive and far reaching discussion on the best way to organize the domestic activities of the Federal Government. I therefore intend to reserve judgment on the details of the proposed legislation especially as to Human Resources, and to contribute my own views and amendments on this subject from time to time.

As ranking minority member of the Senate Labor and Public Welfare committee, I have a particular interest in the proposed reorganization of the Department of Health, Education, and Welfare into the Department of Human Resources. My interest and legislative record in this area has long been established. I therefore intend to go over this particular proposal most carefully and reserve the right to propose such amendments as may be proper.

Certainly, the President has been bold and proposed a major plan to make the Federal Government more efficient. It will engender enormous debate. I have joined in cosponsoring these bills as the ranking minority member of the subcommittee because I wish to stimulate this debate and arrive at a conclusion in this matter. The Government very definitely needs reorganization in several areas, and that is the central thrust of these bills.

Mr. PERCY. I now yield to my colleague from Utah.

Mr. MOSS. I thank the Senator from Illinois for yielding, and congratulate him on introducing these measures today.

Mr. President, on the first of March, I reintroduced a bill which I originally presented in the 89th Congress. Its purpose is to establish a Department of Natural Resources and Environment.

Today I am pleased to cosponsor bills sent up by the Nixon administration which have the same worthy objective.

I have chosen to place my name on this legislation even though there are some differences in content from the bill I have introduced. The two major differences are:

First. Under the Moss proposal, the Department of Natural Resources and Environmental includes the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticides Office, and Radiation Office. The administration proposal, on the other hand, retains EPA as constituted under Mr. Nixon's reorganization plan of last year.

Second. The Moss proposal places the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the administration proposal places both in Natural Resources.

And there are several other, less important variations.

But these differences are less significant than the fact that the President's proposal affords us the opportunity to bring about—during this Congress—a major reorganization which I have long sought, and which I believe essential to the conservation and balanced use of our natural resources.

For at least three decades, farsighted Americans have urged taking this step. During these years, we have witnessed amazing changes in our country—changes which have added enormously to our wealth and power. But the quality of the environment has remorselessly deteriorated.

The Congress has responded to this crisis by enacting a long list of resource development and conservation bills. But we have been unwilling to take the giant step necessary to bring about a truly rational organization of the Federal resource agencies.

The need for such organization, and for stronger leadership in this field has been conceded. And there has been a slow evolution of the agency structure in the right direction. The Department of the Interior has evolved into an organization chiefly concerned with management, protection, and administration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and the promotion of outdoor recreation opportunities.

The recent Secretaries—Udall, Hickel, and Morton—have regarded their organization as a resources department. But many resource functions of great magnitude have remained outside Interior. The Secretaries have lacked the authority and the designated responsibility necessary to exercise the required leadership. They have been generals commanding only half of the troops; the other half have been commanded by different officers in other parts of the field.

Our present task, and our opportunity, is to establish the basic organization which has so long been advocated.

While the proposed Department of Natural Resources is but one of four reorganization plans which President Nixon has sent to Capitol Hill. In the administration's view they may all be equal; in mine this one is more equal than the others. The other three may be valuable as a matter of governmental efficiency; this one is a matter of survival. The other three deal with the nuts and bolts of Government; this one deals with the stuff upon which life depends—the God-given natural environment.

We confront one of the most difficult tasks ever faced by a nation: On the one hand we must provide the raw materials—minerals, food, timber, fuels—to assure a desirable rate of economic growth; on the other, we must reverse the tide of environmental deterioration. To state the problem in other words: if we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life giving environment.

Will the technological and political genius of the American people be equal to the task of providing both development and conservation? If not, American society as we have known it will pass into oblivion.

As they become familiar with the details, the American people will wholeheartedly support this reorganization. Certainly those of us who stood for reelection last year know how worried our citizens are over the state of the environment; and every public opinion poll on

issues shows pollution high on the list. Our people want the environment cleaned up; some go so far as to advocate closing down major industrial establishments unless their contamination of air and water is virtually eliminated.

The establishment of a Department of Natural Resources and Environment is not, of course, a final answer to this problem. But it is an essential step in the direction we must take.

Passage of legislation of this type will enable one executive department to coordinate, at the levels of Under Secretary and Secretary, the activities of most agencies dealing with natural resources. It will enable the President, the Congress, and an executive department to evaluate effectively the Nation's resource requirements and the investment needed to meet them. It will make possible provision of the data and the management structure on which long-range planning can be based. It will enable us to consider with sufficient leadtime the raw material requirements of our industries.

It will, I believe, put more skill and more energy behind our efforts to control pollution.

It will provide coordinated administration of farflung resource programs. It will make it easier for the States, counties, and cities to carry out their expanding responsibilities in the natural resource field.

One reason we have not taken this step before, I believe, has been our reticence to disturb agencies with long, honorable, and efficient traditions of service; agencies which have, in their separate fields, performed admirably.

But just as our young Nation could not survive as separate colonies linked through the Articles of Confederation, so our scattered resource agencies—linked through coordination acts and interagency committees—are inadequate to the task of conserving the environment of an advanced industrial nation.

The issue is squarely up to us. The President has done his part. As we are fond of pointing out, it is here on Capitol Hill where national policy is made by the representatives of the people. Mr. President, I believe the judgment of history will be harsh indeed should we now fail to give this matter the diligent attention it demands.

Mr. PERCY. I thank my distinguished colleague. I yield now to the Senator from Tennessee.

Mr. BROCK. I thank the Senator for yielding. I take this opportunity to congratulate him for again demonstrating the quality of leadership which has made him an outstanding Member of this body, and to add my voice in support of this action.

Mr. President, the Federal bureaucracy has miserably failed to effectively meet the needs of our rapidly changing society. The President's plan to reorganize the executive branch is the first step toward making this Government of ours receptive and relevant.

The time for reform is now, because the American people are eager to see this federal system work and they are not going to tolerate a Congress that stalls such a basic improvement.

There has not been serious debate on the organization and management of the executive branch in two decades.

Yet, in this time the number of departments has increased from nine to 12 and the number of domestic programs has increased tenfold to nearly 1,400.

Over the years, we have patched together a self-regenerating Frankenstein that blunders along, devouring tax dollars and spitting out programs that compete with other programs.

As an example of this, our campus task force discovered that there are more than 500 programs in a variety of agencies with an impact on youth. Is it any wonder that our young people do not know where to turn?

Is it any wonder they are frustrated. And the frustration of our young people is not all that different from a black in Cleveland or a George Wallace voter in Gary, Ind.

They are all saying that they no longer have a voice—that no one in Government is listening.

And they are right, because as our executive branch has grown in size and complexity, it has lost contact with the people.

Americans have had it with a Federal Government that is of the government, by the government, and for the government.

They are demanding, and justifiably so, a government that is of the people, by the people, and for the people.

I firmly believe that the reorganization plan offered today is the first vital step in reaching this objective.

I thank the Chairman for yielding.

Mr. PERCY. I thank my distinguished colleague, who is a very valued member of the Committee on Government Operations.

I yield to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join as a cosponsor of the proposed legislation designed to implement President Nixon's bold and far-reaching program to restructure the executive branch of the Government.

For nearly 200 years, the Nation has been creating new agencies and departments, often with scant regard for function, jurisdictional lines, and structural efficiency. We have piled layer upon layer in this topsylike expansion until the Federal Government has mushroomed into a bureaucratic, unmanageable maze.

Westerners realize only too well that we in the public land States have several Federal agency overlords in such vital areas as land and water resources, and frequently we are confronted with conflicting policies emanating from competing agencies and departments, each protectively jealous of its prerogatives and its staked-out domain.

Nearly a score of agencies operate in the field of water resources, and frequently three major, costly planning efforts will be underway in a single drainage basin. This all leads to petty and time-consuming conflicts of agency interest and results in frustration and loss of time and money to taxpayers.

One thing some people do not appreciate is that each time a new agency or new department is created, a large, permanent, and ever-expanding payroll is added to the costs of Government. In his message, President Nixon recommended reducing seven departments to four, and consigning to those compressed four departments some hitherto independent agencies. Think of what this means in the potential for eliminating scores of highly paid Under Secretaries, Assistant Secretaries, Bureau Chiefs, and assistants to all of those high-level functionaries. I would hope we could reduce Federal employment by at least 10 percent and increase Federal efficiency by 50 percent.

We must streamline the Government, increase efficiency, and reduce costs. This is a man-sized challenge President Nixon is giving to the 92d Congress, and I hope Congress rises to meet it in the best traditions of bipartisan government.

Of course, having watched the bureaucratic mayhem and logrolling when attempts have been made in the past to transfer one established agency or to reorganize just one department, I know that a structural reorganization of this scope is sure to result in prodigious efforts to maintain the status quo. Entrenched interests and bureaucracies resist change, even though individuals affected will concede that it is for the good of the program and the country. But after the in-fighting and the nitpicking are over, I believe that all concerned will recognize that these basic proposals make sense and that it is high time to adapt our outmoded, patched-up governmental structure to fit the needs of today.

I am glad that President Nixon is young enough in his thinking and bold enough in his style to propose a revolutionary change of this magnitude in governmental structural organization. He is stamping himself as a courageous activist in the mold of another great Republican leader, Teddy Roosevelt, and I am pleased to enlist in the ranks of those who support his war on the status quo and against the deadening hand of duplicating, overlapping bureaucracy.

Congress must fulfill its legislative role by examining and improving upon the legislation which we introduce today. Congress must not be a rubber stamp, but I hope it will not be an apathetic sponge or a barrier against new ideas.

Mr. PERCY. Mr. President, I am most grateful to the Senator from Idaho, whose judgment is always incisive and helpful, and whose support of these measures will be extremely meaningful, not only to the administration but also to the many cosponsors that this measure has received.

I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I rise today in support of President Nixon's efforts to recapture the destiny of a governmental system which presently is failing to fulfill its promises. Our Government's organizational maze has created a system which is unresponsive to constituents, to Senators, and Congressmen, and to a lesser degree even to the President of the United States.

The mechanics of our present organization fragment and scatter Federal

responsibility to such an extent that most citizens have lost confidence in its ability to govern. Today's Federal bureaucracy reminds me of a good apple tree left untended. As a young tree it promised much but as it grew, additional branches developed in a haphazard fashion. The branches of the Departments of the Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation grew and sent off bureaus, offices, and divisions in a piecemeal fashion dictated by immediate needs rather than by long-term purposes and goals.

The maze of branches and twigs has grown to such unworkable proportions that a person seeking information about a specific education program must search among nine different Federal departments and 20 independent agencies. It is estimated that as many as 1,500 separate Federal grant programs exist. A good indication of the present confused state of our Government is the fact that we need approximately 850 interagency advisory councils to coordinate similar programs in different agencies, divisions, and bureaus. A matter which is particularly galling to me is that in addition to the numerous interagency councils, we have also created approximately 1,400 public advisory councils, which while generally composed of talented well-meaning people, are largely nonactive and/or ineffective.

As with apple trees, once the bureaucracy reaches a certain size, further growth causes only more branches and twigs while producing smaller apples. All of the additional time, effort, and money are spent on administrative functions. We must stop creating branches for new methods and different approaches to similar subjects because all we are producing is large trees.

President Nixon's governmental reorganization plan realizes that we must be organized according to purposes and goals. If our purpose is to raise apples, we must prune the tree back to a manageable size and cut out all of the unnecessary branches, twigs, and dead wood. Our efforts to produce good apples or responsive Government should be geared to that purpose and not wasted on producing unnecessary organizational twigs and branches.

President Nixon has already prepared the soil for raising good apples. His revenue-sharing bills have not only created the climate for a more responsible, more approachable form of government; he has also set up special revenue-sharing machinery which would consolidate similar programs from different agencies, bureaus, and offices into one broad purpose-oriented delegation of power. To further insure good apples, less branches, and better government, President Nixon moved, in the early months of his administration, to establish common regional boundaries and regional headquarters for certain domestic departments.

President Nixon has presented Congress with a reorganization plan which is not a spur of the moment inspiration, but a plan representing the culmination and consolidation of reorganizational reports prepared under Republican and Democratic administrations since 1937. I urge all of my colleagues to support President Nixon's reorganization plan so we can stop thinking about producing trees and start thinking about raising apples.

Mr. SAXBE. Mr. President, the question of how to reorganize the Government to better meet the needs of the people, has been studied and surveyed by commission and committee for at least 30 years. But these reports and recommendations have been largely ignored and forgotten. Today we are reversing that trend of inaction by introducing legislation to implement President Nixon's proposal for governmental reorganization. I am happy to support this move, and I join Senator PERCY as a cosponsor of these four bills.

The President's proposals, which, of course, do not pretend to be final, do make sense. There has been makeshift tinkering with the governmental machinery to enable it to sputter along. But even good men and seemingly limitless funds cannot make an anachronism purr. It is time for a major overhaul.

As the President pointed out in his reorganization message, we are still using the same basic organization chart that we have used for decades. We have dealt with methods and subjects rather than purposes and goals. Therefore, the President, through these four bills, proposes to reorganize the executive branch around broad and farsighted goals rather than narrow, nearsighted expediencies.

The Department of Natural Resources would bring together myriad environmental responsibilities now scattered through Government. The Department of Community Development would pull together the many-faceted Government effort to improve city life. The Department of Human Resources would consolidate the fragmented governmental attempt to help individuals. The Department of Economic Affairs would eliminate the compartmentalization of activities affecting a closely interlocked economy.

Such reorganization would stimulate interdepartmental coordination and would eliminate the present overlapping and inefficiency. Such a program, that compresses seven departments into four, that shrinks bureaucracy, that slashes redtape, deserves the careful consideration of this body. It is time to streamline and overhaul our tired and worn bureaucratic machine.

Mr. ROTH. Mr. President, it is a great honor for me to join with the senior Senator from Illinois (Mr. PERCY) and other Senators in cosponsoring four bills to carry out the purposes of President Nixon's bold program for the reorganization of the executive branch of the Federal Government.

While it is certainly understood that the bills presented today will be subject to careful review and refinement by the appropriate committees of the Congress, I applaud the President for his imagination and foresight in proposing such a sweeping plan to bring some semblance of order into the structure of the executive branch. As he indicated in his message to the Congress on March 25, 1971, the major cause of the ineffectiveness of Government is not a matter of men or of money; it is principally a matter of machinery.

Here in these four bills the President proposed to do something about the machinery of Government. It is proposed to reorganize the functions of eight great departments of the Federal Government which were organized over the years to respond to a specific area of needs and to realine them into four departments of a more functional nature.

This does not simply involve shuffling desks and people from one building to another, passing out a few new titles, and redrawing the Government organization chart. If that is all that were involved it would not have my support.

What the President's plan does is to restructure the Federal organization in order to make it more responsive to the needs of our people today. It does this by ending the fragmentation of power to act which presently exists, by eliminating the overlapping programs, agencies, and personnel which contributes so greatly to the frustration of our citizens in attempting to deal with their Federal Government, and by simplifying the structure of the programs themselves.

I was made painfully aware of the massive bureaucratic maze which exists in the Federal Government shortly after I began serving in the House of Representatives in 1967. After a very intensive study by my staff and myself, we found that no one, anywhere, knew exactly how many Federal programs there are; we found that there is no central place where people could go to find information on all operating programs; we found, in fact, that we could not even find a definition of the word "program" as it is used to describe Federal Government activities.,

These facts were recognized by President Nixon in his recent message on Government reorganization when he said:

> The programmatic jumble has already reached the point where it is virtually impossible to obtain an accurate count of just how many Federal grant programs exist.

He then went on to indicate that "some estimates go as high as 1,500"; but no one really knows.

My own efforts in this area have convinced me, as the President has no doubt been convinced, that a general restructuring of programs and agencies of the Federal Government is no longer simply desirable, but absolutely essential.

Again I commend the President for his foresight and initiative. As a member of the Government Operations Committee, I look forward to working with the administration and other Members of the Senate in an effort to arrive at acceptable and workable legislation to bring about these necessary reforms.

By Mr. STEVENSON:

S. 1435. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, I introduce for appropriate reference a bill to amend the Communications Act of 1934 so as to prohibit the closed-circuit TV broadcast of any sports event to a paying audience outside the home, except when the FCC determines that it is not commercially feasible for the event to be broadcast on free TV.

No event in recent memory points up the need for this bill more than the recent championship fight between Joe Frazier and Muhammad Ali. The promoter of the fight said that it was "more than just a famous boxing match—it is one of the great entertainment events in history."

Perhaps it was—for the 19,500 persons who paid up to $150 each to watch the fight live in Madison Square Garden and for the 1½ million viewers who watched the fight in theaters all across the country at prices ranging from $10 to $30.

But for the Nation's 118 million other sports fans, the main event was a quasi-event—something that could be read about the next morning, but which could not be seen while it happened. Invalids missed the fight, as did people who could not afford the price of a ticket. Because the Defense Department refused—rightly in my judgment—to pay the $500,000 demanded by the promoters, our men in Vietnam missed the telecast, too.

The promoter explained why the home TV audience was denied access to the fight with this forthright statement:

> We're in this for the profit, and we're merchandising this fight like a fight has never been merchandised before.

The merchandising effort was a spectacular success; the $20 million gross will undoubtedly leave a handsome profit even after Frazier and Ali receive $2.5 million each for their night's work.

The financial implications of this fight are likely to excite greater activity on the part of sports promoters. It has been predicted that within 5 years the super bowl will be broadcast on closed-circuit TV, with a prospective gross of $48 million. Other major sports events—the world series, the basketball and hockey playoffs, the Kentucky Derby—could likewise disappear from home television screens.

I recognize that this may be very good for the promoters, but the central fact about closed-circuit theater TV is that it is closed. It is not necessary to shut out the public at large to assure fair compensation for those who promote and compete in sports events. Home television offers ample opportunities for financial rewards to those involved and also offers the American people easy access to national sports events.

Closed-circuit theater TV raises other problems: overselling; ticket scalping; and the crowd control problems created when transmission fails at a crucial moment, as it did in Chicago before the Frazier-Ali fight.

Under existing law, the FCC cannot regulate sports promoters or closed-circuit television operations. The profit motive determines the format in which sports events are staged. This bill, introduced in substantially the same form by Representative ASPIN in the other body, recognizes the greater interest of the television viewing public. It would prohibit closed-circuit TV coverage of sports events, except when the FCC concludes that broadcasts to home TV viewers are not commercially feasible. The bill would, therefore, effectively encourage free television coverage of sports events for the American public.

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

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

S. 1435

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 "Fair Sports Broadcasting Act."

SEC. 2. Title III of the Communications Act of 1934 is amended by redesignating parts III and IV as parts IV and V, respectively, and by inserting after part II the following new part:

"PART III—CLOSED-CIRCUIT TELEVISION

"RESTRICTION ON SPORTS PRODUCTIONS

"SEC. 371. (a) For purposes of this section, the term 'closed-circuit television production' means any television production which is intended to be viewed principally by an audience outside the home and for which there is an admission charge.

"(b) (1) No person may present any sports event to the public by means of a closed-circuit television production, except when the person proposing to so present such event has applied to the Commission to present such event, and such application has been approved by the Commission in accordance with subsection (2) of this section.

"(2) The Commission may approve an application to present a sports event by means of a closed-circuit television production only if the Commission is satisfied (A) that the rights to broadcast such event have been offered on reasonable terms to an adequate number of television networks or licensees (or their representatives) and (B) because of lack of interest on the part of the public, it is not commercially feasible for the event to be presented to the public by means of a broadcast for which no charge is made to the broadcast audience. Such approval shall be subject to such terms and conditions (including conditions with respect to any admission charge) as the Commission may prescribe in the public interest.

"(d) The Broadcast Bureau of the Commission shall administer the provisions of this section.

"(e) The Commission may prescribe such regulations as may be necessary to carry out this section."

SEC. 2. The amendments made by the first section of this Act shall take effect on the thirtieth day after the date of enactment of this Act.

By Mr. ERVIN (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CHURCH, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. INOUYE, Mr. HRUSKA, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. McGEE, Mr. McINTYRE, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, Mr. HUMPHREY, Mr. MUSKIE, and Mr. HATFIELD):

S. 1438. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

PROTECTION OF CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES—TO PREVENT UNWARRANTED INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, on behalf of myself and 50 cosponsors, I introduce, for appropriate reference, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

The other cosponsors of this proposal are: Senators BAYH, BENTSEN, BIBLE, BROOKE, BURDICK, BYRD of Virginia, CHURCH, COOK, DOLE, DOMINICK, EAGLETON, FANNIN, FONG, GOLDWATER, GRAVEL, GURNEY, HANSEN, HATFIELD, HRUSKA, HUMPHREY, INOUYE, JORDAN of North Carolina, JORDAN of Idaho, McGEE, McINTYRE, MAGNUSON, MATHIAS, METCALF, MILLER, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PACKWOOD, PEARSON, PERCY, PROUTY, PROXMIRE, RANDOLPH, SCOTT, SPARKMAN, SPONG, STEVENS, TAFT, TALMADGE, THURMOND, TOWER, TUNNEY, and WILLIAMS.

This is the third Congress to consider this proposal. It has been twice passed by the Senate, first as S. 1035 in the 90th Congress on September 13, 1967, by approval of 90 Members, and then as S. 782 in the last Congress, on May 19, 1970, by unanimous consent. Each time, despite widespread support from the public, from employees, and from Members of Congress, it has failed in the House Post Office and Civil Service Committee. The bill introduced today is identical to S. 782 as passed by the Senate last year with committee amendments.

The purpose and background of this measure is spelled out in Senate Report No. 873 of the 91st Congress which describes the hearings before the Constitutional Rights Subcommittee on complaints we received about privacy invasions.

The purpose of this bill is to prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; or submit to question-

ing about their religion, personal relationships or sexual attitudes, through interviews, psychological tests, or polygraphs. It prohibits requirements that employees attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; support political candidates, or attend political meetings.

It makes it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits requirements that he disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It accords the right to a civil action in a Federal court for violation or threatened violation of the act.

Finally, it establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

I and the other sponsors of this measure share the conviction that the early passage of the bill, this time by both the Senate and the House, will demonstrate the truth of Victor Hugo's observation that greater than the tread of mighty armies is an idea whose time has come.

The American people have made it clear that the time has indeed come for congressional action to protect them from governmental interference with their enjoyment of personal privacy and other constitutional rights.

During recent hearings before the Constitutional Rights Subcommittee, we have received reports of well-meaning, but unwarranted surveillance of lawful citizens, of blacklists, of data banks without proper controls, of the misuse of computers and microfilmed records, and other incursions into private lives of people without sufficient cause.

All across our land, private citizens and Government officials alike are awakening to the fact that they must seize control of the information systems and the new technology to assure due process of law. They are realizing that if our society is to remain a free one, they must continuously monitor the exercise of any governmental power which can infringe upon the first amendment rights of all individuals.

Although the privacy of private citizens is receiving increasing legislative attention, the liberties and privacy of citizens who work for Government have generally remained in unique isolation from such concern. More than most Americans, the employees of the Federal Government understand the adverse effects on liberty of some of the trends abroad in our land today. Probably no other group of citizens has been so subject to governmental monitoring, investigation and evaluation of their private lives. They have been analyzed, computerized, criticized, and all too frequently, tyrannized. Some of this data-gathering on employees and applicants is both necessary and desirable, and is pursued in a worthy cause such as determining suitability for employment or for handling national security information or for promoting better personnel management. On the basis of subcommittee studies, however, it is my opinion that a goodly portion of the data-gathering and surveillance goes far beyond the needs of Government and is prompted by the mere curiosity of some Government officials or by the political motives and concerns of whatever administration is in power at the time.

Since they are, in a sense, a captive group, easily identified, and susceptible to economic coercion to surrender their privacy, employees of Government are subjected more than most citizens to Federal management experiments with all of the latest fads in psuedo-scientific instruments and methods for measuring the "total man," for predicting human behavior, and for attempting to manipulate the emotions and the faculties of individuals in order to guide their thought processes.

They are subjected to the changing fashions in follies of supervisors who are bent on achieving some favored personal or management goal through bizarre short cuts or circumvention of established systems for protecting employee rights.

The individual's access to the courts on such matters has been limited, and any administrative remedies have been subject to changing executive orders or agency directives. Employees are confronted with orders that they are not to communicate with Members of Congress and they are restricted in their dealings with personnel officers for resolving their problems.

For all of these reasons, employees do not always enjoy due process, privacy, and other rights equally with all other citizens.

Recently, as the Federal Government has seized larger and larger chunks of the economic sector, citizens who work for it have been subjected to economic coercion to surrender their liberties for purposes which have no reasonable relationship to the needs of Government. These liberties do, however, have a significant relationship to the health of our free society. If over 3 million Federal employees and their families can be forced to surrender them without any recourse to the courts, then they can be surrendered by millions of State and local employees. Since the attitudes and practices of the Federal Government are emulated by private industries and organizations, the injustices and tyrannies against employees ignored by Congress today may spell the destruction of the basic liberties of all citizens tomorrow.

This bill does not begin to cure all of the injustices and petty tyrannies to which employees are subject. Rather, it establishes judicial and administrative remedies for certain violations of first amendment rights of the citizen who may apply for Federal employment or who may work for Government.

It is designed to protect that individual in the enjoyment of his freedom of conscience, of his right to speak or not to speak about certain personal matters; of his right to participate or not to participate in the political, economic, and social life of his community free of pressure from the Civil Service Commission or from his supervisor.

It assures that employees may keep to themselves what they believe or feel about religion, sex, or family relationships or what they do or do not do in their private lives, that is unrelated to their jobs. It assures also that they will never be forced as free citizens to become the unwilling instruments for imposing unauthorized political, social or economic goals of some administration which happens to be in power at the time in Washington.

In an era dominated not only by scientific technology but by the need for rapid and efficient decision making on a grand scale, this proposal is a means of reconciling the needs of Government with the individual's right to retain certain areas of his thoughts, beliefs, words and actions, free of unwarranted governmental interference.

Such legislation has been needed in the past to help protect our liberties. It is needed now. If the present trends in the Federal Government are any indication, it will be more vitally needed in the future.

Although the bill is based primarily on the excesses of previous administrations, there is no guarantee that these practices will not be revived, and there is no evidence that some of them are not continuing.

If history teaches us anything, it teaches us that the events of the past will be repeated. With regard to the practices covered by this proposal, I believe Congress should prevent their reoccurrence by early passage of the bill.

Mr. President, when this bill was first introduced in 1966, I had a conference with the distinguished former chairman of the Committee on Post Office and Civil Service, Senator Monroney. Pursuant to our conversation, he agreed with me that the bill could be appropriately referred to his committee or the Committee on the Judiciary, and the bill was referred by unanimous consent to the Committee on the Judiciary which conducted hearings on the bill. In 1969, I consulted with the present distinguished chairman of the Committee on Post Office and Civil Service, the able Senator from Wyoming (Mr. McGEE). He agreed with me that a similar course should be followed on S. 782 at that time and it is my understanding that he continues to hold that view with respect to the current bill.

Therefore, I ask unanimous consent, pursuant to the agreement between Mr. McGEE and me, that the bill be referred to the Committee on the Judiciary; and that the bill be printed in the RECORD.

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

S. 1438

A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy

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

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin *or citizenship* of any such employee *or person or of his forebears,* when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: Provided, however, That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from elicit-

ing such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United tSates Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice.

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is

authorized to make under subsection (K), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

By Mr. GURNEY:

S. 1439. A bill to establish a Judiciary Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage court reform, and for other purposes. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am today introducing a bill intended to assist the States in reforming and modernizing their court and judicial systems. The act which I call the National Court Reform Assistance Act, will create within the Department of Justice a Judicial Assistance Administration which will act as a clearinghouse for information, statistical data and studies on improvement of States' judicial machinery, civil and criminal. The Administration would be authorized to carry out a 5-year grant program to the States and localities with substantial sums of money.

If this Nation is ever to come to grips successfully with curbing of crime, we must mount a massive attack on crime. We must assign high priority to the problem. We must make a national commitment. We must put up the necessary money to do the job. I have tried to do this in a bold fashion. The functions of assisting in State court reform now being carried on by the Law Enforcement Assistance Administration would be assigned to the new Judicial Assistance Administration created by this bill.

As it now stands, LEAA plans to spend 10 percent of its budget or roughly $35 million per year on activities specifically related to State court reform and modernization. Those sums in my judgment are woefully inadequate. If we are to achieve meaningful reform, we must assist the States with more realistic sums. For Mr. President, we should make no mistake about it: the State and local court systems in our Nation today are being strained to the breaking point. We have a judicial crisis on our hands.

The common law maxim that "justice delayed is justice denied" is self-evidently true in our country today as it has never been in the past.

There is a growing awareness that our courts, State and Federal, are in a deplorable condition and that condition in the State courts, at least, is approaching crisis proportions. The columns of our legal publications which in happier times were full of comfortable recollections of "famous jurists I have known" and stories of clever cross-examinations by eminent attorneys, now are full of stories of incredible delays, miscarriage of justice. This is, it seems to me, growing lack of confidence by the public in the ability of our courts to administer justice. The operative word is "crisis."

In a special edition of the New York Law Journal for Law Day, May 1, 1970, Mr. Martin Fox said:

"Crisis", until only recently, was a word rarely used to describe the state of the courts in New York City. When discussing such problems in the courts as overcrowding, inadequate facilities, case backlogs and calendar congestion and insufficient funds, judges, lawyers, and court personnel preferred to describe them as "pressing", "serious", and "of immediate concern", but almost never of "crisis" proportions.

But these synonyms have now been discarded and crisis has joined the vocabulary of the courts. The urgency of these problems, coupled with the need for a full-scale review of their causes designed to produce possible remedies, was underscored in recent weeks by the following actions:

(a) The unprecedented establishment of eleven blue-ribbon committees by Presiding Justice Harold A. Stevens of the Appellate Division, First Department, to study all aspects of the courts in New York and Bronx Counties and to recommend methods for improvements in areas such as public relations, calendars, facilities, financing and removing such cases as prostitution and alcoholism from the Criminal Calendars.

(b) An order from the U.S. Court of Appeals for the Second Circuit asking district attorneys, judges and court officials from throughout the city and adjacent counties to file briefs as to the number of persons in detention for more than three months awaiting trial and the reasons for this. These delays raise "serious questions of the violation of constitutional rights," Chief Judge J. Edward Lumbard said.

(c) A report by the Vera Institute of Justice showing that there were 18 per cent more cases in the Criminal Courts in 1968 than in 1959, while the rate of disposition fell 19 per cent over the same period. There was a backlog of more than a half million cases in the Criminal Courts, according to the report.

When we heave a backlog of more than half a million criminal cases in the courts of New York City, we know something is wrong.

In the August 7, 1970, issue of Life, Mr. Dale Wittner spoke of the logjam in the courts of the city of New York again in crisis terms:

The criminal courts of troubled urban America are failing. Like once-fearsome scarecrows put out to keep away birds of lawlessness, they are tattered by neglect, familiar and even accommodating to professional hoodlums and incorrigible terrorists of society who walk free for months and years, waiting for trials that never come. To the innocent, the poor, the uneducated, to the victims of crime and witnesses to it, and to honest policeman, many big-city courts are already a sham and a broken promise. So strained, so clogged with humanity have they become that substantial justice is only an occasional, almost accidental, product. A system drafted nearly two centuries ago to protect four million people does not work for 200 million. Until it does again, until swift and equal justice is restored, the prospect for law and order in the streets will not improve.

In every major city, the symptoms are the same. Crime increases at an average rate of 14% a year, more than doubling every six years. Court backlogs of pending cases, which 10 years ago were measured in weeks, now add up to months and years. Harried judges, prosecutors and public defenders are forced to treat each case like a piece of unimportant manufacture on an endless assembly line.

Prosecutors are haphazard. Justice is the subject of bargaining. The possibility of punishment diminishes—and with it, respect for the law.

Mr. Wittner continues:

If the criminal courts are in bad shape in almost every city, the place to see the chaos most clearly is New York, the nation's largest city. There, sheer weight of numbers has bowed the system to the breaking point and criminal justice has already lost its cherished precepts: the protection of society, the presumption of innocence, a speedy trial, a careful search for truth. Human beings are suffering—tens of thousands of them. But the true extent of New York's breakdown is seen in a dreadful array of facts:

Felonies—such as murder, armed robbery, aggravated assault, rape and burglary—increased more than threefold during the 1960's while New York City's population remained almost constant. In the same period the regular inmate population of state prisons, where convicted felons must serve their sentence, fell from almost 20,000 to about 14,000.

The city's police force has grown steadily to more than 32,000 men, by far the largest in the nation. Yet the odds in favor of a criminal escaping arrest for a felony remain about four to one.

For those arrested, the chances of avoiding punishment have actually increased: barely one in five is ever brought to court on a felony indictment. The rest are released for lack of evidence or prosecuted for less serious misdemeanors, for which the average sentence is less than four months in a city prison.

For the one criminal in 20 unlucky enough to be indicted, there is still a 10-to-one chance that the charges will be reduced before trial, especially if he is willing to plead guilty.

Thus the appalling arithmetic is that in New York City if you commit a felony, the chances of being arrested, indicted, found guilty on the original charge and then going to prison are a great deal less than one in 200.

In the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000 only 608 felony trials were completed. For misdemeanors and violations, the figures were almost as bad: 18,000 sentenced to jail out of 450,000 cases.

The Criminal Court began 1969 with a backlog estimated at more than half a million cases. During the year, 20 new judges were added to alleviate congestion. Yet by the start of 1970, the backlog has risen to almost 700,000 cases and was increasing each month. For every three cases brought to court, only two are disposed of. At the current rate, it would take two and a half years to clear the calendars, assuming no new arrests were made.

Mr. President, our system of justice is predicated on the notion of a speedy trial. The right to a speedy trial is promised in the sixth amendment. The right has been federalized by the 14th amendment and is guaranteed in the Constitution and the organic law of all the States. The right is beginning to ring hollow.

The New York Times for January 7, 1971, reported that the first Federal census of the city and county jails of the country showed that 52 percent of the inmates of these jails had not been convicted of any crime: They were awaiting trial. Whether convicted or not, the report said that many of the inmates of these institutions endured less than human conditions.

Four jails which are now in use around the country were built before George Washington's first inaugural; 25 percent of all the local jails around the country are more than 50 years old.

Let me break down the figures: as of March 15, 1970, there were 160,863 persons in local, county, and city jails of whom 7,800 were juveniles.

Of these 160,863 persons, 52 percent, or 83,000 had not been convicted of any crime.

Mr. President, these figures are outrageous. It is truly offensive to our national sense of justice. We have to do something about it and do it quickly. The Law Enforcement Assistance Administration will spend about $100 million in fiscal 1971 to improve these horrendous conditions and even more in fiscal 1972. But we have to act on the causes of this condition more effectively and we have to act now. The biggest contributing factor to this deplorable situation is the backlog in the criminal courts of the States.

On February 20, 1971, Attorney General Mitchell called the administration of criminal justice in the United States "an astonishing tale of neglect." The Attorney General is obviously correct and, in my judgment, the Congress must give the Attorney General the tools to correct this situation, the money commensurate with the need.

In his address before the American Bar Association on August 10, 1970, Chief Justice Burger recalled Dean Roscoe Pound's famous speech to the ABA in 1906:

He [Dean Pound] said then that the work of the courts in the 20th century could not be carried on with the methods and machinery of the 19th century. If you will read Pound's speech, you will see at once that we did not heed his warning and today in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1900. In the Supermarket Age, we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

Later on in that same address, the Chief Justice gave his views on the reason for this sorry state of affairs:

The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the court. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

The Chief Justice made some interesting comparisons which I think are worthy of noting:

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay, but often encourage it.

The problem of delays, logjams and inefficient administration of justice is not confined to any one State, or any one area or section of our country. It is a universal crisis. It is a truly national problem demanding national solutions, and we must act at once.

There are several tools which the States and local governments should have available to them to fight this crisis. The first is, of course, money. But, over and above that, there are other tools we have it in our power to provide.

We are told constantly that this is the age of computers. Why have computers not been used to handle the paperwork of our courts? The State of Alaska has successfully experimented with computers for speeding the administration of justice. The other States can profit by this example.

We can and should experiment with the use of the parajudge and paraprofessional personnel for the disposition of pretrial motions, in discovery procedures and other procedural matters. If we were to provide for proper appellate review of such dispositions, we would be freeing judges for the work they were hired to do: sit in their trial function.

Mr. President, I ask unanimous consent to have included in the RECORD at the conclusion of my remarks, an article on this subject by the distinguished jurist, Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, as I see the solution, it is not a question of simply creating more judgeships. We have to provide more meaningful tools—judicial administrators, paraprofessional personnel, computers, and the like.

Mr. President, the delays in the administration of criminal justice which I think we can agree are unconscionable, are inexorably tide up with the civil calendar delays. In most jurisdictions, judges sit on both civil, and criminal cases. Delays in the civil calendars necessarily make for delays on the criminal side. If we are to reform the courts, we must address the problems of the civil cases also. Here again, paraprofessional personnel, the case of sophisticated technology, computers, and so forth and court administrators would, by easing the burdens of civil calendar, improve the administration of the criminal courts.

Mr. President, I am today introducing a bill aimed at addressing some of these gigantic problems. This bill, which I call the Court Reform Assistance Act, would establish within the Department of Justice, a Judicial Assistance Administra-

tion for the purpose of providing financial assistance to the States in order to encourage court reform and updating of court procedures in both the civil and criminal fields.

The statement of purpose recognizes that a crisis exists in our State and local courts today, a crisis which threatens to undermine the confidence of the people in the ability of the States and localities to provide for the swift and efficient administration of justice.

The bill authorizes a 5-year program of grants to the States, with 90 percent of the funding to come from the Federal Government and 10 percent from the States themselves. The fund allotments shall be made 50 percent on the basis of population and 50 percent to the States on the basis of need. We can gage this need by calculating the number of untried cases in a given jurisdiction and the number of persons in correctional institutions awaiting trial. If we can funnel funds into the areas most in need of improvement, we can hopefully correct this situation.

The Administrator of the Judicial Assistance Administration would have power to pass on plans submitted by the State to accomplish the purposes of the act. There would be, however, no coercion on the States—the assistance would be granted only if the States themselves wished to avail themselves of the assistance offered by this act. I think it is absolutely essential that this be and remain a voluntary situation for the States.

I hestitated a long time before determining the amounts of money I would include in the authorizations.

A check was made with Federal and State legal authorities, deans of law schools, and other private sources in an attempt to determine how much money would be needed to accomplish the mission of revising, changing, and upgrading our criminal legal procedures and court systems in order to provide an adequate system of criminal justice.

I was amazed to discover that no source could furnish any concrete evidence. Some of the most eminent legal authorities, in fact, expressed embarrassment that they could not furnish some fairly reliable figures on what might be needed to do the job.

However, all contracts made stated emphatically that there was a crisis of enormous proportions in the field of criminal justice and that the whole system has broken down and is in desperate need of drastic overhaul and repair.

One eminent authority expressed the opinion that a sum of $500 million to $1 billion yearly, over and above what is now being spent, would be needed for several years to do the job.

Thus, the sums I have proposed to be authorized would be $100 million for the first fiscal year to get the program started and would increase in the following fashion for succeeding years: $500 million in fiscal year 1973, $600 million in fiscal year 1974, $700 million in fiscal year 1975, and $800 million in fiscal year 1976.

I strongly feel that the sums of the magnitude I have proposed for a Judicial Assistance Administration are necessary in order to ease the crisis which exists in our Nation today. In 1967, the President's Commission of Law Enforcement and the Administration of Justice estimated the cost of crime at $21 billion. In February 1969, Mr. J. Edgar Hoover estimated the cost of crime at $31 billion.

The October 26, 1970, U.S. News & World Report published a study which estimated that the cost of crime in the United States had risen to $51 billion. Most assuredly a substantial investment in improved court methods, procedures, and machinery as I propose would have a salutary effect on reducing the high cost of crime.

Approximately $2 billion a year is presently being spent on our State judicial systems. But it is time to take a long hard look at the courts, when we have a backlog of more than a million cases in the Nation's criminal courts—

When crime continues to increase at an average rate of 14 percent a year, more than doubling every 6 years;

When 52 percent of the inmates in local, county, and city jails have not been convicted of any crime;

When in New York, the Nation's largest city, if a person commits a felony, the chances of his being arrested, indicted found guilty on the original charge and their going to prison are a great deal less than one in 200;

When a substantial percentage of defendants released charged with misdemeanors or felonies are subsequently rearrested on a second charge during the release period;

When in New York City in the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000, only 608 felony trials were completed.

This is not fulfillment of the promise of equal justice under law. I consider it an indication of the overall problems which the judicial system is encountering today and with which we must come to grips immediately. Judicial reform of enormous proportions is a necessity—an expensive necessity. But, I feel that expenditures made now will save the country money in the long run.

I am aware that other suggestions have been made in this important field. I do not offer my plans as the "be-all, end-all," but rather as a starting point. Mr. President, the tragic neglect that the Attorney General and the Chief Justice have so properly pointed out cannot be allowed to continue. We should set as an ideal, on both the Federal and State levels, the notion that an alleged criminal act should be brought to trial within 3 months of the indictment or presentment which triggers it. It will take a long time to reach this goal, but we must start working on it immediately. My research leads me to believe that the magnitude of this problem does not admit simple solutions, or panaceas, or overnight cures. We have neglected it for too long. But, we must begin to address the problem I think my bill is a start—I welcome improvements in it and additions. I hope it will be tested in the hearing process of the Judiciary Committee. If this measure does not succeed, I hope a better way can be found. But, I am convinced that Congress must assist the States in solving the crisis in the State and local courts of the Nation.

Mr. President, I ask unanimous consent that the bill and several articles be printed in the RECORD at the conclusion of my remarks:

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

S. 1439

A bill to establish a Judicial Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage court reform, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Court Reform Assistance Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that unconscionable overcrowding and backlogs in calendars of the courts of the States and localities of the United States have resulted in inconvenience and delay in the case of civil actions, and frustration and denial of a speedy trial in criminal cases; that the delay has frustrated the administration of justice in the United States and has tended to bring the courts and the judicial system of the United States into disrepute and contributes to a feeling of distrust and a widespread belief that the States and localities are incapable of providing just and efficient government.

(b) The Congress finds that the primary responsibility for the enforcement of criminal laws and the adjudication of private civil disputes is properly a function of the state and local governments, but that the Federal government has a duty and a responsibility to provide financial, technical and other assistance to the states and local governments to insure the efficient and speedy administration of justice in both civil and criminal matters.

(c) It is the purpose of this Act to establish a Judicial Assistance Administration within the Department of Justice, to encourage court reform, and to provide financial and technical assistance to the States and localities to improve the administration of justice in the state and local courts.

AUTHORIZATION

SEC. 3. (a) There are authorized to be appropriated to carry out the purposes of this Act $100,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; $600,000,000 for the fiscal year ending June 30, 1974; $700,000,000 for the fiscal year ending June 30, 1975; and $800,000,000 for the fiscal year ending June 30, 1976.

(b) The Attorney General, through the Judicial Assistance Administration, is authorized to make grants to States which have State plans approved under section 5 to pay the Federal share of the costs of carrying out State court reform plans.

ALLOTMENTS

SEC. 4. (a) From the sums appropriated pursuant to the preceding section, the Attorney General shall allot not more than one percentum to the Commonweatlh of Puerto Rico. From the remainder of such sums the Attorney General—

(1) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the population of such State bears to the population of all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of cases pending in all courts of record in such State and the number of persons confined in correctional institutions awaiting trial in such State bears to the total number of such

cases and persons in all States. For the purposes of this subsection the term "State" does not include the Commonwealth of Puerto Rico.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Attorney General determines will not be required for the period such allotment is available, for carrying out the purposes of this Act, shall be available for reallotment from time to time, on such dates during such period as the Attorney General may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Attorney General estimates such State needs and will be able to use for such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of cases pending in the courts of record, and the number of persons confined in correctional institutions awaiting trial, in a State and in all States, shall be determined by the Attorney General on the basis of the most satisfactory data available to him for each fiscal year.

STATE PLANS

SEC. 5. (a) Any State desiring to receive its allotment of Federal funds under this Act shall submit a State plan consistent with such basic criteria as the Attorney General may establish under section 6. Such plan shall—

(1) provide for the administration of such plan by the principal administrative officer of the judicial system in such State or, if deemed appropriate, by the chief executive of such State, or by an agency designated by him for the purposes of this Act;

(2) set forth a program for court reform designed to overcome overcrowding in the courts of such State and delay in the administration of justice, including but not limited to—

(A) the appointment of special masters for use in discovery procedures, the conduct of pretrial hearings and the consideration of pretrial motions;

(B) the appointment of administrative personnel in the courts having responsibility over the non-judicial activities of the court for which such officer is appointed including administering the personnel system, preparing and supervising the court calendar, preparing the budget, maintaining an accurate accounting system and property control records, and supervising adequate use of data processing; and

(C) the establishment and operation of any procedural reforms designed to afford speedier trials;

(3) provide assurances, that in the case of municipalities within the State, having courts independent of the State court system and confronted with equally severe conditions of overcrowding, the State will make available an appropriate percentage of the funds received under this Act for the purposes set forth in the preceding paragraph;

(4) provide assurances that the State agency will pay from non-Federal sources the remaining costs of such program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State (including such funds paid by the State to any agency of a political subdivision of such State) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Administrator shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act the Attorney General shall by regulations prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this Act within each State on the basis of a consideration of—

(1) the conditions of overcrowding of the trial courts and appellate courts throughout the State;

(2) the conditions of overcrowding of courts in specific geographic areas within the State; and

(3) the length of time a person charged with an offense must await trial in the appropriate criminal court.

ESTABLISHMENT OF THE JUDICIAL ASSISTANCE ADMINISTRATION

SEC. 7. (a) There is hereby established within the Department of Justice a Judicial Assistance Administration to be headed by an Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate.

(b) The functions of the Attorney General under this Act shall be administered through the Administration.

FUNCTIONS OF THE JUDICIAL ASSISTANCE ADMINISTRATION

SEC. 8. In order to carry out the purpose of this Act, the Administration is authorized to—

(1) make grants to States in accordance with the provisions of this Act; and

(2) conduct or cause to be conducted studies and evaluations of State and local court systems when requested to do so by the States or localities in question; and when so requested, shall make recommendations concerning procedural, organizational or administrative reforms, improvements or changes in such systems; and

(3) serve as a reservoir and clearing house for up-to-date information, techniques and innovations in court management and organization; and

(4) collect, evaluate, publish, and disseminate information and other appropriate material concerning the improvement of judicial administration; and

(5) prepare and submit annually a report to the President for transmittal to Congress on the activities, grants, and programs of the Administration, together with such recommendations as the administrator shall deem appropriate. Provided, however, that nothing contained in this Act shall be construed as authorizing the Administration to control, direct or supervise in any manner or to any extent, the administration or organization of any local or State court, or to conduct or cause to be conducted any study or evaluation of any local or state court without the prior approval of the highest judicial authority of the State in which such study or evaluation is to be conducted.

ADMINISTRATIVE PROVISIONS

SEC. 9. In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulations as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

(4) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(7) request such information data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

COMPENSATION OF THE ADMINISTRATOR

SEC. 9. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Administrator, Judicial Assistance Administration.".

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from a State's allotment to any such State which administers a plan approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such plan. In determining the cost of carrying out a State's plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

WITHHOLDING OF GRANTS

SEC. 11. Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to States receiving a grant under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompli-

ance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such State and which are not involved in the noncompliance.

DEFINITIONS

SEC. 12. As used in this Act the term—

(1) "Administrator" means the Administrator of the Judicial Assistance Administration;

(2) "Administration" shall mean the Judicial Assistance Administration of the Department of Justice.

(3) "State" includes each of the several states of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

EXHIBIT 1

[From the Judicature magazine, November 1970]

THE JUDICIAL CRISIS, COURT DELAY AND THE PARA-JUDGE

(By Irving R. Kaufman)

Our court system seems almost to be traveling from crisis to crisis, barely negotiating one apparent impasse before another appears. At one moment we were aghast at the antics of some criminal defendants in our previously dignified courtrooms. Then, our attention was sharply diverted, as parties to criminal proceedings sought trial by press rather than by their peers. We had hardly enough time to collect our senses when the judiciary itself came under searching criticism over the state of its ethical standards.

We have had a tendency to look at these three areas—disruptions, trial publicity, and judicial ethics—as though they were totally distinct and completely independent, each with its own causes, and each with its own separate, individualized solution. There is a measure of truth in that position; faithful to the American tradition of pragmatic problem-solving, we have made diligent—and not wholly unsuccessful—efforts to deal with the difficulties as they arise, and to anticipate and resolve similar problems before they strike with full force. To choose one example with which I am intimately familiar, the American Bar Association appointed a Committee on Judicial Standards, and charged it with the responsibility for updating the antiquated Canons of Judicial Ethics. The Committee has circulated a report outlining its preliminary conclusions and has held open hearings on its recommendations at this meeting of the American Bar Association. We have labored long and hard in that task, and we are not yet through. I hope that the new departures we have suggested, such as filing of extra-judicial compensation and requiring compulsory disqualification for any interest, will not divert the public eye from what I view as the primary goal of any set of judicial canons; to maintain the impartiality of the judiciary without sacrificing its independence. Ethical standards, at their best, are intended not to punish the corrupt judge; he will evade their explicit provisos as he would the unwritten precepts on which they are based. Rather, they seek to contribute to a dialogue between the moral sense of a good judge and a perceived level of community standards; in sum, to be a guide, and not a penal code. Only time will tell whether that conception of our work will endure.

Taking a step back from these specific issues, and from what has been done to meet them, it seems to me that behind such disparate problems, and their apparently disparate solutions, lies a common difficulty, and accordingly a need for a common cure.

"CRISIS CONDITIONS"

Early in March, 1969, President Nixon declared May 1 to be "Law Day" for the entire country. In years gone by we would probably have been content on Law Day with noncontroversial and calming newspaper articles entitled "Eminent Jurists I Have Known". This May first, however, we were told in a special issue of the New York *Law Journal* that only the word "crisis" could describe the state of our courts. Indeed, we were treated with one of the most overwhelming outpourings of self-condemnation and criticism that I have ever witnessed. Was there any basis for this sudden change of mood?

I think that now, as we take the overall view, we would have to agree that there was. A few days after Law Day, the New York *Times* carried a story indicating that three-fourths of the staff of the Legal Aid Society's criminal division—who represent 70 to 80 per cent of all criminal defendants—were striking for three days. For more money? No, said the lawyers. They demanded that immediate steps be taken to end "crisis conditions" in the courts. I will not try to overwhelm you with statistics, but I think that a few might help to indicate the magnitude of the problem. In New York City, as of December 31, 1969, the criminal courts had a backlog of over 520,000 non-traffic cases. Excluding 177,000 defendants who could not be located, in itself an indication of the overall problems which the system is encountering and with which the Attorney General has come to grips, that means some 343,000 individuals are in the course of experiencing something like a year's delay from indictment to trial. In terms of jail cases, where the prejudice and harm are the greatest, almost 2,000 defendants had been held from three to twelve months without trial as of December 31, 1969; 202 from one to two years, and eleven for over two years.

FEDERAL PROBLEMS

The federal system fares better, but not by so very much. The Administrative Office report as of June 30, 1969, showed that 40 per cent of all criminal cases in the Second Circuit (this figure represents almost entirely those defendants out on bail), have been pending for over a year; and a substantial portion of those have been pending for over two years. Parenthetically, I am pleased to report that the situation in the Southern District has improved considerably of late, and that the judges there will shift in the fall to an individual calendar system which is expected to accelerate disposition of criminal cases. In the entire federal system, 17 per cent of all criminal cases had been pending for over a year. These are, frankly, only a few statistics pulled at random from a dishearteningly large selection. Magellan circumnavigated the world in three years in a wooden boat; it still takes that long to get a federal civil jury trial in some metropolitan districts. Those who feed on dire predictions have an ample choice for a hearty meal, particularly in view of the underlying increase in the overall level of criminal activity.

The reaction to Law Day, many of us here might rightly say, represents a recognition that what we have been saying for years is true—that justice poorly administered is rarely swift or just—and is relevant today as never before. What I think we sometimes lose sight of, however, is that law in the practical as well as the conceptual sense is a seamless web; that a breakdown in the ordinary processes of criminal justice in New York is not without effect on the public at large or on a conspiracy trial in which the defendants look upon themselves as persecuted political dissidents. For example, when a typical defendant is jailed on a narcotics charge for failure to meet bail, and stays there because of insurmountable crowding of criminal trial dockets, we, and more important, the defendant, often tend to take the system for granted. Political dissidents, however, unfamiliar with the system, have shown a tendency to disrupt trials, or to try their case in the media rather than the courts. Not inured to, or willing to accept, the system as it now operates, they are convinced—wrongly I believe, but convinced nonetheless—that they are the objects of efforts to deprive them of a fair trial. Seeing the system's apparent incapacity to solve its problems in general, they begin to doubt its willingness to correct them in particular.

Other defendants vent their spleen by attacking the probity of the individual judges they encounter, while the public, at a more distant level, sees the system laboring under the strain and also tends at times to blame the character of the judges rather than the system under which they work. They know that despite the high costs of automobile insurance, persons severely injured in accidents wait years for trials; they are outraged to see bailed defendants, who are free overlong without a trial because of court congestion, charged with still other crimes. Some of that frustration inevitably spills over onto the judiciary; it is easy to delude oneself into believing that the problems will disappear if judges abandon all interests outside their courts and work 20 hours a day under ethical standards that would test the probity of a saint.

If you will permit me a rather mechanistic metaphor, the boiler is under pressure because it is too old, antiquated, and small. The breaks in the pipes occur at strange, spectacular, and surprising places far removed from the source of the difficulties. We call in the plumbers (lawyers have been called worse in the past) to repair the breaks as they occur, but what we really need is to go over the whole system and decide what needs replacement, realignment, and rethinking.

ROOT PROBLEMS

Some of these issues—disruption in the court, free press-fair trial, judicial ethics—have yielded to a degree to specific cures. The Supreme Court supplied a quick antidote to trial disruption in *Allen* v. *Illinois*.[1] Yet I think we are all coming to recognize—as the Chief Justice and the IJA have for some time—that we are going to have to go after the root problems. And it has been and continues to be my view that the first one we have to tackle is court delay. The IJA has pioneered several studies in this area, but the need for constructive change is as great as ever. And the need for support is as great as ever. Some experts in the field of judicial administration speak bitterly of those who are profligate in their condemnations of court delays, but who are penurious when it comes to providing the needed funds and facilities in order to afford first class justice to all.

One avenue of attack that I would like to suggest exploring to the fullest extent, and one that I believe has enormous potential, is the expanded use of para-professionals. Let me take just three examples of possible areas where such para-judges could be used. Twelve years ago I suggested in a speech at Stanford that we should make wider use of "special masters" in controlling discovery. I still believe that this is an area where judges could be relieved of many tiresome, limited tasks, and permitted to use their legal skills in the more critical areas for which their training is in demand, such as conducting trials and writing opinions.

Second, we have developed an enormous mass of pre-trial hearings and motions which now take up a major portion of the judge's time. Many of them are purely procedural, and could be handled by a well-trained para-judge, subject, of course to the right to review by a judge at some stage. Third, it is my view that we are encouraging an enormous misallocation of resources when we have judges devoting so much time to the control of court calendars.

I see two basic benefits from greater use of para-professionals in our courts. First, we could at last make a dent in court congestion and delays. Second, we could do it relatively

[1] 397 U.S. 377 (1970).

inexpensively. Simply creating more judgeships to cope with increased court business is a long, expensive, frustrating, and often inefficient procedure for reducing court congestion. It has been estimated that it costs about $250,000 to make a single federal judge operational, and continuing yearly expenses for salary, staff, and supporting services run to about $200,000 a year. While it may be somewhat fairer to relate increased judgeships to increased trial days, nonetheless, in 1961 when judicial manpower was increased 26% in the federal district courts, civil dispositions showed only a disappointing 13% rise, while criminal dispositions rose but 5%. We do need more judges. But legislatures, sensitive to public displeasure with rising taxes and higher judicial outlays, are going to balk at the millions required to build new courthouses, create more judgeships, and hire the supporting personnel if we attempt to solve all our problems by simply increasing the number of judges. It is like adding more engineers to a railroad still operating with steam instead of diesel engines.

There was a time when we could perhaps afford the luxury of having full time judges deal with every minute detail of a judicial proceeding; but that moment is gone. We are in a crisis. We have more litigation, the cases are more complex, and the load continues to grow.

THE TRAINED TECHNICIAN

Other professions—medicine and teaching come quickly to mind—have discovered that applying modern management techniques, breaking tasks down into skill levels, and employing para-professionals or technicians whenever possible, can bring real gains in improving services and maximizing professional skills. It has long been recognized that a heart surgeon should not have to take his patient's temperature during surgery. In the judicial context, if I may be permitted a slight heresy, I find it quite possible that a well trained para-professional will cope with calendar control not merely as well, but perhaps better than a judge, highly trained to apply and interpret the law, but not trained to employ flow charts or systems analysis to eliminate bottlenecks.

There have been some hopeful notes which suggest that we may at last be learning from the successful English experience with Queens Bench standing masters. The Federal Magistrates Act of 1968, which authorized U.S. district judges to draw on magistrates to conduct some pretrial hearings, act as special masters, and try minor offenses, is now moving out of the pilot project stage. Also, New York City last month transferred most traffic and parking offenses from judges to trial examiners. These part time officers, drawn from the local bar, will enable criminal court judges to concentrate upon the disputes that truly merit their skills.

More must be done throughout the nation. I submit that increased use of para-professionals to conduct pre-trial hearings, deal with discovery, assist with motions, calendars and other preliminary matters, all subject to review by a judge in appropriate instances, will go far to free the judge to use his legal skills and training in trying more cases and thus clearing the dockets.

I do not want to be thought of as downgrading the importance of these tasks; my thesis is that unless we impose some rational division of labor on the entire judicial process, we will be unable to resolve our difficulties within the resources that are available. Caught between tighter legislative purse strings and the litigation explosion we cannot simply jog along with a system that has not changed substantially in over a century. With organizations such as the IJA and the new Institute for Court Management enjoying the support of our dedicated and perceptive Chief Justice and the organized bar, it is time to stop talking about modern management techniques and to start applying them. I submit that having the power, we have the duty.

LOGJAM IN OUR COURTS

(By Dael Wittner)

New York. If you commit a serious crime, the odds are 200 to 1 that you will never go to prison on that charge.

Washington. The average delay between a felony arrest and trial is 10 months.

Los Angeles. The caseload is growing 10 times faster than the population.

Dallas. A defense attorney says "Delay is my best weapon. Time will beat any case if you have enough of it."

The criminal courts of troubled urban America are failing. Like once-fearsome scarecrows put out to keep away birds of lawlessness, they are tattered by neglect, familiar and even accommodating to professional hoodlums and incorrigible terrorists of society who walk free for months and years, waiting for trials that never come. To the innocent, the poor, the uneducated, to the victims of crime and witnesses to it, and to honest policemen, many big-city courts are already a sham and a broken promise. So strained, so clogged with humanity have they become that substantial justice is only an occasional, almost accidental, product. A system drafted nearly two centuries ago to protect four million people does not work for 200 million. Until it does again, until swift and equal justice is restored, the prospect for law and order in the streets will not improve.

In every major city the symptoms are the same. Crime increases at an average rate of 14% a year, more than doubling every six years. Court backlogs of pending cases, which 10 years ago were measured in weeks, now add up to months and years. Harried judges, prosecutors and public defenders are forced to treat each case like a piece of unimportant manufacture on an endless assembly line. Prosecutions are haphazard. Justice is the subject of bargaining. The possibility of punishment diminishes—and with it, respect for the law.

If the criminal courts are in bad shape in almost every city, the place to see the chaos most clearly is New York, the nation's largest city. There, sheer weight of numbers has bowed the system to the breaking point and criminal justice has already lost its cherished precepts: the protection of society, the presumption of innocence, a speedy trial, a careful search for truth. Human beings are suffering—tens of thousands of them. But the true extent on New York's breakdown is seen in a dreadful array of facts:

Felonies—such as murder, armed robbery, aggravated assult, rape and burglary—increased more than threefold during the 1960s while New York City's population remained almost constant. In the same period the regular inmate population of state prisons, where convicted felons must serve their sentences, *fell* from almost 20,000 to about 14,000.

The city's police force has grown steadily to more than 32,000 men, by far the largest in the nation. Yet the odds *in favor* of a criminal escaping arrest for a felony remain about four to one. For those arrested, the chances of avoiding punishment have actually increased: barely one in five is ever brought to court on a felony indictment. The rest are released for lack of evidence or prosecuted for less serious misdemeanors, for which the average sentence is less than four months in a city prison.

For the one criminal in 20 unlucky enough to be indicted, there is still a 10-to-one chance that the charges will be reduced before trial, especially if he is willing to plead guilty.

Thus the appalling arithmetic is that in New York City if you commit a felony, the chances of being arrested, indicted, found guilty on the original charge and then going to prison are a great deal less than one in 200.

In the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000, only 608 felony trials were completed. For misdemeanors and violations, the figures were almost as bad: 18,000 sentenced to jail out of 450,000 cases.

The Criminal Court began 1969 with a backlog estimated at more than half a million cases. During the year, 20 new judges were added to alleviate congestion. Yet by the start of 1970, the backlog had risen to almost 700,000 cases and was increasing each month. For every three cases brought to court, only two are disposed of. At the current rate it would take two and a half years to clear the calendars, assuming no new arrests were made.

Each backlog case represents at least one criminal suspect for whom the court has not had time to reach a verdict. For reasons more often practical than humane, 99% of those defendants are free on bail or pretrial people.

New York City jails have a planned capacity of under 8,000. Yet last week the census of those squalid pens was over 14,000. More than 8,000 of these prisoners had not been convicted of anything at all but were simply awaiting court appearances. A recent sample showed that more than a quarter of these pretrial inmates had been behind bars for more than three months; nearly a thousand had been there for more than six months, and 143 for more than a year. Among them were 546 awaiting trial for murder.

Many defendants, after long detention, hear the charges against them dropped for lack of evidence. Others finally plead guilty and are freed, their sentence being the time they have already served. Thus for many, not only has the presumption of innocence disappeared from the courts, but the sentence is served before the case is even judged.

The criminal justice system is hinged on the theory of a speedy trial. It is from the court's hopeless inability to compel prompt trials, but every other failure of the city's system has followed. Ironically, it is only to the innocent that the Sixth Amendment's promise of a speedy trial means anything. To the guilty, delay is the most effective ally, the surest obstruction to the judgment they fear.

A prosecution is a fragile thing. A case that is strong a month after the arrest may be no case at all by the time it is finally called for trial. Evidence grows stale or is lost. Witnesses die or simply disappear. The memories of police officers and witnesses fade, often just enough to raise the reasonable doubt that requires a jury to acquit rather than convict.

THE PROSECUTOR: TOO MANY CASES, TOO LITTLE TIME

An assistant district attorney, inheriting a case weakened by long delay, must weigh the chances of conviction. When they favor the defendant, he either dismisses the charge altogether to save the state the expense of a futile trial, or he tries to strike a bargain in which the severity of the charge is reduced in return for a plea of guilty. In legal jargon this practice is known as "plea bargaining." It has become such a flagrant part of New York City justice that another metaphor has evolved: "giving the courthouse away." Yet it is the only way, under the current system, that the courts keep moving at all. Thus it has many defenders, including the Chief Justice of the United States (page 26).

With the calendars of many courts regularly listing 70 or 80 cases a day, the average judge is buried under tons of paperwork. He no longer has enough time for listening to testimony and for deciding guilt or innocence. Instead, judges have been relegated by the system to the function of clerks. They

are paid $30,000 a year, privileged to wear judicial robes and occupy elevated seats under the words "In God We Trust." But for most of them, a court day consists of overseeing a roll call of cases, adjourning most of them to new dates in other court sections, waiting for defendants, attorneys and witnesses to appear, and occasionally rubber-stamping a bartered guilty plea and sentencing the defendant.

Much of the power once held by the judge has fallen to the prosecutor. Frank Silverstein, 29, graduated from Brooklyn Law School only a year ago. Now, at a salary of $11,000, he is a criminal court assistant to the Bronx District Attorney. To the hundreds of people who each day cross the obscenely scribbed threshold of the Bronx Criminal Courthouse, young Frank Silverstein is the fulcrum of justice; he is the law.

Through his hands—and those of 14 other young lawyers like him—passes virtually every criminal prosecution in a county of 1.5 million people. With each case come human problems that must be answered immediately. A detective who has made an arrest presses Silverstein to decide whether the suspect should be charged with a felony or a misdemeanor. The exasperated victim of an assault and robbery, her testimony still not taken after half a dozen futile, all-day trips to court, wants to drop the charges. Silverstein tries to dissuade her. A youth charged with a penitentiary offense of burglary hopes the prosecutor will accept a guilty plea to petty larceny, a misdemeanor. A woman claims to have been raped and the suspect swears it never happened; Silverstein must decide whether or not there is enough evidence to prosecute the man.

Most of a prosecutor's decisions are made in hurried, whispered conferences with defense attorneys, after only a few seconds of flipping through case papers and police reports. Yet his are the judgments that will alter the lives not only of the defendants but of their families, of the victims, policemen and witnesses.

"The power of this job is incredible," says Silverstein. "It's more than any one man should have. Do you know what it's like to face a defendant in court and know that if he is convicted, or even if he is held in jail for trial because he can't make bail, he is going to lose his job and his family will have to go on welfare? It wouldn't be so bad if you had all day to study the facts. But there you are in court with maybe 30 cases yet to go, and the judge wants to get on to the next one. You have to say something and say it fast."

Of his negotiating power, Silverstein rationalizes that in a case weakened by delay "it's better that a guilty defendant be convicted of *something* without a trial than turned loose by a jury because the evidence has become too weak to get a conviction. Even when you drop charges entirely, you figure that at least you've disposed of a case." And disposition of cases, far more than careful justice, has become the bench mark by which the city's criminal courts are measured.

"In the year I've been here, I've learned to be pretty practical about this business," says Silverstein. "Now I know how the system functions and, even if it is screwed up, as long as I have this job I've got to try to make it work for those people out there." A hitch of his thumb takes in the entire Bronx. "When I get a case, I try to look at it objectively, to figure out what the eventual disposition would be considering all the delays and everything else".

"If I get a burglary, for example, that I think would have to be disposed of as a misdemeanor after a string of adjournments, I figure it's better to get it out of the way at the first or second appearance than have it kicked from one judge to another for maybe a year. So if I've had time to look at the case at all, at the first appearance I'll try to get a discussion going with the defense lawyer—please, don't call it 'giving the courthouse away.'"

NOT "IS HE GUILTY?" BUT "CAN WE MAKE A DEAL?"

The Criminal Court of the City of New York is actually a complex system of 96 judges and six courthouses. Each weekday morning a human tide of some 15,000 persons flows into these courthouses, up foul-smelling staircases to crowded and sunless courtrooms.

From the city jails come the prisoners, shackled one to another, to be sorted, prodded and locked into holding pens. There they wait, as many as 40 of them stuffed into a space 12 feet by 20.

Each morning, too, come the victims of crime, often still wearing dark-stained hospital dressings over their wounds. The witnesses arrive, deprived of their day by a subpoena. So, too, come hundreds of policemen and detectives diverted from their precinct duties, or their days off, to testify.

For most of these people the day will be wasted. It will end without any substantial action on their cases beyond postponement to a new date when they will be told to come back again and wait, with no better chance that anything meaningful will happen the next time.

For judges, prosecutors and Legal Aid defenders, cases appear and disappear in the court system like pop-up ducks in a shooting gallery. The Criminal Court is fractured into "parts"—special-purpose sections to which cases are routed depending on the type and seriousness of the charge and the stage of prosecution. At each appearance a case may come up in a different courtroom, before a different judge, with a new prosecutor and public defender, none of whom has ever seen the case before.

Along with the presumption of guilt, which has replaced the presumption of innocence in New York City courts, goes the presumption that a defendant is entitled to bargain. Every day there are cases in which the first conversation between a defendant and his lawyer is not over the facts of the case but over what kind of deal can be made.

In a Manhattan courtroom recently a young man charged with burglary was offered the opportunity of pleading guilty to the less serious charge of possession of stolen property. His Legal Aid lawyer was all smiles as he turned away from a huddle with the prosecutor to tell the defendant what he assumed would be good news. "But," the defendant blurted, "I didn't do it!"

Time after time cases are postponed when all but one of those necessary to proceed are present. The Criminal Court is powerless to compel the attendance of anyone. A subpoena is backed up by a contempt citation only if it is served by hand. Yet, for lack of personnel, most subpoenas are delivered by mail and legally amount to little more than invitations that can be ignored with impunity.

Even a defendant can avoid prosecution merely by not coming to court. The judge may issue a warrant for his arrest, but hundreds of such bench warrants are issued every day. It is impossible for the handful of policemen assigned to court warrant squads to track down even one tenth of the missing defendants, a fact well known to criminals familiar with the courts.

When the defendant fails to respond to a mailed or telephoned "reminder," the case is often merely filed away, to be revived if he is arrested in another case, but otherwise forgotten.

Turning the delay, confusion and overcrowding of the courts to the advantage of their clients is the business of private defense lawyers. Each year their job becomes easier. Even the least competent of them can easily arrange one case-weakening postponement after another, hoodwinking a different judge with excuses for delay each time a case is called.

A defense attorney recalled, not in the least apologetically, his tactics in one such case:

"I had a client accused of attempted murder. He shot another man several times and the victim nearly died. Over several months I managed to get the case adjourned eight or nine times. Each time the victim and the police officers were in court, but at each appearance I got a new judge and told him I needed more time to prepare. Finally the victim just got fed up, I guess, because he stopped coming to court, and then it was the district attorney who had to ask for adjournments. After the victim failed to show up three times, the charge was finally dismissed."

For all the weeks, months or even years of waiting that may be involved in a single case, the actual trial of a misdemeanor or the preliminary hearing of a felony charge in Criminal Court rarely lasts more than 30 minutes. If all 96 judges could be kept busy eight hours a day listening to testimony, ruling on legal motions and determining guilt or innocence, each could probably dispose of 10 to 20 cases a day, based on a full hearing of the facts. An average of just 15 cases per day per judge would mean the disposition of 1,440 cases—210 more than the court take in on an average day. That could be called progress. But that will not even begin to be possible until the courts' fragmented structure is completely replaced by all-purpose court sections in which cases are assigned to a single judge, a single prosecutor and a single Legal Aid lawyer, all of whom recognize that they are responsible for the case's ultimate disposition. The idea is now being introduced gradually in New York. But as yet it forms too small a part of the total system to have much of an impact. For the rest of the city's court system, and for too many other American cities, relief from chaos is still a long way off.

THE VIEWS OF THE CHIEF JUSTICE

Many people, though not all, will be deterred from serious crimes if they believe that justice is swift and sure. Today no one thinks that it is. If there is a general impression that the administration of justice is not working, one important result is that the deterrent effect of law and punishment is impaired or lost. If people generally—the law-abiding and the lawless alike—think the law is ineffective, two serious consequences occur: decent people experience a suppressed rage, frustration and bitterness, and the others feel they can "get by" with anything.

But if our society comes to the conclusion, as it watches our system of justice work, that we have built up a process that is inadequate or archaic, too cumbersome or complex, or if society feels that we have extended certain of our basic principles too far, there is a remedy.

The people have the right and the ultimate power to change the system. Neither the laws nor the Constitution are too sacred to change and the decisions of judges are not holy writ. The Constitution and the law are tools to serve us, not masters to enslave us. We should not hesitate to make basic changes or discard mechanisms which do not work to the benefit of society.

Do we need to enlarge the court system?

While case loads continue to increase, there is no immediate solution other than to provide more judges and all that goes with them: more courtrooms, courthouses, court reporters and staffs. The legal profession must support legislative programs to this end.

Would it help to "decriminalize" certain minor penal offenses, such as vagrancy, drunkenness, prostitution and gambling?

So long as we insist on full due process in meting out criminal penalties, no workable

solution is in sight for handling these so-called "minor crimes." Other civilized societies, especially in northern Europe, deal with this category of crime to a large extent administratively. In England, 95% of all criminal cases are disposed of by justices of the peace.

To take these problems out of our conventional judicial process calls for some basic rethinking—as many legal scholars, judges and lawyers have advocated. But the trend, for better or for worse, is the other way. Supreme Court holdings are gradually converting juvenile courts, for example, into full-blown criminal courts. What the juvenile courts need is not more but fewer trappings of legal procedure and judicial formalism. The system requires breathing room and flexibility in order to survive. On the present course the juvenile system is doomed.

How can the courts be streamlined to make the judge's work day more effective and reduce the confusion and wasted time in court?

The most significant step toward modernization of court administration in the past 30 years was the creation this year by the American Bar Association, with a Ford Foundation grant, of the Institute for Court Management. This Institute, which opened this summer near Aspen, Colorado, is the country's first school for court administrators. It will graduate its first class of 32 court executives in December following six months of extensive training.

Is the elaboration of defendants' rights, as spelled out in landmark Supreme Court decisions of recent years, a factor contributing to the logjam in the courts?

There are many factors and unfortunately this is one. Our whole history as a nation reflects a fear of the power of government and a proper concern for individual liberty. These feelings have led us to place many protections around persons accused of crime. And this has resulted in a system in which it is often very difficult to convict even those who are plainly guilty.

Government exists chiefly to foster the rights and interests of its citizens—to protect their homes and property, their persons and their lives. If a government fails in this basic duty, it is not redeemed by providing even the most perfect system for the protection of the rights of defendants in the criminal courts.

Sometimes two basically good developments in the law combine to produce a result never intended and wholly lacking in social utility. We can now see that two "good" things—bail reform and free defense—interact to discourage a guilty plea because the jailhouse grapevine tells the accused that the thing to do is enter a not guilty plea, to demand release without bond and then to use every possible device to delay the moment of truth, the trial day.

This may mean up to two years' freedom during which witnesses might die, or move, or forget details, while the case drags on and consumes untold time of judges, lawyers and court staffs.

How severely has the growth of plea bargaining compromised justice?

In general, it has not. Plea bargaining is a misunderstood concept. It has been given invidious connotations which range from misleading to false. The American Bar Association Committee of the Criminal Justice Project has cleared the air by promulgating standards for plea discussions. Plea discussions leading to disposition of cases are indispensable to any rational administration of criminal justice.

Is the adversary system of criminal justice abused?

We have glorified and idealized the adversary system with its clash of advocates. But the system as a whole is inefficient and wasteful. Dean Roscoe Pound of Harvard, one of our great legal scholars, as long ago as 1906 viewed the excesses of the adversary system as one of the genuine impediments to a rational administration of justice.

We lawyers and judges sometimes tend to fall in love with techniques and formalism. But as war is too important to be left to generals, so justice is far too important to be left exclusively to the technicians of the law.

When we look at the administration of justice in such enlightened countries as Holland, Denmark, Norway and Sweden, we find some interesting contrasts to the U.S. They have not found is necessary to establish a system which makes a criminal trial so complex or drawn-out as it is in this country. They do not employ our system of 12 jurors. Generally their trials are before three professional judges. They do not consider it necessary to use a device like our Fifth Amendment under which an accused person may not be required to testify. They go swiftly and directly to the question of whether the accused is guilty.

But the swift determination of guilt in northern Europe is followed by a humane and compassionate treatment of the offender. Our system is open to the criticism that it has too much contention and too little concern for the accused once he is found guilty.

In part the terrible price we pay in crime is because we tend, once the drama of the trial is over, to regard all criminals as human rubbish. It would make more sense, from a coldly logical viewpoint, to put all this "rubbish" into a vast incinerator instead of storing it in warehouses for a time only to have most of the subjects come out of prison and return to their old ways.

The experience of other countries suggests two things: that swift determination of guilt and the comprehensive study of each human being involved, including extensive rehabilitation, education and training, may be the way. This, and programs to identify young offenders at a stage early enough to change them, offer the best hope anyone has suggested.

REMARKS OF WARREN E. BURGER, AMERICAN BAR ASSOCIATION, ST. LOUIS, MISSOURI—AUGUST 10, 1970

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you, as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at your meeting 64 years ago. He said then that the work of the courts in the 20th Century could not be carried on with the methods and machinery of the 19th Century. If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1906. In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what you have accomplished first, in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however, is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights and more detailed treatment of these problems must follow. I hope we can provoke debate—and even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these matters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded."

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal District Judge and literally not enough for him to do. As a result he has, for 15 years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed and it is there the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

When we look back, we can see three key factors that are important to our discussion:

First the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

In this 20th Century, wars, social upheaval, and the inventiveness of Man have complicated individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and black top; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. That same automobile which altered our society also maimed and killed more persons than all the wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases in the courts.

All this ferment of wars, of increased movement of people, congestion in the cities, and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime.

In a free society such as ours these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America to look to the courts to solve all problems. From time to time Congress adds more judges but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile criminal cases, once a stable figure in the federal courts, were increasing. The records show that in all federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

To illustrate the changes, consider just a few figures: From 1940 to 1970:

—Personal injury cases multiplied 5 times;

—Petitions from state prisoners seeking federal habeas corpus relief increased from 89 to over 12,000;

—And during this period Congress increased the number of judges by 70% while the total number of cases filed in the federal district courts nearly doubled.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal cases now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision, and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

The impact of all the new factors—and they are many and complex—has been felt in both states and federal courts. A few illustrations as to federal courts may help.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these Acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: they love freedom and hate punishment. With a lawyer provided to secure release without the need for a conventional bail bond, most persons indicted (except in capital cases) are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hours just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and debates over preventive detention would probably subside. But these two Acts of Congress came in a period when other forces including decisions of the courts were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted Constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense, nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human a defendant plays out the line which society has cast him. Lawyers are competitive animals and the American system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available. Yet the best defense lawyers know that the defendant's best interests may be served in many cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with 89 in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post conviction procedures for their own state prisoners, this problem will largely disappear, and eliminate a major source of tension and irritation in State-Federal relations.

But there is another factor. It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90% of all defendants will plead guilty leaving only 10%, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs. Changes in the laws that are part of what we lawyers call the "revolution in criminal justice," which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the Law. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65%. In 1940 3 or 4 judges were able to handle all serious criminal cases. By 1968 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately few other federal districts experienced such a drastic change, but to have this occur in the national Capital, which ought to be a model, was little short of disaster.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of 61 new federal district judgeships by Congress within recent weeks is the result of efforts which began 5 years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see therefore that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs 5 or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs, nor can we forget that large numbers of people have been without the protection which only lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program 58 million dollars for legal services. That 58 million is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large or small in the abstract it is very large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers and the burden thus falls on the courts. This allowance for Office of Equal Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

What this all adds up to is that for at least 50 years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery —and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems 2 years ago is one of the few bright spots in the past 30 years.

Now we must make a choice of priorities. When we want to dance we must provide the musicians and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the Members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, 25 or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of a single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the Jurors' Lounge rather than hearing cases in court.

Modern court management calls for careful planning, and definite systems and organization with supervision by trained administrator-managers. We have at least 58 Astronauts capable of flying to the moon, but not that many authentic court administrators to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the 11 circuits and for every busy federal trial court with more than 6 or 7 judges. We need them to serve as the "traffic managers", in a sense as hospitals have used administrators for 40 years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience and the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this Century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those Rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pre-trial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of Judicial Seminars, Institutes and Study Centers that have contributed much. We owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administractors can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the federal courts. We should look more to state courts familiar with local conditions and local problems.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a State-Federal Judicial Council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue their cooperation with the appropriate Committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a Judiciary Council consisting of perhaps 6 members, one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This Council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in case loads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts; (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise. (Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.); (e) study whether there is a present need for three-judge District (trial) Courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they could be more efficiently administered in some way. (Pending studies on this problem should be pressed to conclusion.)

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be reexamined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked 5th Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and within accepted standards of conduct. This Association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the Bar to make sure they are followed.

I have necessarily left some subjects untouched and others undeveloped but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. Three things could destroy that confidence and do incalculable damage to society.

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value.

One is that people who have long been exploited come to believe that courts cannot vindicate their legal rights from fraud and over-reaching in the smaller transactions of daily life.

One is that people come to believe that the Law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system and both are essential to fulfill the promise of equal justice under law.

I ask your help to see to it that this is done.

[From Look Magazine, Mar. 23, 1971]

JAM-UP—CRISIS IN OUR CRIMINAL COURTS

(By Jack Star)

Chicago's dreary gray-stone Cook County Criminal Court Building at 26th and California, a vestige of the Al Capone era, has changed little—on the outside—in the 29 years since I was a newspaper reporter there. But on the inside, I can quickly detect the strain our courts are under. Tough-looking deputies frisk me for weapons as I enter, while lady deputy sheriffs with high-piled hairdos peer into the purses of women visitors and run their hands over midis. A smuggled gun was used last October by a convicted

murderer in a fatal (for him) shootout with police. Leather-jacketed policemen now patrol the courtrooms.

The men and women in the halls look different too. They are mostly black, and the sour smell of trouble hangs over them. "Once we had high-class burglars here—now they're just poor slobs," claims a prosecutor from the old days, presently a judge. The sheer numbers are staggering. "We're working on a treadmill here, we're not changing anything," says Assistant State's Attorney William E. Oplatka, a man I remember from the 1940's. "We have twice as much crime nowadays and just about the same number of people to handle it. We need twice as many courts and twice as many prosecutors."

You wonder if the system isn't foundering. Chief Justice Warren E. Burger of the U.S. Supreme Court has warned the American Bar Association: "If ever the law is to have genuine deterrent effect . . . we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate. . . . Delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial."

In Cook County's overburdened civil courts, it can take over five years to get a hearing on a damage suit. And it can sometimes take several years to dispose of a criminal case. Looking through a single day's call for the Criminal Courts in a year-end issue of Chicago's *Daily Law Bulletin*, you can spot one 1967 case, 11 from 1968, 21 from 1969, and many, many from early 1970—and most of these were destined to be postponed again. A number of judges I talk to have 150 or 160 cases waiting.

One judge shows me a list of 104 prisoners who have been in the grim County Jail for up to two years—and this list is incomplete. The jail, built for 1,198 prisoners, now holds 2,000—and 1,700 of them are awaiting trial! The average stay, while waiting, is said to be six months, but most everybody I talk to has been in there longer.

In a casual tour of the jail, I find a 21-year-old black youth who has been locked up on a murder charge since April, 1968. He is in the "hole," an isolation tier where problem cases are kept. His bed is a thin mattress on the hard concrete; he wears pajama bottoms; he is allowed no visitors or commissary privileges. "I might as well be guilty as suffer like this," he says. Perhaps he *is* guilty, along with the 1,700 others awaiting trial, I reflect, but isn't he *presumed* to be innocent? So are the 1,700 others, locked up for months on end, eating coarse food and, for recreation, watching daytime television.

A judge tells me: "The jail is a breeding place for crime and buggery. The men lie around in complete idleness. There are no rehabilitation programs." Last year, there were seven or eight suicides in the jail. Forced homosexuality is not uncommon. Neither are assaults and robberies.

"Many of the prisoners are in jail simply because they can't afford $250 or $500 for bond," a lawyer says. Illinois law requires a prisoner to put up only ten percent of the total bond, but a cash outlay of $500, to a poor man, might as well be $5,000—he just hasn't got it.

It is a matter of debate whether trial delays hurt or help a defendant. Marshall Patner, general counsel for a group of civic gadflies called Businessmen for the Public Interest, points out: "The public defender who actually tries a case does not make active contact with his client until practically on the eve of the trial—sometimes many months after the arrest. It is virtually impossible at that time to begin to investigate a case. Just try in a ghetto where urban renewal has decimated the geography and the population."

A young assistant state's attroney shudders as he tells me: "A case that's been dragging on since 1968 shakes me up. A narcotics undercover man may have made 200 buys. How can he remember two years later even who the defendant is?" For the man in jail, there are other drawbacks. A report of the President's Commission on Law Enforcement and Administration notes: "A defendant in jail cannot help counsel locate witnesses, persuade them to testify, nor restage his story. . . ."

Presiding Judge Joseph A. Power, a proud red-faced man with carefully arranged silver hair, is an old friend of Mayor Richard J. Daley. He believes that men in jail for long periods are there because of their own volition. He says to me: "They'd just as soon be in the county jail if they're guilty as in the state penitentiary, if there are witnesses ready to confront them. Maybe six months later, there will be no witnesses."

Maybe so. Although Illinois has a progressive law requiring that a prisoner be freed if he isn't brought to trial within 120 days (160 if out on bond), the law doesn't really work. It is suspended if the defense asks for a continuance within that period. I telephone the lawyer of a man who has been in jail for two years on a murder charge. He has had over three dozen court continuances. The defense asked for many of them.

"What would you do?" asks the lawyer. "My client is accused of stabbing his fiancee 23 times, then driving to a police station and confessing on a tape recording. "Speaking generally, he adds: "You realize, of course, that most clients of criminal lawyers are very poor. In order for a lawyer to get paid, he has to string out a case for as long as he can. He tells the judge: 'Your honor, I need a continuance for professional reasons.' Everyone knows what 'professional reasons' means. It means the defendant or his family is trying to raise a little money every week. When you get enough money, you go to trial. If you go to trial before the money is raised, you usually get no fee."

There are other reasons for delay. Procrastination is built into the system. For a judge to assemble a jury, defendant, defense counsel, prosecutors and witnesses at the same time and place often seems an impossible Chinese puzzle. "The absence or tardiness of a single person," as Chief Justice Burger says, "will delay the entire process and waste untold time."

I watch Judge Saul A. Epton struggling manfully to keep his courtroom busy. A lawyer walks into the Judge's chambers to demand an immediate bench trial for his client, who is charged with burglary. The two young prosecutors assigned to the courtroom, who have come in to smoke a cigarette, object vehemently. They say they have eight murder cases coming up next. As a matter of fact, they have another 40 or so murders coming up in the 150 cases waiting for them to prosecute. The lawyer is given a trial date, six weeks later, for his burglary charge. He doesn't look happy, but he's lucky to get the date.

Judge Epton is a peppery but considerate man of 60 who heard over 50,000 cases in ten years in Boys' Court before being assigned to Criminal Court. He hates inactivity. At the moment, he is waiting for the defense lawyer to show up so he can finish selection of a murder-trial jury. "We've got eight jurors picked from yesterday and twelve other prospects waiting to be questioned," complains the Judge. "Now we're sitting around, waiting for the lawyer. He called at 9 a.m. to say he was delayed in police court." The lawyer finally shows up at 10:45 a.m. "I wonder what juries must think," says the Judge, "when they see how much time we waste." That afternoon, when the trial is adjourned, the defense lawyer asks for a resumption the next day at 10:45 a.m. He has another date in police court. "Make it 10:30," the Judge says with resignation.

Conscientious judges are hard put to use the dead hours of the day effectively. "My courtroom is empty after lunch a third of the time," complains a judge who doesn't want his name used. The same judge is critical of inefficiency:

"The presiding judge who assigns the cases will send along a prisoner from his court lockup with a slip of paper to my lockup, but he won't send along the defendant's file. The first I know of the matter is a lawyer interrupting a trial in progress, sashaying up and saying: 'May it please the court, may I approach the bench?' I drop everything to tell him and the prisoner to come back the next day when we get the file. This happens day after day after day."

In one of two courtrooms used for preliminary narcotic hearings, I stand beside a harried young judge. For the third time that morning, he sees the same defendant, a prematurely aged black man accused of possession of a hypodermic syringe, brought before the bench. Twice before, he has had to be sent back to the court lockup because his papers had disappeared. Now, he looks as though he's going to cry as the deputies lead him away once again while the search for his papers continues.

One of the biggest time wasters, according to Judge Epton, is jury selection. "Picking a jury," he says, "takes a minimum of two days, and it can go on for months. In one case I had, it took over two weeks to pick a jury—actually more time than to hear the case. There is too much repetition, too much trying to X-ray every juror. That was all right in the days of Clarence Darrow, but nobody expects a Perry Mason today."

I watch as the Judge impatiently takes over the questioning of some prospective jurors in a murder case: "Do you know anybody who is on the police department?" he asks. The rival lawyers had used a half-dozen questions (like "Where does your wife work?") to get the same answer. "If I do the questioning," another judge tells me, "I can have a jury picked in half a day."

A big time waster, according to Judge Kenneth R. Wendt, is the prosecution of cases that should never have been. "From what I've seen in eight years on the criminal bench," he says, "I think the state's attorney should have dropped one-fifth of his cases. He should know he hasn't got a case. Yesterday, the complaining witness, a gas-station attendant, testified he was robbed by a man who wasn't white. And there sat the defendant, whiter than you are! The complainant testified the robber's car was blue, and then the prosecution showed him a photo of a white car, the defendant's. I threw the case out."

Much time wasting, says Judge Wendt, originates early in a case, when a policeman first makes an arrest. "In Narcotics Court, where I sat for seven and a half years, fully half of the police searches were legally faulty," he recalls with some asperity. "In these cases, I feel sorry for both the defendants and society—neither is getting a fair shake."

Cases like these needlessly strain the legal system, a system that I fear is in for even more straining. The vast majority of accused persons plead guilty in the hope of a lighter sentence—"copping a plea" old-timers call it. Today, this process is dignified with the name of plea bargaining, and safeguards have been installed in many places to monitor it. Last year, the Supreme Court approved of the process. Yet the President's Commission on Law Enforcement and Administration of Justice has expressed its concern:

"Few practices in the system of criminal justice create a greater sense of unease and suspicion than the negotiated pleas of guilty. . . . The offense for which guilt is ac-

knowledged and for which the sentence is imposed often appears almost incidental to keeping the business of the courts moving."

There is no question that the courts couldn't function for a day without plea bargaining. Chief Justice Burger says that as many as 90 percent of all criminal cases are settled with guilty pleas. A decline in this number would inundate the courts. According to the Chief Justice, "A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand."

Increasingly, there is evidence that defendants' rights are being given away by their lawyers just so the courts can function. Michael E. Tigar, a professor at UCLA Law School, writes: "Judges who would not hesitate to condemn a furniture dealer who preyed on the ignorance of his customers and exploited a superior bargaining position will routinely approve the plea bargain that results from negotiations between the state and an uninformed, powerless defendant."

"We have to be careful," admits Assistant State's Attorney Oplatka, who devotes most of his time to plea bargaining. "Some guys," he tells me, "will plead just to get out of here if their case has been around three to four to five months."

Oplatka spends alternate days in two preliminary courts: one that hears "outdoor" violence; and the other, "indoor" violence. He says: "A defendant gets a better break here than upstairs (the Criminal Courts with juries). Like, we give one to four years when you ask for two to three; upstairs, you'd get three to six years."

In his office near the two courtrooms, Oplatka receives a steady stream of lawyers who want to hear what kind of a deal they can make. "Sometimes,' he says, "they've got a good defense and can come up with a motion to suppress the evidence or the" arrest. I don't want to send any cases upstairs that are losers." In the process of bargaining, the state and the defense consider the nature of the crime and the criminal: Is violence involved? If a burglary, was it in a home or business? (A home is taken more seriously.) The record of the accused as a criminal, jobholder and family man. Does he use narcotics? How strong is the state's case?

By plea bargaining at the preliminary level, the prosecutor can reduce the charge and avoid taking cases to the overworked grand jury and higher courts. The number of indictments has actually been declining for several years—from 4,415 in 1968 to 3,784 in 1970. Meanwhile, the number of criminal informations (complaints that permit disposition of a case in the preliminary courts without going to a grand jury) has risen from 995 to 1,510.

At the preliminary hearings, where the judges have to decide if there is probable cause to hold a defendant to the grand jury for indictment, you wonder how a judge manages to keep his cool. Sitting in Branch 24 of the Municipal Division, where about half of all Chicago crimes involving violence or other serious charges are first heard, I listen to Judge Robert J. Sulski preside over 125 cases between 9:30 a.m. and 5:08 p.m., with 40 minutes out for lunch. The courtroom is so crowded, I can hardly hear. The five rows of benches are packed full; the jury box's padded seats have been taken over by sleepy policemen, most of whom have just come off duty from the midnight shift. "Quiet! Quiet in the court!" a clerk barks periodically. For a moment, it is quiet, then the babble gradually resumes. Even though it is cold outside, the old courtroom is sweaty hot from the ancient radiators. Nearby, the courtroom lockup, where the prisoners sometimes wait all day for their call to the bench, is steamy with bodies sprawled on the bare floor.

Eighty percent of the cases here are represented by a young assistant public defender, a chunky, bright young man who not long ago was a policeman. On the average, he spends no more than a minute preparing a defense. "I don't like to waste time talking to the defendant," he confides. "The time is better spent looking through the arrest papers for an obvious fault in the state's case."

The Judge's composure cracks when a young girl junkie, accused of forging checks, is brought before the bench with her boyfriend. Incongruously, she is grinning. "You could go to the penitentiary," the Judge admonishes. "What is there to smile about?" The public defender whispers with the prosecutor. The couple gets four years' probation, with their felony charges reduced to misdemeanors. They are ordered to make restitution and join a drug-abuse program.

A young Puerto Rican woman testifies she was raped when she mistakenly got into the wrong man's car. The man's lawyer implies the whole thing was voluntary. After a careful hearing, longer than usual, the Judge rules there is no probable cause. He is reluctant to send a man to prison for a compulsory minimum of four years. A young prosecutor, having a cigarette a moment later with the Judge in his chambers, disagrees. "If she enjoyed it so much," he asks, "why did she write his license number down afterward?"

A very quiet black man, charged with arson, slumps wearily as a detective testifies that the defendant deliberately set fire to his apartment with a candle. The Judge looks over a psychiatrist's report and postpones the case so that a competency hearing can be held and the man committed to a mental hospital.

The call goes on and on and on. Judge Sulski is doing his best to keep abreast of the stream of cases and cut down the number that must go upstairs. But it seems too much for any one man.

I talk to Presiding Judge Power. He assures me that two more courtrooms will be opened later this year. Winston Moore, the man running the County jail, tells me that within the next couple of years, new additions will reduce jail overcrowding. But neither of these professionals leaves me with any sense of well-being. I rifle through my research notes about courts in other cities. Many are in worse shape than Chicago.

I reflect on the words of former Attorney General Ramsey Clark, in his new book, *Crime in America:* "We cannot panic when trials are long delayed. But we must recognize that the system is not working and its purposes are frustrated."

I go through a Justice Department report revealing that 52 percent of the 160,863 persons being held in city and county jails on a census day last year had not been convicted of any crime. Again, this brings to mind Ramsey Clark's compassionate words: "Over the years we have deprived hundreds of thousands of people, never convicted of any crime, of their liberty because they were poor. The rich, the mobster, the well connected—they all made bail. Only the poor remained in jail, and as a result jobs were lost, families separated, and the best—sometimes only—chance to obtain evidence, find witnesses and prepare a defense was gone."

JAIL CENSUS FINDS 52% NOT CONVICTED—FIRST NATIONAL STUDY OF CITY AND COUNTY FACILITIES IS CRITICAL OF CONDITIONS

(By Jack Rosenthal)

WASHINGTON, Jan. 6.—A pioneering Federal census of city and county jails showed today that 52 per cent of their inmates had not been convicted of a crime and that many inmates, whether convicted or not, endured "less than human conditions."

Four jails still in daily use, including one in Fulton County, N.Y., were built before George Washington's inauguration, the study showed. A quarter of the 97,500 local jail cells in the country are more than 50 years old.

The $140,000 study was made by the Census Bureau for the Law Enforcement Assistance Administration, an arm of the Department of Justice established to aid the local police, courts and corrections systems.

JUDGES PICK JURORS

In New York State, judges were taking over from lawyers the job of selecting jurors under a new procedure to speed up criminal trials.

While state prisons have been receiving increased public attention, the jail census is the first comprehensive study ever of American county and city lockups.

Generally, jails are used for people detained before trial and for those convicted of less serious crimes. Jail sentences, unlike prison sentences, usually do not exceed one year. But there are jails where prisoners have been held for five years or longer.

"Many more wrongdoers pass through our jails than our prisons and yet until this study we didn't even know how many jails there are," Richard W. Velde, associate administrator of the law agency, said.

The jail census, which achieved a 100 per cent response, showed that there were 4,037 jails operated by municipal or county governments in which people were held for more than 48 hours.

As of March 15, 1970, the day of the jail census, 160,863 persons were incarcerated, 7,800 of them juveniles.

The state and Federal prison population is estimated at 350,000.

A full report on the jail census will not be released until spring, but a number of findings are already available. These include the following:

Of the 160,863 prisoners, 83,000 or 52 per cent, had not been convicted of a crime. A total of 35 per cent had been arraigned but were awaiting trial. The remaining 17 per cent were still awaiting arraignment.

Jails in urban areas are, for the most part, "terribly overcrowded," Mr. Velde said, while rural jails are operating far below capacity.

Some 500 jails now in service were built in the nineteenth century and six in the eighteenth century. The oldest are those in Albemarle County, Va., built in 1705, and Cumberland County, Pa., in 1754. The jails in Fulton County, N.Y., and Hagerstown, Md., were erected in 1776.

Although 65,000 people are serving sentences in local jails, 10,000 for a year or more, many jails are ill-equipped to do more than keep them locked up. "Most prisons have at least some correction and education programs," Mr. Velde said. "It is clear that many jails don't have even that."

Of the 3,300 jails in large communities, 85 per cent have no recreational or educational facilities of any kind. About half lack medical facilities. About one-fourth have no facilities for visitors.

Texas has more jails than any other state, with 325, followed by Georgia with 240. The largest jail population is in California, with about 28,000 in 166 jails. New York has the second-largest jail population, 17,399 in 75 jails.

$500-MILLION SLATED

Discussing overcrowding of jails, Mr. Velde said, "There are many cases where inmates—children, mental incompetents and hardened felons—are all lumped together in less than human conditions of overcrowding and filth."

He said that the jail census would provide the basis for enlarged assistance from the law agency for corrections programs. The agency

this year will distribute about $500-million to various parts of the criminal justice system.

The agency now expects to devote about $100-million in the next six months to both jails and prisons and "significantly more" in the fiscal year 1972, which begins next July 1, Mr. Velde said.

Total state and local spending on correctional facilities around the country is estimated at $1.5-billion a year.

[From the Washington Post, Feb. 20, 1971]

MITCHELL CALLS CRIMINAL JUSTICE AN "ASTONISHING TALE OF NEGLECT"

(By Ken W. Clawson)

Calling the American criminal justice system "an astonishing tale of neglect," Attorney General John N. Mitchell yesterday urged national standards and goals to upgrade police agencies, courts and prison systems.

Mitchell said the government would finance the project, which would include participation of local, state and federal officials.

"By pooling the talents of professionals at all levels of government, we can set yardsticks to measure our progress toward a 20th Century criminal justice system," Mitchell said in a speech delivered at the dedication of a courthouse in Pasadena, Calif.

A copy of the speech was made available in Washington.

In the strongest terms since he became Attorney General, Mitchell criticized, especially on the state and local levels, the nation's three-headed criminal justice system:

Police—Most states have little or no basic training for police. Police pay ranges as low as $165 a month, and some police agencies have only the telephone for communication. One unnamed state has only 30 policemen on duty between midnight and 8 a.m.

Courts—In some states, lower court judges and prosecutors are not attorneys. Prosecutor pay is so low in some states that these lawyers spend much of their time in private practice, "with obvious possibilities for conflict of interest."

In two states, the number of days courts are in session are 72 and 76, respectively. One state reported that its justices of the peace "regularly hold court in pool halls."

Prisons—Most state and local prisons and jails have no convict rehabilitation program. One state reported half of those in jail in its largest cities had not been convicted of a crime. In another state, no effort was made to separate the accused from the convicted.

Most prisons and jails are overcrowded and antiquated, a condition characterized by one state as "not only deplorable, but in many cases inhuman."

In one state, Mitchell said, inmates themselves serve as guards, armed with rifles and pistols.

A Justice spokesman said that Mitchell got the facts for his "tale of horrors" from state reports to Justice's Law Enforcement Assistance Administration. The states were not identified, the spokesman said, because it was felt they were being candid and that the overall picture was more important than singling out the states.

Mitchell said that improvements in all three areas must be made, and he cited President Nixon's pledge to make Washington a model community as an example of success in the making.

Through restructuring of the District's court system, bail reform, jail and prison reform, expansion of the police department and other changes, Mitchell said, the backlog of court cases has been reduced and "for the first time in 14 years, crime in the District of Columbia is actually declining."

"Just as the crime wave has been turned back in the nation's capital," he said, "I predict that we can turn it back across the nation."

Mitchell said LEAA would finance and help get rolling an effort to set national performance standards and goals. He characterized LEAA as "a forerunner" in the administration's revenue sharing proposals, pointing out that the agency has $480 million to spend on criminal justice this year.

Despite the fact that there have been several reports of corruption, lack of direction, and mismanagement involving LEAA or state and local agencies, Mitchell characterized LEAA's block-grant approach as "an auspicious beginning as we move into a larger framework of revenue sharing between federal and state and local governments."

[From the New York Times, Jan. 25, 1971]

NEW BOTTLENECK HAMPERS COURTS—APPEALS HELD UP BY DELAY IN TYPING TRIAL TRANSCRIPTS

(By Fred P. Graham)

WASHINGTON, Jan. 24.—In these days of frequent court congestion, it is not too unusual that though more than three years have passed since Hubert Hall Irvin Jr. was convicted of robbing a bank in California and 11 life insurance salesmen were found guilty of conspiracy in South Carolina, their convictions have not been reviewed on appeal.

What is novel is the reason for the long delay. In separate petitions that came before the Supreme Court this month, the appellants explained that court reporters did not get around to typing out their trial transcripts, and thus the appellate courts have had nothing to review.

Chief Justice Warren E. Burger warned in his year-end report about the urgency of resolving the "unsolved problems of prompt completion of trial transcripts from overworked court reporters." The cases of Irvin and the insurance men have demonstrated how this problem of court administration has developed into a knotty constitutional issue.

A CONSTITUTIONAL QUESTION

Irvin fretted for three years behind bars and the insurance men chafed under the loss of their jobs and reputations before they brought the matter to the Supreme Court in the form of a constitutional question: Since they all contend that their convictions are void because of trial errors, haven't they been denied the "speedy trials" guaranteed by the Sixth Amendment?

Within two weeks after Irvin's petition reached the high court, the court reporter finally produced his trial transcript, and earlier this month the justices sent the matter back for review.

The insurance agents' petition for a hearing before the Supreme Court is due to be ruled upon soon. If the Court agrees to hear the case, it will have to decide first whether the "speedy trial" requirement or the due process clause prohibits long delays in deciding appeals, and, if so, whether convictions should be thrown out because of court reporters' delays.

The Supreme Court of South Carolina held that although the insurance men were convicted of conspiring to divert policyholders' dividends on March 29, 1967, the failure to accord them an appeal had not violated their rights because the delay was unavoidable and they have been free in the meantime.

MACHINERY UPSET

The trial transcript bottleneck that has choked the flow of appeals in many courts has provided an ironic example of how recent advances in defendants' rights can upset the delicate machinery of justice.

Until a decade ago, appeals in criminal cases were relatively rare. Then the Supreme Court ruled that poor defendants must be furnished counsel for trials and appeals, as well as free transcripts for their appeals. Courts became quicker to overturn convictions, and defendants were encouraged to appeal.

Between 1960 and 1970, criminal appeals in the Federal system virtually quadrupled—from 2,500 a year to 10,000—while prosecutions remained almost steady at around 30,000. A similar trend occurred in the state courts, where a rising volume of prosecutions made the situation worse.

Roland F. Kirks, director of the administrative office of the United States Courts, called the problem a simple matter of "increasing case loads—and court reporters don't multiply that fast."

"There are probably more Federal courts where there are transcript delays than where there aren't delays," he adds.

The Court of Appeals cited two court typists for contempt for being slow to produce a transcript. Congress authorized United States judges last year to contract with private companies when the courts' reporters fell too far behind.

OFFICIAL PESSIMISTIC

Harold B. Alderson, president of the Alderson Reporting Company, Inc., says that the situation nevertheless is likely to continue to deteriorate because too few reporters are being trained. Most court reporting is now done by stenotypists, who use a phonetic keyboard to make shorthand-like symbols on a paper tape, from which a verbatim account of a trial can be typed.

AGENDA FOR CHANGE

(By Warren E. Burger)

In a period when the burdens on our judicial systems—federal and state—have reached almost a breaking point it is interesting that Chief Justice John C. Bell's 50th anniversary comes at a time when Pennsylvania has taken important steps, in which he has had a large part, to bring its judicial machinery up to the demands made on it. You now have a unified judicial system and you have vested broad new powers in your highest court with a court administrator to carry out the non-judicial managerial functions. You have upgraded and streamlined your courts dealing with minor cases.

Perhaps one of the most significant steps you have taken is to establish a judicial inquiry and review board with power to see to it that judges perform their duties in keeping with the high traditions of the legal profession and the judiciary. The attention of judges everywhere will be focused on how this process evolves. There is a growing body of thought in the profession and among judges that with the vast expansion of courts and growth of judicial power some kind of accommodation must be made between the imperatives of judicial independence and the public interest.

This occasion is an appropriate time, I hope, to discuss just a few modest examples of what we should place on our agenda for change.

Now that the elections are over I trust it will not seem partisan if I quote another distinguished Pennsylvania leader, Senator Hugh Scott. As a classical scholar, the senator rendered in flawless Latin what I will put in English. In speaking of problems of the functioning of Congress he said:

"All things are changing and we are changing with them. . . ."

I would alter this to say, as to the courts, "All things are changing and we . . . Must Change With Them."

I do not mean this in a precisely literal sense but rather that we must be *open* to consider changes to meet new problems and new conditions, as Pennsylvania has just done with sweeping revisions of the judicial articles of its constitution.

In the annals of history, our country is still a very young country and all our claims to preeminence and greatness in many fields of

human endeavor cannot hide this fact. It is good that we are in our youth as a nation, because the young can adjust more readily than the old. Our resiliency and flexibility is a great national resource that makes revolution in the violent sense irrelevant and unnecessary. One aspect of our being a young nation accounts for a national attitude—not universal but widespread—that whatever is American is *best* and that probably we invented it. But this is not an attitude of the young people who are asking questions about our system. One of the genuine values of the questioning unrest of our youth is their tendency and eagerness to reexamine what we have been doing as a people and why. Their probing is irritating and even painful, as all probing is, but even as these young people seem to act immaturely it may be that they are probing for the insight Bobby Burns expressed in his prayer that we "see ourselves as others see us."

We are now well into the final third of this century. Thirty years from now our present 205 million people will have grown to 325 million, but our judicial machinery is not even adequate for the burdens now placed on it. Even if our population remained static and our society, our economy, our science and all other development stood still (and of course they will not do so) our judicial machinery will be unequal to the task.

Our dynamism will continue on the curves that have taken us, for example, from *no* automobiles in 1900 to 80 million today, and with them the expansion of uncounted thousands of miles of highways. We had a handful of telephones in 1900 and we now have 100 million or more. In 1900 it took about 175 hours of the speediest travel to go from New York to California and today it takes four hours. In that period we reduced the average work week from 60 to 40 hours but increased the gross national product 300%.

The rate of change may alter but the change will not stop. More likely the pace will increase, and with it enormous stresses will be placed on all our institutions and particularly on the courts.

For lawyers and judges the question is how we will meet the massive problems flowing from this growth and dynamism. The problems are massive, but so is the opportunity for American lawyers and judges if they will reject both despair and complacency and examine our methods and our procedures with critical and inventive and open minds.

As I read history, the societies that survived have been like the animals that survived. They had the capacity to adapt to new conditions and the resiliency to adopt methods and ideas from others. We took our basic legal and judicial structure from England, of course, and it was then and is now fundamentally one of the best, if not the best, ever developed to resolve conflicts among human beings and between individuals and the state.

When we look back, however, we can see that except for embellishments and minor improvements we have the *same basic system* today that was confirmed in the Constitutional Convention in this city of Philadelphia 183 years ago. In its procedural fundamentals it is so much in the same that—as I had occasion to say to the ABA in August—Jefferson, Hamilton and Adams would need only a slight briefing to step into the state or federal courts in Philadelphia, or St. Paul or San Francisco and perform very well indeed.

From past experience I am aware that even an analytical discussion in the field of comparative law—the comparison of our methods and procedures with others—exposes me to the risk that I am advocating some specific changes.

Tonight I advocate nothing except an open-minded and mature willingness to examine our judicial machinery carefully, thoughtfully—and critically to prepare for the onslaught of events of the next 30 years. I am usually inclined to optimism but I will take the risk of saying *flatly* that if we fail to do this we will experience chaos in the courts with enormous and adverse impact on private civil rights and on law enforcement and the security of persons and homes and property, and with all this a loss of confidence in our system.

Let me suggest just a few areas for inquiry in the federal system—and if these points of inquiry are appropriate for state courts as well, so be it. The points I raise are simply items on the agenda for change, not proposals, not specifics, simply agenda items.

AGENDA ITEM NO. 1

When the constitution was written 183 years ago a few hundred yards from where we dine tonight, the framers of Article III contemplated a federal judicial system composed of courts of *limited* and *special* jurisdiction. One aspect illustrates a point I wish to make for this hypothetical agenda. In that day Philadelphia was one of the great ports of the world and the greatest in America. Transport and travel was largely by water. Shipping, shipbuilding, and fishing were the foundations of our economy. In fixing the jurisdiction of the federal courts, jurisdiction over maritime traffic and the hazards and casualties of water transport loomed at least as large as any single phase of the economy of 1970.

The authors of the constitution saw that most litigation relating to this basic industry of water transport would arise either in the coastal waters or in navigable inland waters that would often fall between the jurisdiction of two states. They wisely decided that admiralty jurisdiction would be vested in the federal courts.

Now we come to an interesting aspect well known to the lawyers of Pennsylvania: Cases in admiralty, of course, could involve loss of cargo, of passengers, of vessels or damage to vessels in collisions with one another. Fundamentally there is no difference between ship collisions and automobile collisions except that ships generally involve larger stakes. Yet these wise authors left admiralty litigation in the hands of judges without juries. The maritime experts will respond that this was done because admiralty cases were traditionally tried without a jury. But *WHY?* Traditions do not spring from arid intellectual processes but from reason fertilized by experience and their reason and experience led them to let admiralty cases to judges. Another example is found in the Federal Tort Claims Act of 1947 in which the Congress after much study provided for trial by a federal judge without a jury.

With all their wisdom and foresight in statecraft the men who met here in 1787 could not conceivably anticipate the automobile and its impact on American life and on the courts. When they provided for federal jurisdiction in diversity of citizenship cases they could have had no thought of the mass of personal injury cases that would one day make up the largest single category of civil cases in federal courts.

I submit that if these men had been able to anticipate the automobile and its impact on courts, they would have done one and possibly two things: (a) they would have made personal injury cases an exception to federal diversity jurisdiction, or (b) they would have said that if a ship collision is to be tried by a judge without a jury a simple automobile case could be disposed of in the same way.

Perhaps the time has come to ask whether automobile personal injury cases have any more place in the *federal* courts than overtime parking or speeding on Chestnut Street in Philadelphia.

Many rational experts of the whole field of litigation, more expert than I, go far beyond this modest agenda proposal. They advocate that automobile cases be removed from all courts and juries or at least that they be tried by judges without juries, thus speeding up and reducing the cost of the process. Those who advocate this step can hardly be thought radical or subversive when we remember that 35 years ago England, the mother country of the common law, abolished jury trial for civil cases with a few minor exceptions such as slander and libel cases.

AGENDA ITEM NO. 2

Our constitution guarantees trial by jury in all civil cases in federal courts involving $20 or more. Congress, by increasing the jurisdictional amount to $10,000 has neutralized much of the impact of this dubious provision of the constitution which received little consideration in a convention preoccupied with matters of larger concern in a Philadelphia summer before the advent of air-conditioning.

Until the Supreme Court pronounces a final judgment on what the term "jury" means in federal cases I have no better basis than any other lawyer for an opinion on the subject except as *Williams* v. *Florida*[1] of the 1969 Term may shed light. In that case the Court held that a state is free to use six-member juries in criminal cases. But we need not have a final opinion on the constitutionality of a jury of less than 12, in order to say that the subject is an appropriate *agenda* item for the legal profession if it wishes to keep the courts from a breakdown.

The next budget for the federal courts includes $14 million for jury fees. Ponder a moment on the saving in dollars, the saving in time and the reduced confusion, if we could cut that by 40%, allowing the full 12-member jury for criminal cases, and devote the saving of time, money and lawyers to better use.

While I speak of the jury system let me make it clear that whatever the future may bring with respect to civil litigation juries, and even if we should ultimately follow England as to civil cases, this should not be the pattern for *criminal* cases.

We know that as Englishmen developed the jury system in criminal cases, it was the shield or barrier between the individuals, the king and the king's judges of those early days. American judges, as in England today, are blessed with independence from other branches of government. But the very complexity of modern government and the layers of officials, however necessary, render modern government possibly even more remote from the individual in 1970 than he was centuries ago in England. As a lawyer, my choice would be that we never abandon the jury system for criminal cases, and of course the constitution guarantees this protection.

AGENDA ITEM NO. 3

Another sample agenda item has a relationship to litigation and juries in civil cases. Here again I turn to the British experience which in many respects is influenced more by the methods and procedures of the civil code systems of Europe than are we.

In England, as here, some of the most time-consuming and complex litigation is in the field of business regulation, antitrust and patent cases. England's experience deserves study. In a complex business-economic case they often have two economists or other specialists sit with the judge and join with him as triers of economic issues. In a patent case involving esoteric questions of chemistry or physics or engineering, the lay judges who assist the professional judge are experts in the relevant field. This shortens and simplifies trials, and if the judgment of British judges and barristers can be relied on, the results are far more satisfactory and the process more efficient.

The mere fact that the prolonged trials so common in the United States are virtually

[1] 399 U.S. 78 (1969)

unknown in England suggests we ought at least to look more closely at their experience.

AGENDA ITEM NO. 4

In 1969 we took a very important first step toward bringing modern business management methods into the courts. This was the creation of the Institute of Court Management, largely due to the dynamic leadership of Bernard Segal. That institute will turn out the first formally trained court executives next month. Important as it is, it is only a first step. The problems of court management must remain a high priority on the agenda to make sure that qualified managerial executives are made available and are properly used by the courts for nonjudicial functions, and that they be given the means to bring the administration of justice into the 20th Century.

These few items of an agenda for the future are merely samples, as I said. I leave it to the resourcefulness and innovativeness of our lawyers, law teachers and judges to fill out the agenda and then go to work without delay. It is only by a searching examination of the entire functioning and jurisdiction of the courts that we can have any chance of being ready for the new burdens that lie ahead.

Korzybski in his work *Science and Sanity* describes man as a "time binder" by which he means that unlike animals, man can start where his forebears left off and improve the quality of life. Man, in short, has the capacity to learn and change and build on the experience of the past; he need not simply exist in a mechanical repetition of a life cycle foreordained by nature or by his ancestors. In the methods of the law we have tended to let habit and the comfortable security of the familiar ways impede our search for better judicial methods and processes. There must be stability and continuity but there must also be change in order to survive.

For 16 months, I have had a new and closer look at the problems of justice and at the potentialities of the organized bar to improve the quality of justice. I see a new attitude, a new willingness to change, a deep concern for justice—a new spirit among American lawyers, and I am confident this new spirit and new concern will be equal to the challenge for a generation of change.

[From the New York Times, Mar. 8, 1971]

JUSTICE IS SLOW AND UNSURE IN NATION'S BUSY COURTS

(By Walter Rugaber)

WASHINGTON.—Congestion is strangling the courts in big cities throughout the country and is turning justice into a commodity that Americans regularly find elusive, capricious and uncertain.

Every day the court backlogs leave innocent men in the jails and guilty ones on the streets. Witnesses and victims wait hours for cases that are never called. The claims and causes of the injured remain unheard.

The delays are long and the effects are lasting, not only for the poor, the black and the young, but also for the rich, the white and the old, the businessman, the motorist and the consumer.

There is no count of untried cases, either for the country as a whole or for the majority of states and cities. But an examination of court dockets in a dozen major cities establishes beyond doubt that in almost every instance they are severely bloated and that the consequences are widely felt.

Beyond the routine, wholesale delays, gross overloading cripples the courts in dealing incisively with the broad problem of urban violence that has become a ranking priority at all levels of government.

Consider John McCullough and his wife, Nancy. They have operated a small grocery in Philadelphia for 34 years. They could be anyone in urban America.

They were at City Hall the month before last and last month, and they will be back this month and probably next month, because one night last September two men with a butcher knife robbed their store of $250.

Mrs. McCullough was not very surprised when, after a morning in the big and noisy courtroom, the case was postponed a second time. After all, she said, a previous case required eight appearances and one before that took 16.

The couple stood in the busy hallway and tried to recall how many times they had left their business to go downtown and wait, but finally they gave it up. They were asked why they do it.

"Well, they subpoena us, of course," Mrs. McCullough said, "but we want to show an interest too." Mr. McCullough added, "What else can you do in order to get any satisfaction? You can't take the law into your own hands."

The trouble stems from a great tangle of causes, both inside and outside the judicial process. Most broadly, the administration of justice, with its comfortable inefficiencies and its essential but slow procedures, becomes an easy victim of urban pressure.

The cases and people stack up. In New York, for example, the blame for the jail riots last fall was placed largely on notorious delays that had kept more than 40 per cent of the inmates waiting a year or more to be tried.

Concern over court congestion is extensive and of long standing. Calls for reform have come not only from radical elements but also from established authority—from two Presidents, scores of governmental officials, two Chief Justices and a long list of members of the bar, the bench and various civic organizations.

This week in Williamsburg, Va., legal authorities from all 50 states will gather to discuss the problem. President Nixon is expected to appear there with plans for Federal help in trying to improve the court machinery.

There is no single representative system. But look within the courtrooms of almost any given big city, among the faces and numbers and voices and all the day-to-day reality, and the stress is rather vividly apparent. Philadelphia is an example.

Congestion shows up in numbers. In Philadelphia last year, the Court of Common Pleas faced 91,980 of the more substantial civil and criminal cases and managed to dispose of 67,402 of them by Dec. 31.

The number left over (24,578), is large, but the first and one of the most important things about a backlog is not its size but its quality. And on the criminal side, quality is at least implied by result.

6,828 OF 15,845 FREED

A lot of the people flooding the system wind up looking like lambs. The Common Pleas judges in Philadelphia heard 15,845 criminal cases in 1970, but of that number 6,828 were acquitted outright.

More people were acquitted (the number includes 3,104 cases dismissed without trials) than were found guilty of the crimes with which they were charged (6,178). The rest (2,299) were convicted of lesser offenses.

Hardly anyone thinks this is very satisfactory It is commonly attributed to the greatly increased protection extended to individual defendants over the last several years by the United States Supreme Court.

But whatever the merits or the significance of that trend, the record indicates that between a third and a half of the people pouring into Philadelphia's criminal court will not get convicted of anything.

An angry and frustrated judge, after a particularly questionable case, is said to have shouted at some policemen still in his courtroom: "There are wolves out there, and you keep sending me chipmunks and squirrels!"

There are in Philadelphia and in most other big cities several variations on this theme. There is some feeling, especially among defense lawyers, that the police make cases that are simply flimsy by any standard.

DISSATISFACTION WITH "INPUT"

The police consider this unfair, and they get what could be considered a strong if indirect defense from many observers whose dissatisfaction with the "input" is aimed mainly at the "system" itself.

Some of the more radical reformers argue that cases designed to uphold the community's moral standards have no business in the courts, no matter how carefully prepared and iron-clad the evidence seems.

These reformers say activities that are by themselves nonviolent, such as gambling or getting drunk or reading pornography, could be handled by social agencies, if necessary, and should in any case cease to be illegal.

The idea is discussed fairly widely and openly, but the suggested pruning is far too rigorous for many. No one wants to think of promoting, say, legalized smut in his state legislature. And the "social agencies" already are admittedly inadequate to the task.

A number of judges seem to be asking instead for law enforcement that is a little more discreet. The police could concentrate informally, for example, on the cases most important to the community—more wolves, fewer chipmunks and squirrels.

Robert N. C. Nix Jr, a young black, and aggressive Philadelphian considered one of the tougher judges on the Common Pleas bench, insists "the philosophy behind arrests has to be re-evaluated."

"It's ridiculous to think you are going to be able to make an arrest for every crime that's committed," Judge Nix said. "If that was the case, we'd need hundreds and hundreds of more judges and courtrooms and everything else."

When officials talk about the basic quality of cases coming into the system and the various elements that contribute to overloading the courts, sooner or later most of them cite enforcement of the drug laws.

More people in Philadelphia came before the Court of Common Pleas for drug offenses than for any other cause last year. The judges handled 2,848 of these cases but only 2,613 burglaries, 1,330 robberies and 452 murders.

Nearly half (1,419) of those accused of drug violation were acquitted. Only 1,220 were ruled guilty of the particular crime with which they had been charged, while 209 others were convicted of some lesser offense.

In Philadelphia, cases that once get into the system tend to stay there and, even in instances where the evidence is patently weak, survive all the various preliminary hearings and arraignments.

"Our system has been like a big square," one of the city's assistant district attorneys acknowledged recently. "Everything that comes in at the bottom goes out at the top."

Prosecutors ordinarily assigned to the preliminary stages are the least experienced, it is reported, and lack either the confidence or the authority to knock out the weakest cases early on.

A PROBATION PROGRAM

The district attorney, Arlen Specter, believes some of the difficulty will be relieved by a program of "pre-indictment probation" that he and a state Superior Court Judge, J. Sydney Hoffman, announced earlier this year.

It involves first offenders or people with "minimal" police records. The case against

them may be weak, Mr. Specter said, or it may be apparent "the guy's going to get probation anyhow."

If the prosecutor and the court agree that the defendants in such instances pose no risk to the community, they are taken out of the machinery and placed in a probationary status for six months or more.

Those who stay out of trouble during this time have the charges against them dropped. The authorities expect that between 12 per cent and 15 per cent of the city's criminal cases will be handled this way.

There is a similar plan aimed at the load of drug cases. As outlined last month, first offenders caught with small amounts of drugs can receive probation promptly in a lower court if they plead guilty and agree to some form of rehabilitation.

The torrent of legal business is itself an active agent in a backlog. When it strikes the urban court, all the old weaknesses become monstrosities and long-accepted, even basic procedures may begin to seem intolerable.

COMPUTER USE URGED

Creaking administrative machinery is often the first victim. Many observers propose putting the myriad records on computers. Among them is Milton B. Allen, the prosecutor in Baltimore, who says of the present arrangement there:

"By and large, it's handled the way it was a hundred years ago—hand-written dockets, for example. It apparently worked fairly well up to 20 years ago, then the onrush of cases proved too much for the system."

Presumably it was also too much for a 20-year-old youth who, it was reported recently, had been locked away in the Baltimore jail for nearly eight months after all the charges against him were dismissed.

There are widespread demands for more judges and backup personnel. But many authorities in the big city courts believe that expansion by itself is only a partial and short-term solution at best.

In Philadelphia, where the backlog reached a staggering 35,000 cases in 1968, the court turned to the extensive use of computers, an active administrative staff and a general tightening down on courtroom delays.

10,000 CASES TRIMMED

More than 10,000 cases were promptly trimmed from the overload, but it was recently discovered that about half of all the charges that come up for trial on any given day in the city still are postponed.

The authorities believe the record in a number of other big cities is worse. Many elements must come together perfectly to have a trial, they point out, and if just one of them is missing a postponement is mandatory.

A policeman or some other prosecuting witness may fail to appear, frequently because a subpoena has not been issued. Such defects in the prosecution are said to cause 39 per cent of the delays in Philadelphia.

A five-month survey of continuances that could be attributed to something (there was no explanation for many of them) showed that 20 per cent of the continuances occurred because the defense lawyer was unavailable.

"Delay is the essence of any defense," one prosecutor says, and obviously in many instances people facing a jail term hope that the cases against them will dry up or just that they can stay out of the cells a little longer.

There are still other reasons for postponements. The survey in Philadelphia showed that 3 per cent of the trials there are put off simply because the defendants were not produced from jail.

It now requires, according to the most recent figures available, 160 days to move the average criminal defendant in Philadelphia from arrest to disposition. This is down from a 240-day average in September, 1969.

But the pressures remain enormous. Many judges have been switched from the civil to the criminal bench, and it now takes an average of at least four or five years to get a lawsuit settled.

"Justice is being denied almost totally on the civil side of our court," an administrator said. All the smaller cases are being forced to arbitration by panels of lawyers in an attempt to relieve the jam.

It is the man waiting in prison who feels the pressure most acutely. There have been jail riots during the past year not only in New York but also in other cities. The one in Philadelphia occurred last July 4.

About 80 per cent of the 2,592 men and women in the four jails there are just waiting to be tried. That does not take a- long as it does for the defendant who is out on bail, but the average still is said to be four months.

The prison superintendent, Edward J. Hendrick, points out that because most of the inmates have been convicted of nothing, they cannot be forced to work or to participate in training programs.

"If we knew their future we could do some planning," he says. "As it is, our efforts are concentrated on moving people back and forth to court every day. . . . I'm candid to admit we're running a human warehouse."

Each day about 150 people are awakened at 6 A.M. to get ready for the one-hour bus ride to City Hall. There they are packed into four extremely small cages on the seventh floor to await a summons to court.

The largest of these cells was estimated by a guard to measure six feet by 14 feet. Inside there are hard narrow benches and balky toilets. There is no drinking water. Roaches scurry over the debris.

The ventilation is so limited that on a single hot day late last summer seven men, including two of the guards, fainted. After a day of this, defendants often returned to jail without even glimpsing a courtroom.

Mr. Hendrick's records show that Ophus Lampkin has been hauled to court 24 times since March, 1970. John L. Sanders has made the trip 19 times since August, 1970. Robert Briscoe has gone to City Hall 44 times since August, 1969.

James Reynolds was arrested on robbery charges Dec. 27, 1969. He cannot post a recently set bond of $5,000. He has been bused to City Hall 19 times and has seen a courtroom once—for a hearing.

Still untried, the 21-year-old black man, who earned $125 a week as a roofer before his arrest, said he was not sure why he had never made it to trial. Like others in the jail, he is bitter.

"A couple of times," he said in a recent interview at Holmesburg prison, "I thought of just not going down there to City Hall. It ain't nothing down there. It ain't worth a dime. That place—it makes me sick."

"We are not giving justice by virtue of the fact that we're not bringing people to trial promptly," D. Donald Jamieson, the court's new president judge, observed. "The first element of due process is a speedy trial."

James Reynolds agreed. "It's very agitating," he added.

NATIONAL CONFERENCE ON THE JUDICIARY IN WILLIAMSBURG, VA.

Mr. HRUSKA. Mr. President, it is without doubt true that the tone set at the top will determine the course and effectiveness of our current efforts to revitalize our judicial system and restore a respect for law in all Americans.

It was my privilege to accompany President Nixon—along with my colleagues from the great State of Virginia—Mr. SPONG and Mr. BYRD—to Williamsburg yesterday and to be present when this tone was firmly established at the National Conference on the Judiciary.

This conference, which is still underway in Williamsburg, brings together judicial personnel of appellate and trial courts, prosecution and defense counsel, crime commission planning officers, bar association representatives, legislators, and others concerned with related fields of administration of justice. They come from all 50 States and from various branches of the Federal court system.

The conference was called under the joint auspices of the Virginia Division of Justice and Crime Prevention, and the Law Enforcement Assistance Administration.

Virginia's Governor Holton performed well as official and personal host throughout the meetings, and in hospitable and gracious manner.

I may say, Mr. President, that all those attending the conference had a rare privilege in hearing our Chief Executive and the Chief Justice state in clear and unequivocal terms the course we must take if we are to restore our judicial system to the high position which it must maintain in a free society such as ours.

The course ahead for reform in the Judiciary was charted eloquently by President Nixon in his address which opened the conference, and by the Chief Justice of the United States, Warren E. Burger, in his address this morning.

With the proper followup, Mr. President, these two statements and this conference can become—as Mr. Burger said so well:

"One of the most important single steps in decades for improvement of the processes of justice."

It is also important to note, in order to place these statements in the proper context, the words of retired Supreme Court Justice Tom C. Clark, who is chairman of the conference. He said the presence of Mr. Nixon as the conference keynoter in itself established Mr. Nixon as the Chief Executive who has gone further than any other in helping the cause of court reform.

The President demonstrated his acute understanding of our Nation's judicial problems. He pointed out that the courts will remain overcrowded until judges are freed of their heavy administrative burdens so that they can spend more time being judges.

He recommended that we search for means to remove from the courts the burden of "victimless crimes" such as traffic and petty offenses, so that more careful and prompt consideration can be given to serious crimes.

He supported the concept of a research and training institution for State and local judges and a national center for State courts—that is a clearinghouse for information on judicial reforms. He also noted, as have our Chief Justice and many of us in this body, that we cannot allow safeguards for the accused to become so elaborate that they jeopardize the effectiveness of the system itself.

I join wholeheartedly with the Chief Justice in the hope, as he stated it, that the Williamsburg conference—

"Will mark the beginning of a closer cooperation between state and federal judges, and closer relationships of both, with local and state bar associations and national groups."

Mr. Burger called such relationships "indispensable to genuine progress."

Attorney General John N. Mitchell expressed similar views. He said:

"It has long been clear that many aspects of the American judicial system desperately need reexamination and reform. As an essential ingredient in this process, searing discussion must take place between concerned members of the bench and bar across the country. The National Conference on the Judiciary should provide an invaluable forum for this purpose."

It is my fervent hope that all of us who are concerned with this problem in the United States will carefully study the profound words of these gentlemen and aggres-

sively seize every opportunity available to translate these broad guidelines into effective action at every level.

I ask unanimous consent that the addresses by the President and Chief Justice Burger be printed in the RECORD.

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

TEXT OF AN ADDRESS BY THE PRESIDENT

"As one who has practiced law; as one who deeply believes in the rule of law; and as one who now holds the responsibility for faithful execution of the laws of the United States, I am honored to give the opening address to this National Conference on the Judiciary.

"It is fitting that you come together here in Williamsburg. Like this place, your meeting is historic. Never in the history of this Nation has there been such a gathering of distinguished men of the judicial systems of our States. I salute you all for your willingness to come to grips with the need for court reform and modernization. And I would like to salute especially the man who has been the driving force for court reform; a man whose zeal for reshaping the judicial system to the need of the times carries on the great tradition begun by Chief Justice John Marshall—the Chief Justice of the United States, Warren Burger.

"I recall that when I took my bar examination in New York City a few years ago, I dwelt at some length on the wisdom of the separation of powers. My presence here today indicates in no way an erosion of that concept; as a matter of fact, I have come under precedents established by George Washington and John Adams who both spoke out for the need for judicial reform. And President Lincoln, in his first annual message to the Congress, made an observation that is strikingly current—that, in his words, "the country generally has outgrown our present judiciary system."

"There is also a Lincoln story—an authentic one—that illustrates the relationship of the judicial and executive branches. When Confederate forces were advancing on Washington, President Lincoln went to observe the battle at Fort Stevens. It was his only exposure to actual gunfire during the Civil War—and he climbed up on a parapet, against the advice of the military commander, to see what was going on. When, not five feet from the President, a man was felled by a bullet, a young Union captain shouted at the President: 'Get down, you fool!' Lincoln climbed down and said gratefully to the captain: 'I'm glad you know how to talk to a civilian.' "

"The name of the young man who shouted 'Get down, you fool!' was Oliver Wendell Holmes, who went on to make history in the law. From that day to this, there has never been a more honest and heartfelt remark made to the head of the executive branch by a member of the judicial branch—though a lot of judges over the years must have felt the same way.

"Let me address you today in more temperate words, but in the same spirit of candor.

"The purpose of this conference is 'to improve the process of justice.' We all know how urgent the need is for that improvement at both the State and Federal level. Interminable delays in civil cases; unconscionable delays in criminal cases; inconsistent and unfair bail impositions; a steadily growing backlog of work that threatens to make the delays worse tomorrow than they are today—all this concerns everyone who wants to see justice done.

"Overcrowded penal institutions; unremitting pressure on judges and prosecutors to process cases by plea bargaining, without the safeguards recently set forth by the American Bar Association; the clogging of court calendars with inappropriate or relatively unimportant matters—all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

"Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

"When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsible for the congestion of justice.

"The Nation has turned increasingly to the courts to cure deep-seated ills of our society—and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime—almost 150% higher in one decade, an explosion unparalleled in our history.

"And now we see the courts being turned to, as they should be, to enter still more fields—from offenses against the environment to new facets of consumer protection and a fresh conceren for small claimants. We know, too, that the court system has added to its own workload by enlarging the rights of the accused, providing more counsel in order to protect basic liberties.

"Our courts are overloaded for the best of reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.

"But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails and more criminals. 'More of the same' is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

"The ultimate goal of changing the process of justice is not to put more people in jail or merely to provide a faster flow of litigation—it is to resolve conflict speedily but fairly, to reverse the trend toward crime and violence, to reinstill a respect for law in all our people.

"The watchword of my own administration has been reform. As we have undertaken it in many fields, this is what we have found. 'Reform' as an abstraction is something that everybody is for, but reform as a specific is something that a lot of people are against.

"A good example of this can be found in the law: Everyone is for a 'speedy trial' as a constitutional principle, but there is a good deal of resistance to a speedy trial in practice.

"The founders of this nation wrote these words into the Bill of Rights: 'the accused shall enjoy the right to a speedy and public trial.' The word 'speedy' was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

"It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed.

"But here in the United States, this is what we see: In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months; in the state of Ohio, over six months; in Chicago, an accused man waits six to nine months before his case comes up.

"In case after case, the appeal process is misused—to obstruct rather than advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as 18 months. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice.

"The law's delay creates bail problems, as well as overcrowded jails; it forces judges to accept pleas of guilty to lesser offenses just to process the caseload—to 'give away the courthouse for the sake of the calendar.' Without proper safeguards, this can turn a court of justice into a mill of injustice.

"In his perceptive message on 'The State of the Federal Judiciary,' Chief Justice Burger makes the point that speedier trials would be a deterrent to crime. I am certain that this holds true in the courts of all jurisdictions.

"Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined.

"What can be done to break the logjam of justice today, to ensure the right to a speedy trial—and to enhance respect for law? We have to find ways to clear the courts of the endless stream of 'victimless crimes' that get in the way of serious consideration of serious crimes. There are more important matters for highly skilled judges and prosecutors than minor traffic offenses, loitering and drunkeness.

"We should open our eyes—as the medical profession is doing—to the use of paraprofessionals in the law. Working under the supervision of trained attorneys, 'para-judges' could deal with many of the essentially administrative matters of the law, freeing the judge to do what only he can do: to judge. The development of the new office of magistrates in the Federal System is a step in the right direction. In addition, we should take advantage of many technical advances, such as electronic information retrieval, to expedite the result in both new and traditional areas of the law.

"But new efficiencies alone, important as they are, are not enough to reinstill respect in our system of justice. A courtroom must be a place where a fair balance must be struck between the rights of society and the rights of the individual.

"We all know how the drama of a courtroom often lends itself to exploitation, and, whether it is deliberate or inadvertent, such exploitation is something we must all be alert to prevent. All too often, the right of the accused to a fair trial is eroded by prejudicial publicity. We must never forget that a primary purpose underlying the defendant's right to a speedy and public trial is to prevent star-chamber proceedings, and not to put on an exciting show or to satisfy public curiosity at the expense of the defendant.

"In this regard, I strongly agree with the Chief Justice's view that the filming of judicial proceedings, or the introduction of live television to the courtroom, would be a mistake. The solemn business of justice cannot be subject to the command of 'lights, camera, action.'

"The white light of publicity can be a cruel glare, often damaging to the innocent bystander thrust into it, and doubly damaging to the innocent victims of violence. Here again a balance must be struck: The right of a free press must be weighed carefully against an individual's right to privacy.

"Sometimes, however, the shoe is on the other foot: Society must be protected from the exploitation of the courts by publicity-seekers. Neither the rights of society nor the rights of the individual are being protected

when a court tolerates anyone's abuse of the judicial process. When a court becomes a stage, or the center ring of a circus, it ceases to be a court. The vast majority of Americans are grateful to those judges who insist on order in their courts and who will not be bullied or stampeded by those who hold in contempt all this nation's judicial system stands for.

"The reasons for safeguarding the dignity of the courtroom and clearing away the underbrush that delays the process of justice go far beyond questions of taste and tradition. They go to the central issue confronting American justice today.

"How can we answer the need for more, and more effective, access to the courts for the resolution of large and small controversies, and the protection of individual and community interests? The right to representation by counsel and the prompt disposition of cases—advocacy and adjudication—are fundamental rights that must be assured to all our citizens.

"In a society that cherishes change; in a society that enshrines diversity in its constitution; in a system of justice that pits one adversary against another to find the truth—there will always be conflict. Taken to the street, conflict is a destructive force; taken to the courts, conflict can be a creative force.

"What can be done to make certain that civil conflict is resolved in the peaceful arena of the courtroom, and criminal charges lead to justice for both the accused and the community? The charge to all of us is clear.

"We must make it possible for judge to spend more time judging, by giving them professional help for administrative tasks. We must change the criminal court system, and provide the manpower—in terms of court staffs, prosecutors, and defense counsel—to bring about speedier trials and appeals.

"We must ensure the fundamental civil right of every American—the right to be secure in his home and on the streets. We must make it possible for the civil litigant to get a hearing on his case in the same year he files it.

"We must make it possible for each community to train its police to carry out their duties, using the most modern methods of detection and crime prevention. We must make it possible for the convicted criminal to receive constructive training while in confinement, instead of what he receives now—an advanced course in crime.

"The time has come to repudiate once and for all the idea that prisons are warehouses for human rubbish; our correctional systems must be changed to make them places that will correct and educate. And, of special concern to this conference, we must strengthen the State court systems to enable them to fulfill their historic role as the tribunals of justice nearest and most responsive to the people.

"The Federal Government has been treating the process of justice as a matter of the highest priority. In the budget for the coming year, the Law Enforcement Assistance Administration will be enabled to vigorously expand its aid to State and local governments. Close to one half billion dollars a year will now go to strengthen local efforts to reform court procedures, police methods and correctional action and other related needs. In my new special revenue sharing proposal, law enforcement is an area that receives increased attention and greater funding—in a way that permits States and localities to determine their own priorities.

"The District of Columbia, the only American city under direct Federal supervision, now has legislation and funding which reorganizes its court system, provides enough judges to bring accused persons to trial promptly, and protects the public against habitual offenders. We hope that this new reform legislation may serve as an example to other communities throughout the Nation.

"And today I am endorsing the concept of a suggestion that I understand Chief Justice Burger will make to you tomorrow: the establishment of a National Center for State Courts.

"This will make it possible for State courts to conduct research into problems of procedure, administration and training for State and local judges and their administrative personnel; it could serve as a clearinghouse for the exchange of information about State court problems and reforms. A Federal Judicial Center along these lines already exists for the Federal court system and has proven its worth; the time is overdue for State courts to have such a facility available. I will look to the conferees here in Williamsburg to assist in making recommendations as to how best to create such a center, and what will be needed for its initial funding.

"The executive branch will continue to help in every way, but the primary impetus for reforming and improving the judicial process should come from within the system itself. Your presence here is evidence of your deep concern; my presence here bears witness to the concern of all the American people regardless of party, occupation, race or economic condition, for the overhaul of a system of justice that has been neglected too long.

"I began my remarks by referring to an episode involving Justice Oliver Wendell Holmes. There is another remark of Holmes not very well known, that reveals an insight it would be well for us to have today.

"Judge Learned Hand told of the day that he drove Justice Holmes to a Supreme Court session in a horsedrawn carriage. As he dropped the Justice off in front of the Capitol, Learned Hand said, 'Well, sir, goodbye. Do justice!' Mr. Justice Holmes turned and said, most severely. 'That is not my job. My job is to play the game according to the rules.'

'The point of that remark, and the reason that Learned Hand repeated it after he had reached the pinnacle of respect in our profession, was this: Every judge, every attorney, every policeman wants to 'do justice.' But the only way that can be accompiished, the only way justice can truly be done in any society, is for each member of that society to subject himself to the rule of law—neither to set himself above the law in the name of justice, nor to set himself outside the law in the name of justice.

"We shall become a genuinely just society only by "playing the game according to the rules," and when the rules become outdated or are shown to be unfair, by lawfully and peaceably changing those rules.

"The genius of our system, the life force of the American Way, is our ability to hold fast to the rules that we know to be right and to change the rules that we see to be wrong. In that regard, we would all do well to remember our constitutional roles: for the legislatures, to set forth the rules; for the judiciary to interpret them; for the executive, to carry them out.

"The American Revoluion did not end two centuries ago; it is a living process. It must constantly be reexamined and reformed. At one and the same time, it is as unchanging as the spirit of laws and as changing as the needs of our people.

"We live in a time when headlines are made by those few who want to tear down our institutions, by those who say they defy the law. But we also live in a time when history is made by those who are willing to reform and rebuild our institutions—and that can only be accomplished by those who respect the law."

TEXT OF ADDRESS BY WARREN E. BURGER

The President's appearance here yesterday and perhaps even more his pledge of support for our efforts makes this conference unique and gives it a dimension it could not have without the support of the Chief Executive of the United States. There is nothing very new about judges and lawyers gathering and agreeing that the courts are in trouble. When the President places the prestige and power of his office behind these efforts we have cause to take heart.

We have here today a cross-section of State and Federal judges and of State and Federal law enforcement authorities, and others seeking to avert an impending crisis in the courts. The only counterpart to this conference in this century was the Attorney General's Conference on Court congestion and delay convened by Attorney General Herbert Brownell more than fifteen years ago.

Fifty years before that conference, Roscoe Pound had warned the legal profession in the strongest terms that we were on the threshold of a crisis. That was in 1906. Periodically we respond and experience some relief but we are soon overwhelmed by a new tide of problems.

Today the American system of criminal justice in every phase—the police function, the prosecution and defense, the courts and the correctional machinery—is suffering from a severe case of deferred maintenance. By and large, this is true at the State, local and Federal levels. The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.

As a consequence of this deferred maintenance we see

First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;

Second, those who are apprehended and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial; and

Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean we can ignore the police function or the shortcomings of the correctional systems.

At each of these three stages the enforcement, the trial, the correction—the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is what happens to any machine whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this deferred maintenance crisis is shared by others; by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive—the very glue—that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but a civilized society cannot remain so without an adequate system of justice, and by that I mean justice in its broadest sense.

I have said nothing of civil justice—that is the resolution of cases between private citizens or between citizens and government. This, unhappily, is becoming the stepchild of the law as criminal justice once was. Most people with civil claims, particularly those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand

the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

We are rapidly approaching the point where this quiet and patient segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claims while they witness flagrant defiance of law by a growing number of law-breakers who jeopardize cities and towns and life and property of law-abiding people, and monopolize the courts in the process. The courts must be enabled to take care of both civil and criminal litigants without prejudice or neglect of either.

This is why we are here today.

This could be the most significant judicial meeting in our time—depending on what will each of us do when we return to the daily tasks we have temporarily laid aside to gather at this conference let me suggest some of the problem areas and then let me venture some thoughts on what we might try to do about them.

There are many areas which we should study and consider, and, indeed, that we must consider but if we try too much at once we may fail in all our endeavors. I am thinking, for example, of substantive problems which cry out for reexamination, including the handling of personal injury claims, which especially clog the State courts; the need to ask questions about other areas of jurisdiction, such as receiverships or insolvent debtors, the adoption of children, land-title registration in some States, and possibly even such things as divorce jurisdiction and child-custody matters. We need a comprehensive reexamination of the whole basis of jurisdiction in order to eliminate whenever possible all matters which may be better administered by others so as to restore the courts to their basic function of dealing with cases and controversies.

We can see in the development of common law institutions many examples of changing jurisdiction and evolution of new remedies. I suggest no specific changes but I trust it will not be regarded as subversive to suggest the need for study and thought on these problems, remembering that subjects once committed to the courts are now the province of the other governmental bodies.

The common law tradition teaches that rights and remedies are never fixed or static but a continuing process of change however slow. For example, working men once had either no rights at all or common law rights based on negligence when they were injured in their work. The deficiencies of the common law remedies inspired lawyers to find other and better ways of dealing with the claims of injured workmen and no one would seriously consider turning the clock back to the old ways. Large area of regulatory activity was once imposed on courts but for the greater part of this century that has been vested in a wide array of administrative and regulatory bodies with limited judicial review.

All of us attending this conference share and are the beneficiaries of the great common law tradition that undergirds American jurisprudence and virtually all aspects of our procedure, both state and federal. As lawyers and judges we can be proud of the great tradition of the common law and even have a pardonable pride in the improvements and developments that American lawyers and judges have added to it. We do not disparage or undermine the common law when we consider change indeed, change is the very essence—the very heart—of the common law concept.

PRIORITIES

The challenges to our systems of justice are colossal and immediate, and we must assign priorities. I would begin by giving priority to methods and machinery, to procedure and techniques, to management and administration of judicial resources even over the much-needed reexamination of substantive legal institutions that are out of date. That reexamination is important but it is inevitably a long range undertaking and it can wait.

I have said before, but I hope it will bear repeating, that with reference to methods and procedure we may be carrying continuity and tradition too far when we see that John Adams, Hamilton or Burr, Jefferson or Marshall, reincarnated, could step into any court today and after a minimal briefing on procedure and updating in certain areas of law, try a case with the best of today's lawyers. Those great lawyers of the 18th and 19th century would need no more than a hurried briefing and a Brooks' Bros. suit. They would not even need a haircut, given the styles of our day.

This is not necessarily bad, and I propose nothing specific on how we should change our methods of resolving conflicts in the courtroom. But I do know this—and so does anyone who has read legal history and read the newspapers in recent years—that John Adams, and his reincarnated colleagues at the bar, would be shocked and bewildered at some of the antics and spectacles witnessed today in the courtrooms of America. They would be as shocked and baffled as are a vast number of contemporary Americans and friends of America all over the world. They would not be able to understand why so many cases take weeks or months to try. No one could explain why the jury selection process, for example, should itself become a major piece of litigation consuming days or weeks. Few people can understand it and the public is beginning to ask some searching questions on the subject.

STATE-FEDERAL COOPERATION

I need not burden this well-informed audience on the subject of the tension and the strains existing between the State and Federal courts in recent years. Because of the existence of those problems and the reasons underlying them I urged last August, at the ABA convention in St. Louis, that the chief justice of each State take the initiative to create an informal *ad hoc* State-Federal judicial council in each State. The purpose, of course, was to have these judges meet together informally to develop cooperation to reduce the tensions that have existed in recent years. I was pleasantly surprised, even astonished, at the speed with which the chief justices responded, for I am now informed that such councils are in actual operation in 32 of the States. Many of these councils have been created by formal order of the State supreme court. I am also informed that once the channels of communication were opened these State and Federal judges found other areas of fruitful cooperation and exchange of ideas. I regard this development of such importance that I wish to express my appreciation to the Conference of State Chief Justices and to Chief Justice Calvert of Texas, its chairman.

In urging the cooperation between the State and Federal judges, and in urging the State judges to call upon the State bar associations and on the American Bar Association, I have no thought whatever that all State court systems or all judges be cast in one mold. Far from this, have an abiding conviction that the strength of our entire system in this country and the essence of true federalism lies in diversity among the States. It will not impair this diversity, I submit, to work together to develop effective post-conviction remedies for example, or common standards of judicial administration, common standards of professional conduct for lawyers, and, indeed, for judges, or the improvement in the method of selection, the tenure, and compensation of judges.

The diversity that has existed in our system and the innovativeness of State judges accounts for many of the great improvements that the Federal system has adopted from the States. One of the most crucial is in the developing area of using trained court administrators or executives in the administration of the courts. The States have been a whole generation ahead of the Federal system in this matter. When we sought to create the Institute of Court Management in 1969 the first step was to call on State court administrators for guidance and advice.

Whatever changes we make, we should never forget that under our federal system, the basic structure of the courts of this country contemplated that State courts would deal with local matters while Federal courts would serve a limited and narrow function, I hope we will never become so bigoted as to think that State judges are any less devoted to the principles of the Federal Constitution than other judges and lawyers.

STANDARDS OF ADMINISTRATION

I do not especially like phrases like "management of judicial resources," or "maximum utilization of judge power." They seem stilted to me as they do to most lawyers and judges. But these phrases are simply "shorthand" and if we accept them as such they become tolerable. The important thing is the concept underlying these "shorthand" terms. Every profession and every area of human activity has had to grapple with the hard realities behind the shorthand. The difference is judges and lawyers have lagged far behind the rest. I do not suggest that justice can ever become automated or that production-line processes are adaptable to courts. Other professions have devised new ways to increase their productivity without loss of quality and we must do so.

In terms of methods, machinery and equipment the flow of papers—and we know the business of courts depends on the flow of papers—most courts have changed very little fundamentally in a hundred years or more. I know of no comprehensive surveys, but spot checks have shown for example that the ancient ledger type of record books, sixteen or eighteen inches wide, twenty-four or twenty-six inches high, and four inches thick are still used in a very large number of courts and these cumbersome books, hazardous to handle, still call for longhand entries concerning cases. I mention this only as one sympton of our tendency to cling to old ways. We know that banks, factories, department stores, hospitals and many government agencies have cast off anachronisms of this kind.

With relatively few exceptions, we still call jurors as in the past. We still herd them into a common room in numbers often double the real need because of obsolete concepts of arranging and managing their use. This process is often complicated by the unregulated arbitrariness of a handful of judges, for example, who demand more jurors than they can possibly use to be allocated each day for their exclusive use. There is almost a total absence of even the most primitive techniques in predicting the need for jurors just as there is a large vacuum in the standards and procedures to coordinate the steps of bringing a case and all of its components—the lawyers, witnesses, experts, jurors and court staff—to the same place at the same time.

Happily, a very distinguished committee of the American Bar Association under the chairmanship of Judge Freedman of the United States Court of Appeals of the third circuit is now launching a comprehensive program of bringing up to date the minimum standards of judicial administration.

Independent of what we do in the courtroom itself, we need careful study to make sure that every case which reaches the courtroom stage is there only after every possibil-

ity of settlement has been exhausted. Those parties who impose upon the judicial process and clog its functioning by carrying the cases through jury selection before making a settlement which could have been made earlier should be subject to the risk of a very substantial discretionary cost assessment at the hands of the trial judge who can evaluate these abuses of the system. Someone must remind the bar and the public of the enormous cost of a trial.

COURT EXECUTIVE OFFICERS

As litigation has grown and multiple-judge courts have steadily enlarged, the continued use of the old equipment and old methods has brought about a virtual breakdown in many places and a slowdown everywhere in the efficiency and functioning of courts. The judicial system and all its components have been subjected to the same stresses and strains as hospitals and other enterprises. The difference is that, thirty or forty years ago, doctors and nurses recognized the importance of system and management in order to deliver to the patients adequate medical care this resulted, as I have pointed out on other occasions, in the development of hospital administrators and today there is no hospital of any size in this country without a trained hospital administrator who is the chief executive officer dealing with the management and efficient utilization of all the resources of the institution. Courts and judges have, with few exceptions, not responded in this way. To some extent, imaginative and resourceful judges and courts clerks have moved partially into the vacuum, but the function of a clerk and the function of a court executive are very different, and a court clerk cannot be expected to perform both functions.

From the day I took office, twenty-one months ago, this seemed to me the most pressing need of the courts of this country, and particularly so in my area of responsibility, the Federal courts. The first step I took was to help lay the foundations for a facility to train executives and I requested the American Bar Association to take the leadership in accomplishing this. That association did so with the American judicature society and the institute of judicial administration as co-sponsors, together they created the institute of court management at the University of Denver Law School. That institute has now graduated the first group of trainees with an intensive full-time course over a period of six months including actual field training in the various courts. It will train two additional classes this year. This is not a Federal facility and indeed I expect most of its output will go to State court systems.

In the meantime, the Congress has taken one of the most important steps in a generation in the administration of justice by providing for a court executive in each of the eleven Federal circuits. The court executive will work under the direction of the judicial council of each circuit. I need not say, surely, to an audience including so many chief judges and administrative judges, that this will not only relieve judges to perform their basic judicial functions but it will provide a person who will, in time, be able to develop new methods and new processes, which busy judges could not do in the past.

The function of a court executive is something none of us really knows very much about. There are only a handful of court administrators or executives in this country and up to 1970 they are all self-taught. The few who were in being were, in the State courts and we called upon them to be members of the teaching faculty for the new Court Management Institute. The concept of court executive or court administrator will have its detractors but I predict they will not be heard for very long. The history books tell us how the admirals reacted when General William Mitchell insisted that an airplane could sink a battleship.

The desperate need for court executive officers does not alter the fact that it will require great patience and industrious homework on the part of judges and chief judges to learn to utilize these officers for their courts.

RULEMAKING POWER

A great many of the infirmities in our procedures could be cured if judges had broad rulemaking power and exercised that power. The best example of this was given a generation ago in the Federal Rules of Civil Procedure and later in the Criminal and Appellate Procedure Rules.

For the past 30 years or more State legislatures, like the Congress, have been overwhelmed by a multitude of new problems and it is increasingly difficult to get their attention on mundane subjects like rules of procedure and other internal matters of the courts. In addition, judges, by and large, have been under increasing pressure of their own daily work and have not brought these matters to the attention of legislators.

The rulemaking process as developed in this country beginning 35 years ago is the best solution yet developed for sound procedural change. Since it is a cooperative process involving not only the legislative and judicial branches officially, but lawyers, judges and law professors, it can synthesize the best thinking at every level.

If your state does not provide for rulemaking power comparable to that vested in the Supreme Court of the United States in conjunction with Congress, I urge you to study closely the potential of this mechanism. In Federal habeas corpus review of State cases it could have saved a great deal of confusion in recent years. Flexible rulemaking processes could have promptly developed post-conviction remedy procedures to blunt the impact of the imposition of Federal standards on the States.

SELECTION, TENURE, AND COMPENSATION OF JUDGES

The combined experience of this country for nearly two hundred years now, with elective judges in most of the States holding office for limited terms and Federal judges who are appointed with tenure, affords a basis for a careful reexamination of the whole method of the selection of judges. This is part of the long range problem, but it deserves some mention. The aggregate of two centuries of experience should be sufficient to give us material for a comprehensive reexamination of the methods of selection and the tenure of State judges. In saying this, I, of course, intend no reflection whatever on those State systems having elected judges with limited terms and the many splendid judges in those States.

The fine quality of judicial work of State judges is in spite of, not because of, the method of selection.

The election of judges for limited terms is a subject on which reasonable men can reasonably have different views. Nevertheless the very nature of the judicial function calls for some comprehensive studies directed to the alternative methods developed in the last generation in some States. Those alternatives tend to preserve the virtues of popular choice of judges and at the same time develop a high degree of professionalism, offering an inducement for competent lawyers to make a career of the Bench.

We know that while there are certain patterns common in the fifty States as to the selection and tenure of judges, there is at the same time a wide disparity in their compensation in such States as New York, California, and Illinois, to mention but three of the large States, the compensation of judges of the higher courts is as much as three times the compensation of their counterparts in some other States of the Union.

As lawyers and judges we know that the function of the courts in a small State is essentially the same as the function of the courts in the larger State. The size of the State has no relationship to the nature of the function, the degree of the responsibility, and the degree of the professional competence called for. It is, therefore, an anomaly for a wide disparity to continue. I do not suggest, by any means, that there need be a rigid, uniform standard of compensation or tenure for all the States. All I suggest is that the judges in the small States are performing essentially the same function as that of their brothers in a large State, and the conditions of their service should not vary excessively. It is not a wholesome or healthy thing for the administration of justice to have the highest court of a geographically large and economically powerful State receive two or three times as much as his counterpart a few hundred miles away. If we want quality justice we must pay for it.

A NATIONAL CENTER FOR STATE COURTS

As I range over this rather wide variety of subjects you will notice that in many instances I have been obliged to refer to matters of common or general knowledge or the result of spot checks, or other sources not wholly trustworthy. This suggest strongly the need for some facility that will accumulate and make available all information necessary for comprehensive examination of the problems of the judiciary in the fifty States. Recently a judicial conference developed an accumulation of 500 or more specific problems of courts.

Each of the points I have raised in the list of what seem to me some of the urgent priorities can be more readily treated and with better solutions there is a pooling of ideas and efforts of the States.

For a long time we have talked of the need for a closer exchange and closer cooperation among the States and between the States and the Federal courts on judicial problems. No States without grave problems in the administration of justice. The problems vary chiefly in degree from those States with grave troubles to those on the threshold of disaster in their courts. The valuable work of the National College of Trial Judges is just one example of the value of cooperative enterprise.

We now have in this country a great ferment for court improvement. It is a ferment that has been gaining momentum slowly over a long period of time. More recently, this has taken on a new thrust and force under the leadership of the American Bar Association. The time has come, and I submit that it is here and now at this conference, to make the initial decision and bring into being some kind of national clearinghouse or center to serve all the States and to cooperate with all the agencies seeking to improve justice at every level. The need is great, and the time is now, and I hope this conference will consider creating a working committee to this end—before you adjourn. I know that you will do many important things while you are here, but if you do no more than launch this much-needed service agency for the State courts, your time and attendance here would be justified.

I hope that, having raised this long-discussed subject of a need for a facility to serve as a clearinghouse and service agency for the States, you will not think me unduly presumptuous if I make some specific suggestions for your consideration.

It seems to me obvious that the States should make the final choices and the final decisions. In offering these thoughts, I draw particularly on my experience in the twenty-one months I have been in my present office. I now see the legal profession's strongest voice, the American Bar Association, from a point of view which I never fully appreci-

ated in my years of private practice or even in the period when I was a member of the court of appeals.

The American Bar Association is a force for enormous, almost unlimited, good with respect to every problem in the administration of justice. It is a force that cannot be directed or controlled by any particular group or any selfish interest because it includes approximately 150,000 lawyers and judges and law professors representing 1700 State and local bar associations and other legal groups. Its governing body, the House of Delegates, represents 90% of all the practicing lawyers in this country. I mention these factors because the American Bar Association is essentially a grass-roots institution whose components spring from the 50 States. The facilities and power, the influence and prestige of this association, are literally on the door step of every State capital through the State Bar Association, and that power and influence can be put to work in terms of achieving the objectives I have suggested to you.

My suggestion, therefore, is that in shaping the national organization or center to serve all the States, you consider calling primarily on this great association and its 50 component State associations, along with other groups that specialize in judicial administration. There are additional existing structures representative of all the States and a cross section of the legal profession. I refer now to the American Judicature Society, the institute of judicial administration, the conference of State trial judges, the appellate judge conference, the council of State governments, and the conference of chief justices. I am confident there will be widespread interest in the formation of such a group as this but it will take time to marshal all of the large resources necessary to its accomplishment as a means to an end that we should place high priority on changes in our methods and our machinery. The noblest legal principles will be sterile and meaningless if they cannot be made to work.

In closing, I offer the full cooperation of my own office and the facilities of the Federal Judicial Center and the administrative office of the United States Courts. But bearing in mind my own concepts of federalism I will participate only when and if you ask me to do so.

INTERVIEW WITH CHIEF JUSTICE WARREN E. BURGER

Q. Mr. Chief Justice, a recent Gallup Poll shows that the federal judiciary generally and particularly the Supreme Court have fallen in public esteem. How do you account for that?

A. I would have to say that it is difficult to explain the rise or fall of public acceptance of any institution at any time, including the courts. All the institutions of our society are under attack, and the courts are not excepted. There are many causes.

Some of the attitude, of course, is related to the understanding that people have of what the courts have been doing—for example, in the area of criminal justice. People who don't like what they understand the Court has been doing will have a lowered opinion of the Court, just as other people who may have a different understanding will have a higher opinion of the Court.

Q. Are you saying the public is misinformed about what courts do?

A. No—not quite that. But the public is not well-informed—fully informed—and much of that is probably unavoidable.

Some of it is due to misunderstanding because of the tradition that the Court does not explain its function and its decisions to the public. Unlike other governmental agencies, courts do not undertake to explain through regular news conferences and press releases.

I think probably the public doesn't have a much better understanding of courts at the State level, or the federal courts generally, than it does of the Supreme Court. The Supreme Court's work is simply more in the news. We are at the hub of a great news center, and we deal with newsworthy cases. With rare exceptions, all our decisions are news.

Q. Within two months after you took office in 1969, you made some proposals to the American Bar Association at its convention in Dallas and followed that up this year with a series of proposals and a message on the "state of the federal judiciary" at St. Louis. What were the proposals and what response did you get?

A. I made three very specific proposals to the 1969 ABA meeting in Dallas:

The first, I thought, was the most urgent—namely, the need for introducing more modern methods into the courts in terms of the techniques, machinery and the administration. There was nothing really new in what I said except a definite proposal to create a training institute of some kind to train court manager-executives—something we have not had in the country.

Q. You're not now speaking about judges—

A. No, the administrator-manager. I made the analogy to what hospitals had done 35 or 40 years ago when they found that the senior nurse or a retired doctor or some other individual was no longer adequate to manage a modern hospital: They began to train hospital managers. And many schools of business administration now teach and train people in hospital management. It is a subspecialty of business administration.

Bernard Segal, who was elected president of the American Bar Association in 1969, immediately moved on this suggestion, and within less than six months we had the Institute for Court Management, created by the joint action of the American Bar Association, the Institute of Judicial Administration and the American Judicature Society as cosponsors. They secured substantial private grants. I think they may have received some public money, too.

For reasons I'm sure you're aware of, I insulated myself from having anything to do with the funding of the program, but Mr. Segal and I had a great deal to do with the organization of the school.

This new institute, which is located at the University of Denver law school, will graduate its first 31 people on December 12.

To emphasize the importance I attach to this institute, I have invited them to hold the ceremony for awarding certificates in the East Conference Room in the Supreme Court.

The institute is, of course, a nonprofit organization.

Q. Are these people laymen?

A. Some of them are men in mid-career with law training; all have background in public administration or law. But they've now had six months of full-time, intensive training in classes, in courts and in systems analysis and related management subjects.

The second proposal I made related to the desperate need for a re-examination of our penal systems. I proposed that the American bar do that at every level.

The ABA created a commission which includes laymen—not just lawyers—along with judges and law professors and penologists.

Former Governor Richard Hughes of New Jersey, who was a judge for 15 years before he became Governor, is chairman. It has such distinguished penologists as James Bennett and Myrl Alexander, both former heads of the federal prison system; Richard McGee, former head of the California system in the period of its great expansion, and several other State corrections administrators. It also includes Dr. Karl Menninger; George Meany, of the AFL–CIO; Robert McNamara, former Secretary of Defense, and judges and lawyers.

They have begun the work on a program to apply known and accepted techniques to prisons and penal institutions which have ignored them for years.

Q. Can you point to the principal problems you see?

A. The great shortcoming has been—at the State level particularly—a lack of any meaningful educational system for inmates, many of whom can't even read or write, and then the lack of vocational training and the lack of what we vaguely call "rehabilitation," in terms of psychological testing and counseling to get them ready to make a living on an honest basis.

Two thirds of the people in prisons, roughly—in all penal institutions—are people who have been there before and who will be back again. We simply can't permit this to run that way any more. No other public business is run as badly as our prisons.

Q. Will this group study and make recommendations on lengths of sentences and such things?

A. No. They will deal with correction facilities and correction techniques. They aren't going to do a lot of studying, because most of them have done that all their lives. Bennett, McGee and Alexander have spent 40 years at it. Others on the commission have been dealing with it all their adult lives.

Their objective—we made that very clear when we started it—is to take the known techniques and programs and make use of them.

Q. How do they get this applied?

A. The application will have to be to persuade the States and Congress to do what is necessary: the rebuilding of plants; hiring of training personnel, psychologists, teachers; putting in the personnel and equipment for training people to do a great variety of useful things when the inmate is released.

One proposal I urged them to consider was to offer a prisoner a literal chance to learn his way out of prison.

For example, take a prisoner with a five-to-15-year sentence whose tests show aptitude to be a plumber, stonemason or electrician. This man would have a great incentive to work, study and learn if you could tell him that when he passed his journeyman examinations he would be released on parole—assuming his general prison record was good. This is no guarantee he will be a good citizen, but it goes a long way in that direction.

Some prisons give some vocational training now, but a man in a cage needs incentive, motivation and something to look forward to.

You can look at some prisons now and you'll find they are still teaching people to be pants pressers, for example, or how to make a few simple items—auto tags and things of that kind. Many of the skills that they're teaching are either obsolete or in oversupply. There are just a limited number of people needed to make auto tags, and a limited need for pants pressers.

The objective is to train these people in occupations suited to their aptitudes to give them a motivation to go out and earn a living honestly. Every human being needs to take pride in his own skills.

Q. Isn't this going to cost a lot of money, both federal and State?

A. Oh, yes. This will cost an enormous amount of money.

Q. Can the States afford it?

A. The public is now paying literally billions in hidden taxes in the cost of crime.

President Nixon has announced a program in which the U.S. Government contemplates co-operation with the States—joint action, joint facilites, in some instances—and federal grants to help the State programs.

The problem is enormous. Right in nearby Maryland—and this is typical of many of the States—you have one of the best and some of the worst prisons in the United

States, all in the same State system and within two or three miles of each other.

The institution at Patuxent, which is chiefly for mental defectives, is one of the best to be found anywhere.

Within a few miles there is a State correction institution where the buildings are somewhere between 100 and 150 years old. They have men in cells 6 feet by 8 feet, more or less, in dimension—made for one person a century ago—which now have two inmates. There are virtually no recreational facilities or libraries, and most of the inmates are young men who can be destroyed by idleness and boredom.

Q. Is this the fault of the warden or the superintendent?

A. No—the system. Generally, the most severe critics of the correction systems in this country include the wardens and the administrators of the penal and correction systems.

Q. What was your third proposal?

A. The third proposal was that, particularly with respect to the administration of criminal justice, the law schools were doing an inadequate job of training people for the realities of litigation. This has a relationship to civil litigation as well.

There has long been a debate between law-school faculties and lawyers and judges on this subject. Many professors in the past took the position generally that they were not running trade schools; they're teaching people to think, they're teaching legal theory. That is good, but it is not enough. They must also be trained as to how they should act.

I think most lawyers and most judges who've had to preside over trials have long felt that there were terrible gaps in the training of these recently graduated lawyers in terms of how to conduct themselves in the courtroom and in terms of their attitude toward professional responsibility. And this can best be taught when these students are learning their profession. It is really more important than pure legal learning.

This is essentially what is done in England in the training of a lawyer for litigation under their bifurcated system. It is done in the four Inns of Court. And that's the only place you can become a trial lawyer—a barrister—in England. The colleges of these Inns are managed and run by lawyers and judges, just as medical education in this country is almost entirely in the hands of practicing physicians and surgeons.

Q. Do you think that the English system is a good one?

A. Well, the training system for court work is certainly very, very superior to what we have in this country. But bear in mind that it is directed at a bifurcated profession where they have solicitors, who are generally what we call "office lawyers," and barristers, who are the trial lawyers.

There are only 2,500 barristers in all of England. They have the exclusive right to appear in courts of general jurisdiction.

Q. How could this possibly be applied in this country?

A. It would be very difficult with 50 States and the federal courts.

Going back to my recommendations on legal education: The American Bar Association has created a committee with representatives of the American Bar Association, the American Law Institute and the American Association of Law Schools—so that we have all three branches of the profession represented in three great organizations working on some new approaches to legal education. This is necessarily a long-range affair.

Q. Is this all designed to speed dispensing of justice?

A. It is very definitely aimed not only at speeding it up but making it better quality. I can illustrate that by mentioning that in England they try a case in a fraction of the time it takes to try it in this country.

Q. Why?

A. It's partly because they have no amateurs, no beginners in their courts of general jurisdiction. They're all highly trained professionals who do not engage in any branch of the practice of law except trial practice.

Q. Do they have the volume of criminal cases that exists in this country?

A. They do not—either in relative volume or otherwise—but the difference in population is not enough to explain the difference in the way cases are handled. In the way they dispose of them, there's a great disparity.

Ninety-five to 97 per cent of all criminal cases in England are disposed of—and with finality—in justice-of-the-peace courts and county courts. There is nothing comparable to our long-drawn-out appeals and reviews after the conviction is final. And when there are appeals they are decided within a matter of months, and that is the end of the case.

Q. But in this country can't someone accused of a crime hire a clever lawyer and find a way to prolong appeals that go clear to the Supreme Court?

A. He can certainly keep the litigation going for a very great length of time—years, in many cases. Our system permits this; some critics think our system encourages it.

Q. How do you get at that problem? How can we borrow ideas from the English?

A. First, we must recognize the differences in the two systems—ours with 50 separate State-court systems, plus the federal. Added to that we are a country of diverse people spread over a continent. We are new and young, and England is old, stabilized by tradition with a single central government functioning without a written constitution. Yet they have many problems, too. We could not simply transplant their system to this country even if we wanted to. But we can adopt some of their ideas.

Nevertheless, we must make some fundamental changes in our system if we really want it to work:

No system of justice can function if there is not finality at some reasonable point. No system makes sense if it encourages a long-drawn-out war with society. The re-education or rehabilitation of a man cannot be carried on while he is at war with society in a process of interminable petitions, writs and hearings. It is a bit like trying to have a real peace conference at the beginning of a war.

LIMITING THE RIGHT TO APPEAL—

Q. Does this imply a limitation on the right to appeal?

A. I suppose, when you talk about finality, that must carry with it a limit somewhere—that there is a point at which proceedings of all kinds are terminated. We haven't found that point in our ssytem. We are fumbling and groping because every judge in America knows we must make some changes.

Q. You wouldn't limit a defendant to one appeal, say—

A. No, you can't have rigidity of that kind. The point is to be sure that the accused has a meaningful review or appeal that explore all of the claims that he could possibly have. And when he's had that, then we should be very near the end of it—unless, of course, there is the discovery of some significant new evidence.

Q. In this country, can a defendant appeal on one point, lose that appeal and then appeal on another point?

A. Not quite. The direct-appeal process requires the defendant to raise all his claims at that time. But we have vastly enlarged what are called the "postconviction remedies." The petitions for writs of habeas corpus, which are collateral attacks on the conviction, are an example. They are not yet under reasonable control.

Q. Does all this legal maneuvering contribute to the congestion of criminal cases in the courts?

A. It contributes very heavily. Let me illustrate that with just one example:

Twenty years or so ago, there were virtually no petitions from prisoners in State prisons to the federal courts. An opinion of the Supreme Court in recent years gave the State prisoners that right—the right to habeas corpus review in federal courts. Petitions in that category have grown from less than 100 annually 20 years ago to approximately 12,000 this year—quite a load on the federal courts.

Q. To do that, doesn't the defendant have to raise a constitutional issue?

A. Yes—but we can't always know whether he has raised a valid constitutional issue until it is reviewed by a federal judge. Now, only a fraction of these people ever get relief, but the proceeding is in the court, thereby using the time of the federal court and the whole machinery of the court.

Q. Do you feel that certain types of criminal cases should not get to the federal courts?

A. Well, it would be difficult to say how you would eliminate certain criminal jurisdiction in the federal courts: Those for violation of federal statutes belong in federal jurisdiction.

In the broad sense—and this goes beyond your question—I have a strong feeling that a great many matters traditionally handled in the court systems, both State and federal, should be diverted away from the courts entirely.

Q. In what way?

A. Now I'm going out of my field of sponsibility in my present position, but there is a broad and serious social question—I think you would have to call it—whether such things as divorce, child custody, adoptions, receiverships, various other matters of that kind belong in the courts at all.

There is a curious paradox relating back to your opening question: In spite of what seems to be a lessening of esteem for the courts, there is an attitude that the courts should resolve all problems.

But that is not realistic; courts can serve only a limited function, and it should not be broadened any more than is absolutely necessary.

We should encourage, for example, the use of private arbitration for the settlement of private disputes.

The question of dealing with the chronic alcoholic, the narcotic addict, the serious mental patient—there's a serious question whether they should be dealt with in the judicial framework at all.

Q. How would such things be handled?

A. Well, this is what some very competent people should study carefully. It would be some administrative treatment necessarily, but with limited judicial review. Here we will encounter some constitutional problems.

We can't overlook the fact that 50 years ago, more or less, people with this same objective—a very sensible objective—set up the juvenile courts with the idea that we would insulate young offenders from the traumatic experience of going through the criminal machinery.

But, bit by bit and piece by piece, the courts have added requirements in the juvenile area so that a juvenile now must receive almost the same treatment as the adult, hardened criminal when he's charged with a criminal act. So we've come almost full circle.

Now, how do you deal with these problems nonjudicially without impinging on constitutional rights? I don't have the answer to that. I say simply that it must be studied.

Part of the blame for the virtual elimination of the juvenile-court concept—the benevolent aspect—must rest on the States. They failed to give juvenile courts the staffs and means to carry out the original idea.

NEW IDEAS FOR ACCIDENT CLAIMS—

Q. Would such changes include absolute liability in automobile accidents?

A. There has been a great deal of sentiment in this country for a long time—and it's growing very rapidly—that in one way or another all automobile-accident claims, to use that rough categorization, should be out of the courts entirely—that they should be disposed of in much the same way, so this argument runs, as we handle the claims of an employe who is injured in the course of his employment—the "workmen's compensation" concept. Some of the States are experimenting in this direction. I don't advocate anything at this time, but I advocate strongly that it should be studied, along with other alternatives.

I said in Philadelphia recently that the concept of diversity cases—cases between litigants from different States—has brought into the federal courts the largest single category of its civil litigation: such things as automobile cases and injury cases. I repeat without any hesitation that in the original concepts of federal jurisdiction an automobile case has no more place in the federal courts than speeding on a city street.

Q. Isn't the diversity specified in the Constitution?

A. Yes, but with limitations. Congress has the power to define the jurisdiction of federal courts.

Q. Didn't you propose some time ago that the Chief Justice make an annual state-of-the-courts message to the Congress? What response have you had to that suggestion?

A. Well, that is not quite accurate. I have never proposed this.

It has been proposed at various times since Hughes was Chief Justice. And about 15 years ago, when William P. Rogers, the present Secretary of State, was the Deputy Attorney General, he renewed the proposal that the Chief Justice make a periodic report to the Congress. In a formal and technical sense, we do now. The Administrative Office of the U.S. Courts files a periodic report with the Congress.

Q. Does anybody pay any attention to it?

A. Well, I'm sure the staffs of the Judiciary Committee and the Appropriations Committee have a great interest in those reports—and some of the members as well.

When Mr. Rogers pressed the proposal in 1954, I think he was reaching for something that would get a little more attention than filing with Congress a report as big as a Washington telephone book.

Q. Do you endorse that idea?

A. I've never taken any position on it except to say that I think it could be a useful device to focus attention on the problems of the courts. I hope the report on judicial problems that I made to the ABA last August served some of that function.

Q. Mr. Chief Justice, coming back to the way the courts are functioning today: Many people have the idea that lots of criminals are getting off scot-free because of legal technicalities. Do you agree?

A. Well, I'm not sure how useful it is to try to deal with that, because there is a problem of defining terms.

Sometimes, it is true, an accused person whose guilt is obvious and unquestioned is relieved from any punishment or any conviction because of what news people, in journalistic shorthand, and laymen call "technicalities." This is, to a degree, inescapable.

If a provision of the Constitution or a statute is violated in the collection of evidence against an accused, under our system that evidence is not admissible against him. And if that's the only evidence that the prosecution has, that's the end of the case.

This is a choice which our society has made, but it is a choice that has many critics. Some legal scholars and many judges and lawyers question whether future police misconduct or police mistakes are influenced when courts set free a person who is guilty in fact and this is done solely because of the police conduct. It is difficult to be certain in this sensitive area.

Q. Would it be possible to do something about this?

A. Well, remember Justice Cardozo's statement to the effect that the criminal should not go free because the constable blundered. That's one point of view.

The other point of view—expressed, I believe, by his colleagues Brandies and Holmes—was that enforcement of the law must never employ dirty methods.

Q. Do you think Supreme Court rulings, or those of courts in general, have had anything to do with the rise in crime?

A. This is a matter on which there is a great diversity of opinion. There are two extreme points of view—each of which I think is wrong:

One extreme point of view is that what courts do has nothing whatever to do with crime and crime rates. This argument rests on the proposition that criminals don't read court opinions. I'm quite sure they don't, but if in any given community it becomes the prevailing view that it is "easy to get by," from whatever source that idea comes it's going to have an impact in the sense of negating deterrence.

The other point of view—and I don't subscribe to that one either—is that the Supreme Court is responsible for it all.

The fact is that inevitably the boldings of courts have an impact on the conduct of people. Belief is relevant to action. If something is found to be permitted, then it's more likely to be done.

There are many areas where this is true. It would apply equally if people came to believe that speed laws were not enforced, that driver's licenses were not neeed, or closing hours for liquor stores or bars were not enforced. On a different level, a lax enforcement of the antitrust laws would lead to a great many more violations of those statutes.

All this is what we vaguely call "human nature."

Q. A recent development has been what one could call "antic lawyers" in courtrooms, who turn trials into circuses. Are these lawyers within their legal rights?

A. Well, I would like to broaden the question a bit. The conduct of lawyers—good or bad—is critical to the functioning of any system of justice.

Again, a comparison with the English system is useful. Under their system, with the trial lawyers being trained in the importance of professional responsibility, personal conduct and decorum—manners, if you will—are recognized as the indispensable lubricants to what is essentially a contentious and abrasive process.

The British have no such thing as antics in the courtroom. It simply never happens, because a lawyer—a barrister in England—knows that certain kinds of conduct which are widely practiced and tolerated in this country would lead to swift and severe discipline and possibly disbarment under the British system.

Again, this is because people respond in a deterrent sense whether they're criminals or whether they're doctors or lawyers or bankers—and, I might well add, judges.

Q. Whose responsibility is it to enforce the canons of ethics and professional standards of conduct in the courts?

A. I would say that under our system today it is regarded as the collective responsibility of the legal profession as a whole and of the courts. But it has not been defined in this country in the sense that it has been defined in England, and therefore it tends to fall between two stools. The judges often complain that the bar associations are not doing what they should do, and the bar associations say the judges aren't doing what they ought to do. Both are quite correct.

The responsibility is not clearly enough defined—and it is not placed. We must decide what the ground rules of courtroom conduct ought to be and then fix the enforcement responsibility in one place so that when there is a failure we will know whom to blame.

Bear in mind that all of these problems are immensely more difficult, as I suggested earlier, in a country like ours with 50 State systems admitting lawyers to practice—50 separate sets of courts, each of which is sovereign to a degree.

There is only one court system in England. They simply don't have any trouble of the kind you are discussing. And yet they have advocacy that is as good as any in the world, as zealous and as effective as any that can be found, and better than it is in most places in the world. But it is within strict limits in terms of decorum, manners, conduct.

Q. What about antics on the part of accused persons?

A. In the ultimate sense, the opinion of the Court last year in Illinois against Allen, in which the Court spoke through Mr. Justice Black, has settled the extremes of that problem, vesting very broad power in trial judges, both State and federal, to remove any offending person, any person interfering with the process—remove him from the courtroom even though it be the defendant. Now there is a clear standard to guide courts, and that was perhaps one of the most important opinions of the Court last year.

Q. Earlier you seemed to reject the notion that the Supreme Court was by its decision in any way responsible for the rise in crime and violence—

A. I don't think I said "in any way." It's a factor which enters into the total stream of causation.

Q. Well, the court system in general has been accused of contributing to the rise through lack of speedy trials, lack of significant punishment. Do you agree with this?

A. I do, in part. It's the lack of certainty, and the promptness of the judicial process, and the punishment. Swift and sure trials and reasonable finality would cure a great many evils.

Q. Would you say that delay has been a major contribution to the rise of crime over the last decade? Would you pin it on the court system that closely?

A. I cannot think of any judicial factor more important than delay and uncertainty. It's always difficult to assign priorities in this sort of thing, but I know of none I can think of more important than the absence of the sure knowledge that a criminal act will be followed by a speedy trial and punishment.

And that's why I have said that if we could have every criminal trial ready to be presented within 60 days after the arrest or the charge, I think you'd see a very, very sharp drop in the crime rate. It would surely put an end to the large number of crimes committed by men out on bail waiting six months to 18 months to be brought to trial.

Q. What about all these continuances and delays in criminal proceedings? Who's responsible for that?

A. Well, that responsibility would have to be spread around: judges to some extent, lawyers to some extent, the absence of clearly defined ground rules on all of these things.

Q. Is a typical criminal case in the courts longer now than it was, say, 20 years ago?

A. I think it is definitely longer.

At one time I saw some very reliable figures that indicated that the time for the trial of a criminal case in federal courts had altered in two respects: first, that there is more than double the lapse of time from the charge to the date of the trial, which means the accused—with rare exceptions—is out on the street; and there were also some figures that once the trial starts it takes about twice as long to try a criminal case today as it did 10 years ago.

Q. Why is that?

A. In some cases it is due to decisions of the Supreme Court and, as to some aspects, acts of Congress.

The Bail Reform Act and the Criminal

Justice Act are enactments of the Congress, and we have not yet adjusted to the changes they brought about. Various decisions of the courts require that motions may be made for the suppression of evidence, for the examination of evidence, and a wide range of things which are now available which were once not available. All of these can and are used both properly and improperly by lawyers, and it often contributes to delay even though some of it is essential to conform to the Constitution.

The Criminal Justice Act itself has brought into the courts not only a great many more cases but a great many more lawyers. Many of these lawyers are inadequately trained. An inadequately trained lawyer will take two or three times as long to try a case as a very expert lawyer. Naturally he is unsure and halting, no matter how well motivated.

Q. Could the same thing be true of judges? Do judges differ in their abilities to expedite justice?

A. That's correct. Much has been done on that side in terms of training of new judges in the federal system as soon as they have qualified for office—and then what might be called refresher courses, seminars for judges, which are going on constantly.

Q. Are States doing anything along this line?

A. States have moved in this direction also. The States have a college for trial judges which is a permanent organization sponsored by the American Bar Association and others. Hundreds and hundreds of State trial judges have gone through that school during what the news media call the "judicial vacation." That college has made great improvement in the performance of State judges, Justice Tom Clark was one of the moving forces behind that program.

Q. Can any reforms be made with respect to juries to speed up trials?

A. Systems for handling juries and jurors in a busy courthouse could be enormously improved. In a large court with 15 or 20 judges calling for jurors on a given day, many jurors are needed. When they bring a new jury panel in, they may have 600 or 800 people present. That's a great many people to handle, to get them to the right rooms at the right time without confusion. The systems for doing this are not very good.

The most severe criticism of courts in general and the jury system in particular has come in recent years from laymen who have served on juries:

They're called; they must be there, let us say, at 9 o'clock—and then they spend two thirds of their time for several weeks sitting around waiting for something to do.

The machinery for handling of jurors is not good, but a large part of this is inherent in the jury system. All litigation is inherently a clumsy, time-consuming business.

Q. Would smaller juries help? What is sacrosanct about a 12-man jury?

A. There is nothing really sacrosanct about a 12-man jury at all. No one really knows how the common law settled on a figure of 12 jurors. It is not affirmatively provided in law—not in the federal system except as to criminal cases.

Many States have affirmative statutory provisions for less than 12. Last year the Supreme Court held that fixing the number at six was up to the States. If they wanted to have six-man juries, they could do so. There was no federal constitutional problem involved.

Q. How about unanimous verdicts by juries?

A. That is before the Supreme Court now, so it is an area on which I couldn't comment. We must decide this year in several cases whether a unanimous verdict is constitutionally required.

Q. Mr. Chief Justice, most of the things you have said here seem to indicate a feeling that the real difficulty is in the management, the administrative functioning of the courts. Is that what you are saying?

A. Definitely—and I began to work on that within 24 hours after I took office on June 23, 1969. The next morning I had the first meeting on the problem of court administration, with just three or four people, including one of the distinguished experts in public administration in this country, Dr. George Graham. He was one of the key figures in helping us develop the Institute of Court Management.

Everything I've done since in the way of public utterance on the subject has been directed at this broad problem: better management, on the one hand, and then, alongside that, consideration of some basic changes. I am not advocating any particular changes. I do think it's within my function to say that these things must be looked at.

We cannot blindly cling to methods and forms designed for the seventeenth and eighteenth centuries.

Q. How would smaller juries help?

A. It would help in management, time and cost. Jury fees for next year in the federal budget alone—and that's only a fraction of the total judicial system of the country—are 14 million dollars. I would make a rough guess that the total jury cost in the United States is somewhere near 100 million. Now, if you could cut that in half you would have a very large saving, and that money is desperately needed for other purposes to make improvements.

In a large and busy courthouse then, instead of infusing 800 or 1,000 people into the corridors to be parceled out and handled and brought to the right places where they're needed at the right time, you'd have half that number. This is one very small step that would save a great deal of money and a great deal of time. Whatever time it takes to pick the jury would be, again, half the time that it takes to pick 12 of them.

Q. If Congress were to pass a law and say that henceforth federal criminal cases and civil cases will be determined by a jury of six, would that be the answer?

A. Conceivably it could be done by the rule-making process of the federal courts, where the rule is proposed by the Judicial Conference Committee on Rules, then submitted to the Supreme Court, and, if approved by the Court, it is placed before Congress and becomes law if not rejected within 90 days.

Q. We've had a great growth in the last few years of legal-aid societies, public-defender systems, tax-exempt public-service law firms and things like that. Do you think that that adds to litigation? Is this in the public interest?

A. I would not want to suggest for one moment that anything which adds to litigation is automatically against the public interest or for the public interest. There is more to it than that.

The legal-aid systems began on a private, volunteer basis half a century ago and have been slowly growing. The public-defender system for criminal cases began soon after that time and has had a slower growth, but it has flowered in recent years. And I must confess a conflict in a way, because I have a bias in favor of some of these programs, provided they are conforming to high professional standards.

Neighborhood Legal Services under the Office of Economic Opportunity has 57 million dollars in the federal budget this year for the OEO legal staffs alone. That's almost half of the total amount being spent on all operations of the federal courts. It is not a correct assumption that all of the cases of these Neighborhood Legal Services are going to get into the federal courts—or indeed into any courts.

I would think, on the contrary, such litigation as develops will be channeled into State courts because they will deal with local matters: conflicts between landlords and tenants, rent defaults, the man who buys a TV set that he can't afford on long-term installments with exorbitant interest, other day-to-day things which have gone unattended for a long time, really.

Most of the work of the OEO Legal Services will not get into the courts. It is counseling and advice.

I said at the ABA meeting in St. Louis in August that a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people, and there are three things that could destroy it:

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value. Four, five or six years after you've broken your leg or damaged your automobile is too long a time to wait for a recovery.

Second, if people who have been exploited in the smaller transactions of daily life—home appliances, repairs, finance charges, and the like—come to believe that courts cannot vindicate their legal rights from fraud and overreaching on the part of others.

The third thing I spoke of was a feeling that the system isn't protecting the public from criminal matters.

Let me go back to the second point—and this is important because it enters into the feeling on the part of some people that there is one code of justice for the rich and another one for the poor.

The private practitioner with rent to pay, books to buy and secretaries to hire simply could not afford to take the small case for the man whose wife has been high-pressured into signing a contract for an encyclopedia, the other door-to-door things, or a shingle job on the house—often with unconscionable conditions in the fine print. All of these affairs were too small to engage the attention of a practitioner. He simply couldn't afford to take that case.

This is really, basically, no different from a man who has a ruptured appendix or tuberculosis and can't hire a doctor.

Q. Then the Neighborhood Legal Services program is not really new—

A. It is new as a federally financed program, but not in fundamentals. We've now come to accept the idea that society is going to take care of these problems. We have come to the point where even these private civil rights of people must be vindicated with legal assistance if we want all people to have confidence in our system, believe in it, believe that it will protect them reasonably.

Q. Are you saying that there have been two systems involved: one for the poor, one for the rich?

A. Not two systems in the conscious sense but in the sense that the busy lawyer who has large matters or the lawyer of small means simply could not give attention to a man who, for example, bought a refrigerator worth $200, but the price on the time basis was 5 per cent interest a month and finance charges built it up to maybe $500 to buy this $200 machine.

Q. In other words, it goes to the point of the financial resources of the litigants?

A. That's right. The system has not—I'm speaking now of our system of society and the legal profession—has not had a comprehensive mechanism to take care of it, except that as far back as when I went into the practice, 35 years ago now, our firm contributed time, as many firms did, to the Legal Aid Society. One of us would go up—one of the younger men—and spend a Thursday afternoon or every other Friday afternoon in the Legal Aid, counseling with such people.

This was our contribution. Doctors do it; a great many other people do it. But it has become so big, so vast that it can't be handled on a case-by-case basis. The only way it can be handled is on an organized basis. Congress has decided this is a public responsibility.

PROBLEMS IN LEGAL-AID PROGRAMS—

Q. Why are these programs under so much criticism?

A. Now we're in the transition stage—from the individual lawyer doing this as a service to the society and to his profession, to putting it on a more efficient and highly organized basis, really. That's the objective: to put it on a more efficient basis.

In modern terms, it is a matter of delivery of legal assistance. We're in the transition period, and, like any tooling-up for a new process, whether in a factory or in public administration, it isn't very efficient in the beginning. This program attracts young, idealistic lawyers, and sometimes they have more zeal and adrenalin than judgment and skill. This naturally creates tensions and friction. But that will pass. The program needs idealistic young people, but it needs seasoned and experienced lawyers in the management.

What we as a society have said now is that the "poor"—people who can't afford lawyers—can go to the Neighborhood Legal Services. And if there is some law about his medical aid or his Social Security or whatever and he thinks this is discriminating against his particular problem in some way, legal assistance is now furnished to him to settle his problem and, if necessary, test that out in the courts. And if a court decides that he's right, I have difficulty seeing how we can quarrel with that result.

There is nothing new or revolutionary about testing laws and rights in the courts. Surely it is a more sensible solution than the picket line, a demonstration or a riot.

Q. Doesn't this add to the work load of the courts?

A. Of course, it adds to the work load of all courts—State and federal. But the objective is to try to place every individual in this country on the same basis in terms of the assurance of his rights, both in the sense of private rights as well as in criminal cases.

Q. Before you had completed your first year in office, some of the leading newspapers that cover the Supreme Court closely said that you were already showing more activist tendencies, in the sense of attempting to provide leadership, than any Chief Justice since Taft or Hughes. Would you comment on that?

A. Well, in the first place, I suppose it's better for others to make the judgments about what I'm doing than it is for me to try to do it. The comments you refer to are the oversimplification and shorthand of the media, in large part: What is new must be depicted as somehow different. I do not think it is correct to evaluate what I am trying to do as either more or less than others. It is a matter of different emphasis.

From Taft to Earl Warren, every Chief Justice has urged many programs. What we need for the next generation of change was not the central problem in earlier days, so they did not advocate what I now urge.

The first function of a Justice of the Supreme Court, as with any other judge, is to keep his work up to date in the judging department. That's his primary responsibility.

EXTRA DUTIES OF A CHIEF JUSTICE

Q. How does your position differ from that of the eight other Justices?

A. As Chief Justice, I am only one of nine, with really no different position from any of the others in terms of the judicial function.

However, with respect to other functions, by law Congress made the Chief Justice chairman of the Judicial Conference of the United States, which, as you know, is composed of two representatives from each of the 11 federal circuits and two representatives from the special courts.

Q. What does the Judicial Conference do?

A. That body functions somewhat as a board of directors for the entire federal judicial system—a "general staff" might be another term for it, except that it's a part-time function of all the members.

I might say parenthetically it is becoming an increasing burden for these judges to carry.

In addition, the Chief Justice, by law, is chairman of the Federal Judicial Center, recently set up by Congress primarily as a research arm to study problems of the kind we're discussing here today, and also to carry on training programs for court personnel—judges, court clerks, probation officers, magistrates and others.

The Judicial Conference and the Judicial Center have more than 25 committees dealing with our problems, and I must try to keep informed as to what they are doing and what they ought to be doing.

So I am involved in all of these activities—and increasingly so, I find. These matters take approximately one-third of my working hours.

Q. When did you begin to see your function in this light?

A. I decided immediately on taking office that the time to begin was then and there, and the means was co-operation with the legal profession.

The American Bar Association now has almost 150,000 members in, I think, 1,700 State and local bar associations around the country. It is a grass-roots organization in every sense. The association has done monumental work in improving criminal justice and in other fields.

Q. What percentage of the legal professions is that?

A. I don't know, but it has increased so rapidly that I would say that it must be in the neighborhood of half of all the actively practicing lawyers in the country.

The American Bar Association is not the ultraconservative, dormant, ceremonial organization that it perhaps was 35 or 40 years ago. It is a very dynamic organization, and if it puts its will and its force and its influence behind any particular activity, the odds are it will get done.

Witness the court-administrator program: Have you ever seen lawyers or judges move that fast before?

I made the speech on August 10. I drew a rough blueprint for the program while I was on a vacation in September. We had the first meetings in October, and on Dec. 7, 1969, the final meeting approving the structure, selecting a director and setting up the plan of operations was completed. In May of 1970 the classes of a six months' course opened at the University of Denver.

Q. Are you saying that could not have been done without the American Bar Association?

A. That couldn't have been done—there wasn't a chance of getting that done—without the prestige and the power of the American Bar Association, the American Judicature Society and the Institute of Judicial Administration, as cosponsors. They selected a board of directors, and Herbert Brownell, former Attorney General, was selected chairman of the board. James Webb, former NASA Administrator; John Macy, former Civil Service Chairman, and some other very distinguished lawyers and judges are on the board.

This is the best illustration of how I can be helpful in getting these things done. If I ask the American Bar Association to take on a responsibility, I find that if it is reasonable, if it makes sense to them, they will get the task done. And the ABA can draw many organizations into a collective program, partly because most of the leaders of other lawyer organizations are also leaders of the ABA.

Q. A lot of people are going to be surprised to learn that the Chief Justice is as active as he is in all these other functions. Is this a proper role?

A. I've had a few letters questioning—but very, very few.

Q. How do you answer?

A. Well, usually I answer them and ask: "Who do you suggest will do it? If I don't do it, who will?" Some people have written back and said, in essence: "I now see this, and I was wrong. Thank you very much and keep on going." However, the overwhelming volume of mail is warmly favorable and very encouraging.

Q. When the federal courts have a financial problem—a budgetary problem—do you have direct access to Congress?

A. Not really—except to do it in a formal way in a budget request, which isn't a very eloquent way of arguing your case. It seems to be against tradition for me to appear before the Appropriations Committee to support my requests, and this is probably sound. I doubt the need for a personal appearance in the conventional sense. If we make out a good case in writing, I am confident Congress will co-operate. They are as much interested in justice as judges—and they are much closer to the people.

Q. Do you think, from a technological standpoint, that the Supreme Court machinery has fallen behind the times?

A. Yes, in certain respects, although I would not put it in quite those terms. The equipment—the machinery in the broader sense than hardware—just isn't there. And some of our methods are not adequate for the present volume of cases. We have a need for the kind of modern equipment most government agencies and all successful businesses use.

We have almost nothing but the most primitive basic equipment. At least 25 employes still use manual, non-electric typewriters. We had no efficient, modern copying machine until recently. Justices read thousands of pages of carbon copies of legal memos each year—typed with 10 copies on very thin paper. These memos were called "flimsies" and, of course, were terribly difficult to read. We now have two modern copiers, and no Justice reads a seventh, eighth or ninth carbon copy.

These are small details, but they are important in our daily work. We are working on other improvements.

Q. How much has the work of the Supreme Court changed in recent years?

A. It has changed in volume, chiefly. Just consider these figures: In 1940, in the Supreme Court, there were approximately 1,000 cases filed, and in 1970—30 years later—4,400. The projection for 1975 is 5,629.

We now project 7,182 cases in 1980. Before that—long before that—the work of the Supreme Court of the United States will either break down or it will deteriorate in quality so that its historic role will not be performed adequately.

Q. Do you mean the Court by 1975 will be so inundated by work that the whole system will just stop at the top?

A. No, it won't stop. I think what will happen is we'll keep on going but the quality of the work will progressively deteriorate.

Q. What do you think should be done?

A. The entire jurisdiction of the Supreme Court should be carefully studied.

One example is the volume of three-judge district courts which deal with constitutional claims. Those courts are specially convened and are a mixture of three trial and appellate judges. Direct appeal to the Supreme Court is allowed. These cases are an enormous burden on the Supreme Court. Few cases except in limited emergencies, should ever go directly to the Supreme Court from federal district court. Cases should go through the courts of appeal. This is just one example.

The Supreme Court of the United States cannot perform its constitutional and historic function if it must review over 4,000 cases a year and hear arguments in 150 to 160. Some screening process must take this crushing burden off nine men and spread it over a greater number in other courts.

We can expand and enlarge the other federal courts. We have more than doubled the number of district and circuit judges in

recent years, but the Supreme Court probably cannot effectively operate if we increase it to 12 or 18 or 24. So the only solution is to limit the volume of cases.

Q. What about other courts?

A. This matter of modernizing equipment and methodology is the sort of overhaul that's needed all up and down the line. It's true in most of the State systems, too.

Q. Should there be an intermediate review court?

A. I'm not sure what the solution is, but we must do something—and do it very, very soon.

For example, when I tried to find out in the last year how many automobile cases there were in all the State courts in the country, there was no reliable place where that information is gathered. I wanted to find out how many jurors were used in all the State court systems and what the cost was, but there was no place I could find that information.

Q. Do you need a central agency to serve all the States?

A. Yes, definitely—a clearinghouse of information—very important information, available to all courts. We need some kind of national judicial center.

There's no great reason, for example, why there should be an enormous disparity in the salaries of judges of various States, nor in the method of selection and the tenure. And here again, the legal profession can do something about that.

But if we had this central establishment—and I think the American bar will do something on this before too long—we could make many improvements. The Institute of Judicial Administration at New York University has tried to do this task, but it is underfinanced and understaffed and cannot meet all the demands.

STATE JUDGES: UNDERPAID—

Q. Are most State judges still elected?

A. Most of them are. And you can't expect to get first-class supreme-court judges in the States at $16,500 or $20,000 a year except by great personal sacrifice by these men. State judicial salaries range from $16,500 to $40,000. That is an unfair situation.

Q. It sounds as though you agree that some critics are on the right track when they complain that the judicial system in this country is out of date—

A. It's very much out of date. It is literally true that, as to procedure, if you could get John Adams, Alexander Hamilton and Thomas Jefferson and bring them back—you wouldn't even have to give them a haircut—all they would need would be about a two-day briefing over at the Federal Judicial Center, and they could walk into court in Washington, D.C., or St. Paul or San Francisco and try a case.

There is value to continuity, but that's carrying continuity and stability a little bit far. Can you think of where we'd be if hospitals and doctors were still using techniques, drugs and equipment of 30 years ago?

Q. Mr. Chief Justice, do you envision a big expansion in the number of federal courts?

A. I hope not. I would rather see a contraction of jurisdiction.

Some people seemed to think that at St. Louis I believed that pollution cases and consumer cases should be kept out of the federal courts. That isn't what I said at all.

I said if Congress is going to pass new statutes relating to pollution control and new statutes about consumer actions, it had better at the same time think of the impact on the federal courts, try to put some calipers on it and say, "Well, this will take x number of additional judges over the period of the next five years" and start feeding them in, plus additional court reporters—who are harder to find than judges. You don't have much trouble finding judges, but court reporters are almost impossible to find.

What I was pointing to was the relationship: that if you're going to do one, you've got to do the other. We must give the workman his tools.

Beyond that there is indeed a question. Some people glibly assume that all pollution cases and class actions belong in federal courts. That is a simplistic notion on a very complex problem. Some of those cases will involve federal questions properly for federal courts, but many can better be treated in State courts.

Generalizations are not very constructive.

ELECTRONIC RECORDING OF TRIALS—

Q. That raises still another question—the use of electronic recording of trial proceedings as a supplement or substitute for traditional court reporting. What about that?

A. There has been much research and experimentation in that field. But to rely entirely on voice recording dealing with testimony in which every word and nuance may be crucial presents problems: First, the equipment must be improved; second, the operator probably must be a trained court reporter; and, third, lawyers and judges must change their habits of courtroom performance.

For example, the judge, witnesses and lawyers must become mircrophone-conscious, and the starting point will be to put each lawyer in something like the witness box so that he cannot move out of range of the microphone, wandering about the courtroom. These are a few of the problems, but they are all open to solution.

Q. Will it be possible to get lawyers and judges to make these changes?

A. It will take some monumental efforts, but it must be done.

Q. What happens if we just drag along as we have?

A. Well, as with all archaic methods and procedures, it's somewhat like a car that you keep on running and don't repair or put any oil in it and don't buy new tires. Finally, that car just stops. And that's what will happen.

We're breaking down in spots. In New York City, the recent outbreaks of violence in the jails really resulted in part from the fact that the city had a great pile-up of people confined and couldn't get them to trial.

Q. Haven't they had repeated increases in the number of judges in New York?

A. I believe so. This is why the organization-and-system aspect has got to be emphasized. Judges without system and organization—and expert staffs—are a bit like an army with no leaders and no discipline.

Here we have a completely new space science, new in the highest twentieth-century sense—we've trained 58 astronauts in less than 10 years—and yet we think we're doing well because for the first time in our history we're just getting the first formally trained court administrators in this country on Dec. 12, 1970.

I don't mean to say there aren't any good court administrators now. There are, but I think it would be fair to say there are no more than a dozen or so—and they have trained themselves.

Q. Many complaints about the conduct of the Supreme Court have hinged on the extensive summer recesses of the Court. Is that a valid complaint?

A. This is really part of the American folklore. The other day I called the Clerk of the Court and asked him to take a typical week of last summer—any week—and let me see the briefs and petitions filed so that I could see what was assigned to each Justice in any week from the time we recessed on June 30 until the first week of October.

I had made my own guess that it would be the equivalent of a stack of ordinary paperback books about two feet high. I was off the mark. It was nearly three feet high. This is what is sent to every Justice every week. I had estimated the summer filings at 80 cases a week. It turned out to be precisely 99 cases each week.

Q. Just during the so-called vacation?

A. Yes. And those cases must be processed in the sense that, one way or another, each Justice must familiarize himself with each case so that at the conference the first week in October each Justice is ready to vote.

During those summer months, 1,186 cases came in after we stopped hearings—after we went on that "vacation" we read about. Of course, that term "vacation" is used in the legal sense, but now people have come to think of it as playing golf or lying on a beach somewhere.

Q. On what do you base your view that these extra burdens are part of the function of a Chief Justice?

A. It is really as much necessity as it is a matter of choice.

Realistically, if the Chief Justice of the United States doesn't try to bring about progress on these things I've been talking about, they aren't going to be done very fast.

An Attorney General of the United States could get attention, but these are not his problems. He is not the minister of justice, he's an advocate for the Government. Probably, if an Attorney General undertook to deal with these problems, judges might resist his efforts.

The absence of some official who is the counterpart of the Lord Chancellor in England is very sharply in focus for me. The Lord Chancellor in England is the highest judicial officer, but he devotes only a limited time to purely judicial duties. He is also Speaker of the House of Lords and a member of the Prime Minister's Cabinet. Thus, he has access and constant communication with all three branches of government and can keep the executive and legislative branches fully informed on almost a day-to-day basis.

Such an officer is not possible under our concept of separation of powers, and that is why I proposed in St. Louis that Congress create a permanent Federal Judiciary Council appointed one third by Congress, one third by the President and one third by the Judicial Conference of the U.S. This Council, with a small staff, could establish the three-way communication now absent on all problems of the courts on which Congress and the President share responsibility.

One more thing: The office of the Chief Justice desperately needs a high-level administrative deputy or assistant. I devote four to six hours a day on administrative matters apart from my judicial work, and it is not possible—not physically possible—to continue this schedule very long.

Q. Can you give a concrete example of what this Council and this administrative deputy would do?

A. The Council staff would review existing federal jurisdiction, co-operating with congressional staffs, the Attorney General and the Federal Judicial Center, and recommend changes to divert some direct appeals away from the Supreme Court and to the courts of appeal. It would examine all new legislation to make sure resort to federal courts was sound, as a matter of policy. When federal jurisdiction was significantly enlarged, it would measure the projected need for more judges and staffs.

The administrative deputy to the Chief Justice would work closely with this Council, with the Federal Judicial Center and its committees and the Judicial Conference of the U.S. and its committees and with the Administative Office of the United States Courts. In short, he would do what the Chief Justice would do if he had no cases to hear and decide. There are more than 20 standing and special committees the Chief Justice should keep up with. He cannot do it adequately in a 24-hour day, but a highly qualified assistant could do so and keep the Chief Justice informed and take important policy questions to him for decision.

Today, as we sit here in this discussion, a crisis approaching a breakdown is in sight in the Fifth Circuit that embraces all the Gulf States from Texas to Key West, Fla., plus Georgia and South Carolina. Their case load increases 10 per cent to 20 per cent each year, and they simply cannot continue to cope with it. A Federal Judiciary Council of the kind I advocate would have moved on this years ago.

I have been in the courts of almost every country of Europe except Spain, Portugal and the Iron Curtain countries. I've seen something of how they work and how, even though we may think that our system is very much better in many areas, there is much we can learn from some of them.

In England, a patent case, for example, is not tried with a jury. They have not tried civil cases with a jury in England for 35 years, except libel and slander cases.

When they try a patent case, the judge has a great flexibility, and if the case involves new spacecraft problems or chemical engineering or airplanes, the judge will get a physicist or a chemical engineer or an areonautical expert, and they sit on either side of him and they decide the case together. They probably finish the trial in a fraction of the time we would require.

Q. Do the men at the judge's side decide the facts and he decides the law?

A. Essentially that is about the way it works. We don't have that kind of flexibility.

Q. Should a recidivist—a man who is convicted time after time—be automatically sentenced to life imprisonment with no opportunity for parole?

A. This raises two points: the mandatory-sentence problem and the permanent incarceration of the chronic repeater or incurable recidivist—the three or four-time loser, for example.

First, the mandatory sentence is no solution for anything. The mandatory sentences that are written into the statutes are one of the impediments, not one of the assets, to the administration of criminal justice.

The indeterminate sentence is much the better system, and yet the public response to rising crime is often: "Double the sentence." What it does is make it harder sometimes to get a conviction and harder to get the conviction affirmed by an appellate court. So that solution doesn't do it.

We may have to come to something similar to the system used in some Northern European countries where courts decide that a chronic offender is a hazard and he is confined until they think he is safe to rejoin society. This can be a long, long time. Of course, that's easier in a small country operating under a central government.

Q. What kinds of institutions are the incurable offenders confined in?

A. Generally speaking, they have no high-security institutions. They use open prisons, penal farms in which all inmates keep busy. It would be fairly easy to escape, but it isn't very useful to escape from a prison in Holland or Denmark, for example, because the prisoner has almost nowhere to go. With all the stringent passport and travel limitations, he can be picked up very easily. As a result, they have no prisons in the sense that we do.

Q. What about prison personnel?

A. The prison guards in our country pretty generally are poorly trained and poorly paid. They're very often patronage jobs, but almost at the bottom rung of the political ladder. In Northern Europe, men in these jobs are carefully screened, substantially trained and paid well—perhaps proportionately one and a half or two times as well paid as is a guard in a State prison in this country.

Q. Does the European system rehabilitate a convict?

A. It does a much better job than ours does, but it isn't perfect. There is no perfect solution in this business. Anybody who ever thinks there is is deceiving himself. In these older societies they are more philosophical—less impatient than we are. But they are firm with the so-called incurable or incorrigible offenders. They have many centuries of experience; we have only two.

I have visited many prisons here and abroad. If you want a depressing experience, visit a State prison on a Saturday, particularly, when the prisoners' work is over for the week. There are exceptions as to some States.

If any one of you were running the institution, you would see to it that the inmates—mostly young men—had a ball field and volley-ball courts and other exercise facilities. Absolutely nothing in most of these places. These young fellows are just lounging around, sitting, vegetating. Many of them are confined two to a tiny cell that was built to hold one man before the time of the Civil War.

If we set out on a deliberate program to brutalize and dehumanize people and produce more criminals, this would be the way to do it.

Q. Do you think that's typical of our penal institutions?

A. Unfortunately, yes. There are exceptions. California is an example. When Earl Warren was Governor, he completely reformed the whole penal system. But even there the growth of the State and increase in crime are giving them many new problems.

Wisconsin has an excellent system.

Q. Is one of the problems that people will not vote the tax money for prison reform?

A. Yes, but they're paying more without it and don't realize it. It's a hidden tax that is enormous, and the public must be made aware of it. Look, for example, at the growth of private police forces. Financial journals report that costs have now reached a figure of over 2 billion dollars a year for private policing, plant protection, neighborhood patrols and office buildings. This is an indirect cost every person helps pay—and there are many other indirect costs of inadequate correction systems.

Q. Mr. Chief Justice, to return for a moment to the matter of being labeled an "activist" in your nonjudicial affairs, is there a danger that in the public mind this will be associated with your attitude on the bench?

A. That is possible, but as with a pudding the final test will be the taste. Someone must make these problems of the courts known to the public so that intelligent choices can be made. This, to me, is one of the functions of those who carry the responsibility.

I expect—on the basis of many letters—that State chief justices will become more articulate on these problems. Perhaps Governors and the Congress, even though overwhelmed with other problems, will give more thought to the needs of the judicial systems. I am optimistic enough to believe so.

ARE COURTS GOING THE WAY OF THE DINOSAUR?

(By Edward Allen Tamm)

Many problems facing our courts today have received nationwide attention. The judiciary, however, is confronted with a threat that is potentially much more damaging to its image than the more newsworthy problems: the silent crisis of delay, backlog and inefficiency.

Even casual followers of the news media during the past few months must be aware of the fact that the nation is experiencing a deep crisis of confidence in its judiciary. Charges of serious conflicts of interest, sensationalized trials in which political overtones are exacerbated by disruptive defendants and attorneys, a growing number of controversial decisions, and a series of bitter conflicts over nominations to the Supreme Court have served to create the widespread impression that the courts are falling far short of discharging their duty to provide both justice and the appearance of justice.

The problems have been debated too extensively to merit further discussion here, beyond the observation that some promising efforts to avoid these difficulties in the future are now being made through a variety of professional committees and study groups. This is in itself an interesting phenomenon, however, since it indicates basically that the interest of Bench and Bar is swinging, however slowly, from a longing for a piquant and outdated image to one of strong desire for substantive change bottomed upon objective facts. Far less is being done, however, to meet another threat that is potentially much more damaging to the image of the judiciary and the quality of its work than any of the more newsworthy problems: the silent crisis of delay, backlog and inefficiency. Surely, a court system that is on the verge of collapsing under the weight of its workload denies justice to litigants and to society. Although this may not be a fair description of the present condition of our judicial system, it may soon prove to be a distressingly accurate one.

Obviously, I can lay no claim to originality in decrying the evils of inefficiency in our courts. The literature on this topic is expanding almost as rapidly as the court backlogs, and it is a rare gathering of judges in which someone does not offer at least a few remarks on the delay problem. Calling for administrative renovation of the courts is also a frustrating enterprise because so little happens in response to the repeated cries for reform. Too long has the judiciary met awkward questions concerning its ponderous procedures with unhesitatingly ambiguous answers. In part this is a result, as well as a cause, of the exploding size of court calendars: there is always a brief that must be read, a difficult question of law that must be researched or an opinion that must be written, and the temptation is strong to concentrate on these problems of "substance" while ignoring the seemingly trivial details of paper work and administrative procedures. Unfortunately, the resulting imagery of the judiciary is one of intellectual loftiness which deftly bursts the bubble of its own rhetoric. The ever-growing overburden of cases too often causes a periodic frantic search for unfound shortcuts because judges place devotion to commitment ahead of effectiveness in escaping from a behaviorist trap.

Judges who fall prey to this attitude are committing a serious mistake. It may not be impossible for a court that functions sloppily and haphazardly to produce high quality decisions, but it is certainly much more difficult. It cannot be emphasized enough that inefficient judicial administration is not merely a question of the quantity of cases decided per judge in a given period of time; it is rather an important component of the quality of justice rendered by the courts. A venerable maxim teaches that justice delayed is justice denied, and, beyond this, there is clearly an independent value in fostering a public perception of the courts as efficient, dignified, impartial and responsive institutions. It is past time for us to free ourselves from the lawyer's habit of thinking in tidy, discrete categories and realize that in the judicial process, as in many other areas of human endeavor, form and function are often inextricably entwined. More must be done, however, than a mere chanting of traditional warnings if we are to improve a system that has been condemned by the new left as an outmoded bourgeois ritual. Too much of our procedure and too many of our practices are more deeply entombed in convention and formula than they are bottomed on professional efficiency.

JUDGES MUST LEAD THE ATTACK ON INEFFICIENCY

It is particularly important that judges lead the attack on inefficiency because any realistic hope of reform must be premised on a strong commitment to improvement within the judiciary. Moreover, despite widespread pessimism about our ability to cure the ills of the courts, progress is pos-

sible when judges are willing to experiment and support changes. In the United States District Court for the District of Columbia, a simple change in the system for assigning judges to hear criminal cases has proved so successful in expediting the case load that the initial opposition to the plan virtually has disappeared and the new system is being adopted for civil cases. I advocated a change to a similar system twenty years ago when I was a judge on the same district court and was met with a massive outpouring of apathy.

It should not take twenty years to find out whether a new system will work. Problems ignored do not automatically disappear. As befits men officially involved, judges should energetically endeavor to get their bored and indifferent brethren to listen to their pleas for modernization of the judicial process. The pattern of the bland leading the bland has proved its own inefficiency. We judges have a serious obligation to convince ourselves and our black-robed associates that in an atomic age the bow and arrow must be abandoned. If we, as judges, do not actively seek out and support ideas for improvement, we can hardly expect that the rest of the profession will undertake the thankless task of correcting our archaic procedures or that the public will lavish its scarce resources on an institution that manages them so ineptly.

CONSENSUS AS TO QUALITY OF JUDGES IS SCANT

If it is true that the primary responsibility for administrative improvement of the courts must fall on the judges, it also seems obvious that reform efforts should encompass not only a variety of systemic changes but also the less dramatic but equally important problem of finding and creating more effective individual judges. Unfortunately, there has been little systematic thought and less knowledge available on the question of what are the qualifications and characteristics of an outstanding judge. Indeed, the recent controversies concerning Supreme Court nominations indicate that there is scant consensus even as to what professional qualities—let alone attributes of character or personality—a judge should possess.

This is surprising in view of the importance of the selection process. Very little can be done, at least in the federal system, to remove a bad judge once he is appointed. Similarly, life tenure and complete authority to control the course of proceedings in the courtroom are essential supports of an independent judiciary, but they also create a risk that some judges will fall prey to the intoxication of power and perform more as despots than as seekers of justice. Psychology, sociology and the other behavioral sciences should be able to teach us quite a bit about this problem, but on the whole we simply have not been interested in finding out. If we had adequate knowledge about the personal qualities that are needed to discharge judicial duties properly, methods of teaching or developing them probably could be evolved.

As a long-range goal, it seems at least worth considering whether the selection process could be initiated as early as law school, through broad specialization in categories such as advocacy, counseling and adjudication. Certainly there can be no better time than the present to explore the possibilities of innovating an evaluation process which will bring to the bench judges of monumental competence, who will in turn bring to the judicial machinery a combination of compassion, ability for intelligent research, a thirst for reasoned improvement and a desire for carefully thought out reforms.

Every conceivable selection process will undoubtedly bring in at least a few marginally competent people, although some methods, such as popular election, seem calculated to maximize these problems. However, even the best qualified judges can benefit and learn from their colleagues' experience, and in this area our efforts have fallen far short of what is needed. Most judges are essentially untrained in the many arts and skills of adjudication when they first ascend the bench, and they have little opportunity for systematic self-education thereafter. In some degree, this problem is alleviated by the fact that many newly appointed judges have admirable and extensive backgrounds in trial or appellate practice. However, this condition is not an unmixed blessing. To the extent that lengthy trial experience is treated as a prerequisite to judicial appointment, many eminent members of the profession may be excluded from consideration at the outset. Moreover, the change from advocate to judge demands more of a man than merely donning the robe and moving to the other side of the bench. Trial practice is normally specialized and does not provide exposure to the wide range of matters which daily confront a judge. In addition, it is often the best courtroom lawyers who, as judges, will ask questions that are designed more to score argumentative points with one party's attorney than to seek enlightenment on a difficult point of law, or who will, with great conviction, if less clarity, harangue counsel because of irritation at a poorly presented case or a dubious argument.

This, surely, is a tendency that judges should be educated to avoid at all costs. It not only wastes valuable court time, with the result that the attorney must be given extra time for argument or forced to skip over important points, but also creates a substantial risk that observers will believe the court to be hostile to one of the parties or to have prejudged the case. Here, as with so many matters relating to the management of trials and appeals, small differences in tone and emphasis can have a tremendous impact in terms of the dignity and efficiency of the proceedings.

SERIOUS CONSEQUENCES CAN ARISE FROM TRIVIAL OVERSIGHTS

Lest I be accused of straining at gnats, I shall cite several representative incidents that occurred in the District of Columbia Circuit during a recent term of court as illustrations of the serious consequences that can arise from trivial oversights in judicial management. In two criminal cases, difficult problems were presented to the court of appeals relating to the allegedly coercive impact of questions asked by the trial judge in conducting the poll of individual jurors after a guilty verdict was announced. In both cases the record indicated a substantial likelihood that the questions had to be repeated, thus giving the appearance of coercion, simply because faulty acoustics and poor sound equipment made it impossible for judge and jury to hear each other. Similarly, in tape recordings of oral arguments made in the court of appeals, questions asked from the bench were frequently unintelligible because the recording equipment was improperly adjusted and the judges often failed to speak into their microphones. Finally, in another case an appellant found guilty of burglary, assault and taking indecent liberties with a minor won reversal of his conviction and a remand for a lengthy, expensive and unnecessary new trial solely because the trial judge had forgotten to make sure that a court reporter was present during a portion of his instructions to the jury.

In addition to learning the careful habits that avoid the small oversights that can create reversible error, trial and appellate judges can do a number of little things to assist witnesses, attorneys and jurors in discharging their duties more effectively. In my years as a trial judge, I found that study of the physical design and appointments of the courtroom can lead to innovations that make it much easier for participants to hear, see and understand evidence. For example, the simple expedient of having the distances between various points in the courtroom measured and tabulated frequently made it possible to provide material aid to juries in automobile accident cases: a witness's testimony that he was fifty feet from the intersection takes on added significance if the jurors are informed that fifty feet is the distance between the jury box and the opposite wall of the courtroom. This is rather primitive in terms of what ought to be done. The schools, mass media and the business world have undergone a true revolution in techniques of communication and development of visual aids within the past few decades, yet hardly any of our lawyers, judges or courtrooms are equipped to use these tools to assist in the difficult task of reconstructing past events accurately. The rewards of imaginative planning and analytical innovation are priceless even though the demands on a judge's time and ingenuity are high.

In short, there are many techniques and devices that can be employed in the process of hearing cases which, although individually small, can in the aggregate have a tremendous impact on the efficiency of the proceedings. There should be some mechanism by which the benefits of judicial experience and new ideas in nonlegal fields can be easily transmitted to new judges, but, at least in the federal system, there is no adequate process for doing so.

There are several obvious methods by which this need could be met. The Federal Judicial Center has compiled a looseleaf "Bench Book" for district judges which summarizes the points of law that must be covered in various kinds of proceedings. Perhaps a companion volume could be developed containing practical advice and suggestions on how a courtroom should be run. A more valuable approach, however, would be to borrow and expand the concept of the National College of State Trial Judges: the newly appointed judge could be exposed to an intensive program of seminars with experienced colleagues, practice in trying hypothetical cases and observation of actual trials. Another learning device that I found invaluable when I was first appointed to the district court is a brief period of sitting on the bench with an outstanding judge during trials of various kinds of cases. This experience not only enables the newly appointed judge to test his own reactions against the rulings made by a veteran on the bench, but also provides an opportunity to learn on the spot why things are done a certain way. Conceivably, a newcomer's questions could also lead the experienced judge to reevaluate the desirability of some of his habitual practices. This kind of "internship" can be done with virtually no disruption of the proceedings and can avoid the socially costly practice of having the new judge learn his trade by what is literally a process of trial and error.

Many new judges, and perhaps a substantial number of those now serving in our courts, would welcome educational efforts of this nature. Certainly the practicing Bar has perceived the necessity for programs of continuing legal education. The vast majority of recent appointees to the federal Bench are capable, dedicated and eager to do the best possible job in discharging their duties. Yet, for lack of adequate opportunities to learn the skills of adjudication, they are allowed to perpetuate the tradition of committing error repeatedly but gracefully. Too often the actions of inadequately trained judges are guided less by law than by ego and instinct. Primary responsibility for this inefficiency must be assigned to the past and present members of the judiciary.

TOO MANY CHIEF JUDGES LACK INTEREST AND ABILITY

The administrative shortcomings of individual judges constitute a serious problem, but they are at least more excusable than the collective incompetence of the judiciary in managing the flow of work within the

various courts. The prevailing administrative irrationality begins with the practice of imposing managerial responsibility on the chief judge, who is the man with the longest tenure on the court. Fortunately, many chief judges in the federal system accept this burden with dedication, if not with joy, and occasionally they bring to the job substantial experience in business or public administration. But it is a matter of pure fortuity to find a chief judge who has a positive genius for court management. Surely no one would defend the proposition that sheer longevity assures interest or competence in matters of administration. If anything, the contrary is more likely to be true, yet this seems to be the premise of the present system. Despite the wonderful and durable clichés so frequently uttered, and sometimes believed, at bar association dinners, too many of our chief judges are irredeemably lacking in both interest and ability in the area of basic administrative responsibility. The result is an eschewing of each required decision until a mere problem becomes a crisis. Even the most conventional wisdom will readily point out that forward movement is impossible as long as our feet are embedded in the concrete of an inefficient system of selection of chief judges. Large law firms, which are more concerned about inefficiency because it involves waste of their own money rather than the taxpayers' would be appalled by a rule which required that administrative duties be discharged by the oldest senior partner. Instead, the firms take the much more sensible approach of selecting a managing partner who is interested and skilled in business techniques.

The seniority system would not be so outrageous if the chief judges could draw on an adequate supply of skilled administrators to help manage the flow of business. Unhappily, the realities are grim: even the better clerks' offices have only one or two lawyers and an insufficient number of clerical personnel whose training consists of some familiarization with typing and shorthand. Some relief may be in sight as a result of the imaginative program for court administrators recently established at the University of Denver. This innovative approach to the inefficiency of the courts begins by selecting people with graduate degrees in business administration rather than law. These administrators are then given approximately three weeks of lectures on court problems and are sent out to obtain practical experience in the operation of various courts. Following this apprenticeship, the administrators are reassembled to conduct seminars on the procedures used in different courts and the reasons behind them. Finally, they are sent back to the courts to help restructure operating procedures, with their central task summarized in a single question: "What can we eliminate?"

Although it is still too early to assess the results of this program, the underlying concept seems worthy of high praise. In fact, it might not go far enough in breaking with the hidebound procedures of the past. It would be very interesting to see what would happen if an experienced business efficiency expert or systems analyst were brought into one of our busier courts, provided with only a minimal description of the work being done and then turned loose to study the procedures and make recommendations for change. The results would be eye opening, if not plain shocking, to most of us who have become accustomed to the leisurely pace with which justice is usually administered. In any event, the school for court administrators may have a significant long-range impact on the operation of our courts, if only a sufficient number of qualified people can be recruited, trained and assimilated into positions in which they can apply their *expertise*. The Chief Justice of the United States has said that there are openings for 600 of these trained administrators, and it is obvious that the need for them is immediate and severe. This is a program which deserves the fullest support of the judiciary.

REFORMS ARE NEEDED IN TECHNOLOGICAL AREA

Another area in which a little—but not nearly enough—is being done to drag court administration into the twentieth century is the field of modern information storage and retrieval technology. Four years ago the task force report on the courts prepared by the President's Commission on Law Enforcement and Administration of Justice flatly charged that internal management of the courts is "archaic, inefficient, and wholly out of tune with modern improvements in management and communications". Things are certainly no better today, yet it seems likely that many aspects of the judicial process could be easily adapted to the recent technological advances.

Deciding cases is largely a matter of exchanging, and evaluating information, and, particularly at the appellate level, virtually all of this interchange takes place in the form of "hard copies" of memoranda and draft opinions that are laboriously typed, edited, retyped, xeroxed, mailed or hand-carried, sorted, studied, stored and retrieved in a slow and endless cycle of paper. It doesn't have to be done this way. In the present state of the technology, it should be not only possible but relatively simple to design a judge's chambers in which all hard copies of books, briefs, memoranda, pleadings and other documents relating to all pending cases could be kept in a single desk drawer. All information that was not actually being used would be stored in the vitals of a computer. There it could be revised and updated without useless human repetition of work already completed and retrieved instantaneously for either visual display on a device such as the familiar television screen or for printout as hard copies. The office typewriter, with minor modifications, would be the heart of a modern information system that could extend throughout the country by means of simple connections to the telephone lines. As a result, the dispersed judges of the largest federal circuits could have easier and more rapid communications with each other than we now have in the District of Columbia Circuit, where all judges are located in a single building. Research could be similarly expedited if the basic reference materials were assembled in a central storage facility. All one would need to do is type out the citation on the typewriter terminal, and the needed information would be immediately available. I advocate, of course, a system of automation which would eliminate red tape instead of merely perforating it.

Computerizing and integrating the various existing judicial information systems could also have a number of incidental fringe benefits that would result in substantial savings of time. Statistics on the status of a court's caseload could be compiled and analyzed effortlessly and continuously if, as seems likely, the central computer could be programed to conduct periodic audits of the files to determine what is happening to pending cases and mechanically summarize the results. Lost or misplaced records would be largely a thing of the past, since the master copy would always remain stored in the computer's memory, ready for visual display or reproduction as needed. Centralizing and rationalizing the files into a single system to which all can obtain ready access should also make it easier for the clerk's office to keep track of all documents relating to a particular case. As matters now stand, records, briefs, motions papers, docket cards and other bits of information about a given case are frequently scattered among various functionaries in a clerk's office, with the result that it is often necessary to visit several offices to obtain a complete picture of the controversy. Finally, it should be possible to establish a computerized calendar system that moves cases along toward hearing with a minimum of human effort and intervention, printing standardized notices to the parties at predetermined times and compiling lists of cases that are ready for argument.

TIME-SHARING COMPUTERS REDUCE COSTS

Of course, this is a utopian sketch of what might be done with existing technology if sufficient resources were available, and if the majority of individual judges were committed to experimenting with and adopting new technologies that hold forth a reasonable promise of contributing materially to the improved operation of the courts. The financial obstacle may well be the less serious of these two problems. Great strides have been made recently in the practice of "time sharing", or having many dispersed users rent computer time from a single facility on the basis of need, and there is statutory precedent, at least with respect to the executive agencies, for implementing this kind of sharing among federal entities. Thus, modest trial programs could probably be undertaken without the risk of incurring large capital expenditures if unforeseen problems arose in practice. Moreover, even if the cost is relatively high at the outset, it may well be worth paying if the new technology can substantially increase the effectiveness of our courts. Creation of new judgeships seems to be the principal alternative, and this has proved to be a very costly undertaking which seems to have reached the point of diminishing returns. Experimental computerization programs should be supported actively and should be instituted without further delay. Traditionally, however, suggestions of this dimension are confronted with the sort of reception formerly accorded the Christians in Nero's Rome.

EMPIRICAL STUDIES SHOULD BE ENCOURAGED

In addition to rationalizing our administrative procedures by employing modern techniques of management and communications, we should do well to encourage empirical studies that seek to apply scientific methods of analysis to various aspects of our work product—the judicial decision. One area in which such an inquiry is greatly needed is the general topic of remedies. In civil actions for breach of contract or personal injury, for example, award of money damages may proceed from a variety of premises through innumerable methods of computation to achieve a relatively arbitrary figure. In few, if any, cases do the courts receive any direct feedback as to whether the award has even come close to achieving its intended result. In appellate decisions, remands to the trial court or administrative agency for further proceedings frequently result in useless and repetitive exercises, or in further appellate action because the defects in the original proceedings have not been cured. In these situations the image of the judicial process is that of a Ferris wheel on which the parties are being taken for an expensive ride. Similarly, injunctions are often so vague that the litigants must return to court for clarification, or so stringent that modifications must be made when subsequent events illustrate their harshness. It should be possible to generate some meaningful statistics and generalizations about these problems and to develop workable principles to assist the courts in framing their mandates so that they come closer to achieving that elusive goal of the judicial system—justice.

These general suggestions provide only a few modest beginnings on the task of achieving a true administrative modernization of the courts. Indeed, they are rather conservative in comparison to the changes which are being implemented by other institutions in our society. This is the perspective from which we must view the problems of the courts if the courts are to continue providing meaningful service to the public. In an

age of instantaneous and continuous electronic communications, it is inevitable that the quality of one institution will be judged by reference to the productivity and efficiency of other institutions. The courts cannot long remain slow-moving and expensive relics of the past, as cumbersome and oblivious to the demands of a changing environment as were the dinosaurs, without suffering a similar fate. To avoid this destiny today's judges should realize that it is better to live one day as a lion than a hundred years as a sheep. If we do not advance into the twenty-first century geared to meet the accelerated and demanding times that face us, then our judicial system will fail in its basic responsibility of promoting that security of life, liberty and property which is the great end of society and government.

By Mr. ALLOTT:

S. 1440. A bill to establish a Federal Judiciary Council. Referred to the Committee on the Judiciary.

Mr. ALLOTT. Mr. President, I am sending to the desk a bill to establish a Federal Judiciary Council, and I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. ALLOTT. Mr. President, late in the last session of Congress I introduced this same bill. I understood at that time that the Congress would not have the time to act on the measure before the end of the session. But I felt that the problems afflicting our judicial system were so serious, and so rapidly intensifying, that we should get the issue before the Senate as soon as possible.

Subsequent to the introduction of the bill there has been a gratifying public discussion of many of the pertinent issues. For example, recently both the President and the Chief Justice of the U.S. Supreme Court have made excellent contributions to the national discussion of these issues in addresses before the National Conference on the Judiciary at Williamsburg, Va. I direct attention to these addresses, which were printed in the RECORD of March 12.

We face a growing decline of public confidence in our judicial system. The bill I am submitting would establish a Federal Judiciary Council, the purpose of which would be to advise the Congress, the Executive, and the Judicial Conference on the myriad matters affecting the administration of justice in America.

As I said last session, four things are now clear beyond peradventure.

First, the Nation is suffering an unsupportable increase in the incidence of serious crime.

Second, there are limits to what the Federal Government can do about this.

Third, one crucial and insufficiently discussed cause in the rise of crime is the declining effectiveness of our judicial system.

Fourth, the Federal Government can do something about this.

In time, crime flourishes when law enforcement breaks down; a staggering judicial system is both cause and effect of such a breakdown; the Federal Government has a clear responsibility to set its own judicial house in order; the place to begin with this large and vital task is with a coordinating panel of experts who can clarify the dimensions of the problem and the probable path to solution.

The details relevant to the first point have been made abundantly clear in this Chamber during this year. The truth of the second point is implicit in our federal system.

The fourth point speaks not just about possibilities, but duties. It is a duty, mandated by commonsense and the sixth amendment, for us to provide the substance of justice in the courts which are a Federal responsibility.

What are the current problems in this area?

Consider the most recent report of the Administrative Office of the U.S. Courts:

Case filings in the courts of appeals have increased 14 percent over the preceding year and are now almost 200 percent over the number filed ten years ago.

Civil and criminal actions commenced in the district courts increased by 13 percent over 1969, whereas terminations increased by 11 percent.

The civil case backlog in the district courts is the highest in history—93,207 cases, which is eight percent more than 1969 and 52 percent higher than 1960. The largest increases were in civil rights cases, civil commitments under the Narcotic Addict and Rehabilitation Act, cases under the Securities and Exchange Act and prisoner petitions.

Criminal case filings increased 13 percent over 1969; despite a rise in terminations, the pending caseload was 18 percent higher than the preceding year and 172 percent over the 1960 figure. The largest single increase was in cases under the Federal weapons and firearms laws.

Bankruptcy filings, after showing a decline for two years, rose again in 1970, showing a 5.1 percent increase over 1969. The proportion of business versus nonbusiness bankruptcies remained stable at 8.3 percent and 91.7 percent respectively.

Three hundred and thirty-seven petitions for review of referees' orders were pending in the district courts as of March 31, 1970, and 63 of these have been pending from one to five and a half years; several of these petitions have resulted in having substantial sums of money held up in depository banks for ultimate distribution to creditors.

There is no question that Congress should be interested in the problems experienced by the judiciary. The Constitution confers judicial power in a Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Congress has a continuing obligation to examine and reform our judicial system. The proposed Federal Judiciary Council will facilitate this examination and reform.

There are powerful reasons why the proposed duties of the Federal Judiciary Council should not be imposed on existing organizations such as the Judicial Conference or the Federal Judicial Center.

The Judicial Conference of the United States is composed of two representatives from each of the 11 Federal circuits and two representatives from the special courts. The Chief Justice serves as Chairman of this Conference. All of the members are active judges and it would be unwise to increase their burdens.

The Federal Judicial Center was created as a research and educational arm of the judicial branch. It also is composed of a majority of either active or retired judges.

The proposed Judiciary Council would be composed of six eminently qualified persons. The Council members are to be appointed by all three branches of the Federal Government. This procedure will guarantee useful communication between the branches.

Clearly, the Council would also be much more than a research institution. It would be responsible for analyzing the impact of proposed legislation. Its analyses would be factual documents concerned only with delineating the affect of particular legislation on the courts. These analyses would enable the Council to recommend legislation to improve court functioning.

Another important aspect of the proposed Council would be the authority to employ a full-time Director and professional staff capable of performing the sort of duties performed by congressional committee staffs.

Reform of the judiciary will require the spending of money. But we will save money by spending money in this area. And we will also receive value that cannot be measured in monetary terms.

It is a rough but reliable rule that you can tell what people value by what they are willing to pay for. A disinterested observer might conclude—mistakenly but understandably—that the thing we Americans value least is justice under law. We have never shown a proper solicitude for the needs of our complex legal system; we have never spent the money necessary to keep our judicial system abreast of the burgeoning demands made upon it. We have not spent money that would enable us to project future demands and to explore imaginative proposals for reform.

The cost of any such program will be very modest indeed. And I cannot think of any expenditure that makes more economic sense. Judging the return on our dollars in terms of the consequent savings in related areas the investment will more than pay for itself in reducing the pressure on law enforcement agencies.

These statistics mean that anticrime efforts have been crippled. Some suspects wait for months before they can receive a trial. When their cases are finally considered, they are often dismissed for lack of evidence, a lack aggravated by pretrial delays. The logjam in the dockets has forced the courts to encourage "plea bargaining" a process by which the court accepts a guilty plea to a lesser charge in return for a lighter sentence.

Since suspects cannot be held in jail for indefinite periods while awaiting trial, persons accused of all but the most vicious crimes are released within hours of their arrest. Thus, burglers, muggers, thieves, and dope peddlers are back on the street for months until their cases are called.

This situation tends to foster disrespect of the criminal justice system among law-abiding citizens. When twice-convicted bank robbers go free immediately after their third hold up; when muggers are tried for petty larceny and

given a suspended sentence; when dope pushers are freed the same day they are arrested, it is little wonder that some persons begin to doubt the old adage that "crime does not pay."

In addition, the glut of cases in our courts discourages many citizens from seeking adjudication of their grievances.

Not only do trials take almost twice as long as they did a decade ago, they are tremendously expensive. A person with a small civil claim is discouraged from seeking redress in the courts. The low- and middle-income wage earner has been forced out of the courtroom by monetary pressures.

Only the wealthy can really afford the protracted lawsuits which have become the rule rather than the exception. This is an intolerable and unjust situation. The courts were not established as an exclusive service for wealthy citizens. They must be made available to all Americans. If people cannot use the courts to settle their disputes, they will find ways—at best untidy and at worst unjust—for resolving conflicts. The danger of this is apparent. Therefore, justice must be made available to all.

A legal system in which punishment and arrest do not stand in a relationship of propinquity is a system in which the deterrent value of the threat of punishment will swiftly erode. And a system in which civil disputes cannot be settled in orderly manners in competent judicial institutions is a system which cannot encourage confident and amicable human relations throughout the society.

The economic costs of slow and cumbersome justice—measured just in terms of personal injuries, property loss, and diminished productivity—are staggering. The social costs of crime are more difficult to quantify, but even more deadly to the traditions of civility. That is, crime destroys the possibilities for neighborliness and trust among strangers in public places. It inhibits the free movement of citizens around their communities, and thereby destroys the communitarian values which can make city life a humanizing experience.

One thing is certain. We cannot afford the economic or social costs of an inefficient judicial system.

The first principle of civil society is that the Government shall have a monopoly on force. But if we are to avoid private enterprise in violence, we must guarantee that a wide range of dispute-settling rules and institutions perform a variety of functions with clear efficiency.

In addition, a primary function of civilization has been to tame the spirit and practices of vengeance, and to evolve social arrangements which reinforce whatever may exist in mankind by way of a natural sense of justice. The sine qua non of such a civilizing system of man-made justice is swift and certain administration of procedures the justice of which is widely recognized. A Federal Judiciary Council will make a significant contribution to the improvement of our civilizing system of justice.

I urge thorough hearings, and favorable action on this bill.

Mr. President, when I submitted this bill last session I invited comment from interested persons. As consideration of this problem proceeds, I will be pleased to share the responses with members of the Senate. Today I would like to ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from Mr. Richard P. Matsch, referee in bankruptcy for the U.S. district court, district of Colorado.

In addition, I request unanimous consent to have printed in the RECORD a letter from Mr. Wantland L. Sandel, Jr., assistant executive director of the American Bar Foundation.

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

UNITED STATES DISTRICT COURT,
DISTRICT OF COLORADO,
BANKRUPTCY DIVISION,
Denver, Colo., December 29, 1970.

Hon. GORDON ALLOTT,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR ALLOTT: It was with great interest that I read the newspaper accounts of your bill for the creation of a federal judicial council. Of course I am very much aware of your interest and concern with the administration of justice. Unfortunately there are many who seem callously indifferent to the inadequacies of the judicial system at all levels and to the growing portents of genuine crisis. Your efforts with this legislation growing portents of genuine crisis. Your efforts with this legislation will provide a focus of attention on the need for change and will present an opportunity to collect, evaluate and develop proposals for constructive reform.

I think it is particularly important that you have included appointees from the legislative and executive branches in the council. The implementation of new ideas will require the efforts of all branches of government. For too long a time we have accepted the notion that judges and lawyers are uniquely qualified to determine the methodology of the court system. There is now a growing awareness that the public interest has not always been the controlling criterion. Indeed, it is increasingly apparent that the activities of both bench and bar are inhibited by a considerable inertia and a strong affection for the comfort of traditional practices.

I have learned from experience in my present assignment that non-legal sources have much to offer in the development of administrative techniques. At our request the regional office of the National Archives and Records Service designed a terminal-digit, open-shelf filing system which has saved many personnel hours in this office; the accounting firm of Ernst and Ernst and the Colorado National Bank developed a data processing system for our Chapter XIII cases on a program directed by our Trustee, James Wagner, whose common sense and pragmatic point-of-view have been invaluable; and our Chief Clerk, James Driver proves daily that a law school background is not required for effective court administration. These are only a few parochial illustrations of the significance of a generalized approach.

Effective answers to the problems of delay, inappropriate remedies and judicial isolation require a willingness to examine and to evaluate seemingly radical proposals for institutional change. Chief Justice Burger has set the tone with his addresses such as his Philadelphia speech raising provocative questions about the value of jury trial. You are demonstrating the same spirit of open inquiry.

Like most others in our profession, I have speculated about what could be done and at the risk of being considered "wild eyed" or "revolutionary" I offer you a few thoughts which might have some value in illustrating areas for consideration.

A starting point might be an attempt to articulate the role of the courts in a way more meaningful than the broad definition of judicial power in Article III of the Constitution. What really is the proper judicial function in a tri-partite governmental system? It is apparent to the most casual observer that the due process and equal protection clauses of the fifth and fourteenth amendments have been used to support judicial excursions into broad issues of social policy well beyond the historical boundaries of cases and controversies at law and equity. The ability of the courts to resolve such questions using the restrictive methods of the adversary system is certainly subject to serious question and the effectiveness of the end result in terms of public acceptance is also far from obvious. On the other hand, the more than thirty years of experience with the handling of public interest questions within the framework of the independent administrative agencies is even less satisfactory. The activities of the FPC, ICC, FAA, SEC and other regulatory bodies may be characterized by the same delay, isolation and inappropriate results as the courts.

Congressional action is inhibited by the requirement of generality and by an inability to respond quickly to a particularized need for a remedy. All too frequently committee hearings are dominated by the posturing of self-proclaimed presidential candidates. Perhaps some one will be inventive enough to create a new type of institution which will be structured to do a better job of combining the ideas of representative democracy and particularized problem solving. For example, is it feasible to establish legislative tribunals to consider such needs and to recommend specific and immediate legislative action on such issues. To avoid the mistake of the regulatory agencies, such tribunals would be directly responsible to the Congress and their methods would encompass the kind of independent inquiry which is utilized in European courts operating under civil law systems. Examples of problems suitable for this approach are industry wide strikes, environmental pollution hazards, political redistricting disputes and school integration cases. It may be that these legislative tribunals should be specialized in one or more of such matters and they would not be restricted by any geographical boundaries.

Perhaps it is time to reconsider the assumption of prejudice against the non-resident litigant as the sole predicate for diversity jurisdiction in the Federal court system. Is this realistic in our mobile society and if it is what is the reason for making a distinction in the amount of damages sought? Should such matters as consumer bankruptcy continue to be a part of the Federal judiciary and should divorce, automobile collision claims, probate and traffic violations be handled by the state courts?

A second major concern should be an inquiry into the nature of the judicial process in its traditional functional role. Are the operative assumptions of the adversary system of justice valid? The rules of the game postulate lawyers of equal ability performing their respective roles of prosecution and defense within well defined limitations of professional ethics and common courtesy. Pre-trial discovery under the Federal Rules of Civil Procedure require such representation to be operative in any effective manner. But how often does this fail in practice? How frequently are actions filed for purposes of intimidation or to obtain a nuisance settlement? Such abuses are not uncommon. Two ideas may be corrective of these abuses. One is to tax attorneys' fees at costs where the judge finds that litigation is vexatious and without merit. Such a result applied to all parties including government agencies and legal services for the poor programs would be a significant deter-

rent to many cases of the type which now crowd the dockets of the Federal courts.

The second suggestion is the adoption of a kind of mediation service as adjunct to the courts and which would be staffed by persons trained in the arts of conciliation and compromise. These people would have a responsibility to bring the parties and their counsel together to attempt settlement of a civil dispute and if that failed, to supervise adequate discovery and the preparation of a pre-trial order for use by the judge in the trial of the case.

The trial process itself needs revision. Such exclusionary rules as the best evidence rule need changing because of modern business practices and the jury's role in civil suits should be reduced. In that regard, it may be noted that the Seventh Amendment preserves the right of trial by jury in suits at common law but much of our civil litigation involves causes which were unknown to the common law and invoke remedies created by legislation. Is there actually a constitutional right to jury trial in such cases as those arising under SEC Rule 10b(5) and civil anti-trust actions? The traditional approach is to exclude from the right to jury trial only those forms of action which are equitable, using the old law and equity dichotomy; but such an approach seems too restrictive. Even where juries are used, a more extensive application of special verdicts upon written interrogatories as authorized by Rule 49 would be helpful to facilitate the jury's function in many cases.

On the criminal side, it is imperative that there be a reconsideration of the privilege against self incrimination. What is the potential for prosecutive interrogations of an accused under the supervision of a magistrate and with the protection of defense counsel to prevent unfair questioning? Such a procedure eliminates the coerced confession which is all that the privilege was designed to prevent. What is the proper role of the courts in determining the future of the convicted criminal? Should we adopt a system of indeterminate sentences? Should the court function be limited to the determination of the objective criminal act and all questions of responsibility and corrective action be referred to another agency operating with less restrictive methods of inquiry? What techniques are available for making a record of the trial to expedite appellate review in criminal cases? What are the possibilities for changing the architectural design of courtrooms to control disruptive defendants?

These are but a few scattered and random observations on a very complex and many faceted subject. It would be pretentious to believe that these thoughts present any basis for actual reform. What is required for that purpose is precisely what you have proposed—a council which can become a clearing house for the input of such ideas and a factory for the development and production of programs to meet a variety of changing needs with responses reflecting the traditional values of individual freedom and collective responsibility in an ordered society.

With best personal regards, I am

Very truly yours,

RICHARD P. MATSCH.

AMERICAN BAR FOUNDATION,
Chicago, Ill., March 16, 1971.

Hon. GORDON ALLOTT,
U.S. Senate, Committee on Appropriations, Washington, D.C.

DEAR SENATOR ALLOTT: Thank you for your letter of February 3, 1971 and the enclosed material pertaining to S. 4582.

Your leadership and initiative in addressing yourself to one of the outstanding problems of the American legal system is very much to be commended. The problems of judicial reform in the United States are very large and it takes considerable fortitude to approach them in the positive and constructive way that you are doing.

We share the concerns you express in your floor statement. We are much interested in the method that you are proposing for attacking some of the problems confronting courts and feel that your proposal merits serious attention. While we are as yet unable to provide any useful evaluation of the proposed Federal Judiciary Council, we will continue to study the bill and the remarks in your floor statement. We will want to give the proposal our careful attention in order that any comments we may ultimately make will have the potential of being of value to you.

We appreciate not only your initiative in this matter, but your calling upon the American Bar Foundation.

Very truly yours,

WANTLAND L. SANDEL, Jr.,
Assistant Executive Director.

EXHIBIT 1

S. 1440

A bill to establish a Federal Judiciary Council

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 28, United States Code, is amended by inserting immediately after chapter 43 the following new chapter:

"Chapter 44.—FEDERAL JUDICIARY COUNCIL

"Sec.
"651. Federal Judiciary Council.
"652. Duties and powers of the Council.
"653. Director and staff.
"654. Fiscal services.

"§ 651. Federal Judiciary Council

"(a) There is established the Federal Judiciary Council, whose purpose shall be to advise the Congress, the Executive and the Judicial Conference of the United States on matters affecting the administration of the courts of the United States.

"(b) The Council shall be composed of six appointed members, two by the President, one each by the Committees on the Judiciary of the House and Senate, and two by the Judicial Conference of the United States, from among persons familiar with the judicial system of the United States who are eminently qualified to serve as members of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

"(c) The term of office of each member shall be four years, except that three of the members first appointed and so designated at the time of appointment by each appointing body shall serve for a term of two years. A member appointed to serve an unexpired term shall serve for the remainder of such term. No member shall serve more than two full terms.

"(d) The Council shall elect a Chairman and a Vice Chairman from among its members. A majority of the Council shall constitute a quorum for the transaction of business. Any vacancy in the Council shall not affect its duties or powers.

"§ 652. Duties and powers of the Council

"(a) It shall be the duty of the Council to report to the Congress from time to time, but not less than once each year, with respect to—

"(1) the impact of proposed legislation on the administration of justice in the courts of the United States;

"(2) the desirability of legislation to modernize court procedures and thereby to ease court congestion;

"(3) the necessity for additional personnel and facilities to handle, in a prompt and efficient manner, the increasing number of judicial proceedings; and

"(4) the appropriate allocation of judicial functions to the Federal courts.

"(b) The Council is authorized—

"(1) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to perform its duties under this chapter, and each such department, agency, or instrumentality is directed to cooperate with the Council and to furnish such information, to the extent permitted by law, upon request of the Council; and

"(2) to make expenditures and to contract with and compensate government and private agencies and persons for research projects and other services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or any other provision of law relating to competitive bidding.

§ 653. Director and staff

"(a) The Council is authorized to appoint and prescribe the duties of the Director of the Council who shall serve at the pleasure of the Council. The Director shall be compensated at a rate equal to that of the Director of the Administrative Office of the United States Courts. The Director shall supervise the staff in the performance of its duties as prescribed by the Council.

"(b)(1) The Director is authorized to appoint and fix the compensation of such additional professional personnel as the Council may deem necessary without regard to the provision of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule under section 5316 of such title, and the salary of a reemployed annuitant under subchapter III of chapter 83 of such title shall be adjusted pursuant to the provisions of section 8344 of such title.

"(2) The Director is authorized to appoint and fix the compensation of such clerical personnel as he may deem necessary subject to the provisions of such title governing appointments in competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

"(c) The Director, the professional staff, and the clerical staff of the Council shall be deemed to be officers and employees of the judicial branch of the Government within the meaning of subchapter III of chapter 83, chapter 87, and chapter 89 of title 5, United States Code.

"§ 654. Fiscal services

"The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Council."

(b) The table of contents of part III of title 28, United States Code, is amended by inserting after—

"43. United States Commissioners.... 631"

the following new chapter heading:

"44. Federal Judiciary Council..... 651."

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 1441. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

THE FLAT TOPS WILDERNESS AREA, COLO.

Mr. ALLOTT. Mr. President, I send to the desk for appropriate reference for myself and my colleague (Mr. DOMINICK),

a bill to designate the Flat Tops Wilderness, in the Routt and White River National Forests, in the State of Colorado.

The bill I introduce today is the bill as originally transmitted to the Congress, by the previous administration, and it is the bill recommended by the Forest Service. The total acreage of the proposed Flat Tops Wilderness Area under this bill is 142,230 acres.

It should be brought to the attention of the Senate that there has been substantial disagreement concerning the size of the Flat Tops Wilderness. Proposals range from 102,124 acres to 230,000 acres. These various proposals have been advanced by different levels of government, including State, county, and agencies of the Federal Government, and by citizen groups.

Mr. President, in order that Senators will have a full listing of the various proposals together with a listing of those organizations and groups supporting each proposal, I ask unanimous consent that the section entitled "Public Reaction" of the President's communication relative to the Flat Tops Wilderness Area be printed in the RECORD at this point.

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

PUBLIC REACTION

The Forest Service initially proposed the reclassification to Wilderness of 99,713 acres of the Flat Tops Primitive Area, plus 53,532 acres of adjacent National Forest land. Recommended as unsuitable for Wilderness were 2,411 acres of the Primitive Area.

A hearing on the 153,245-acre proposal was held in Glenwood Springs, Colorado, on October 10, 1966. The hearing record was held open for receipt of additional written testimony through November 14, 1966. Eighty-nine oral presentations were made, and over 350 letters were received.

Sentiment was overwhelmingly in favor of adding the Flat Tops Primitive Area to the Wilderness System. A majority of the testimony favored a Wilderness larger than the present Primitive Area.

ANALYSIS OF HEARING RECORD

Testimony in the hearing record overlaps and duplicates considerably because many of the individuals who gave statements are members of groups, organizations, or associations which also testified as organizations. Examples are garden clubs, livestock associations, or the Wilderness Society. The same organizations sometimes also duplicated testimony through National, State, and local chapters. It is also impractical to determine which statements are made by individuals or groups who actually know the area, as contrasted to those who are testifying on principle alone.

The testimony in the hearing record revolved around five major Wilderness proposals:

1. The Forest Service proposal for a Flat Tops Wilderness containing 153,245 acres. This included the original 102,124-acre Primitive Area, less 2,411 acres in Areas 1 to 6 to adjust boundaries to recognizable topographic features, plus 53,532 acres of adjacent forest lands in Areas A to M, considered eminently suitable for Wilderness. (See Map B, Page 14)

2. A proposal by the Colorado Open Space Coordinating Council for an area of 230,000 acres which included: the original Primitive Area, plus the additions proposed by the Forest Service, plus seven additional areas labeled N thru T on Map B on Page 14.

Principal justification for recommending these inclusions was to provide a greater variety of landscapes and foreground areas and to provide more accessible wilderness for families.

3. The statement of Governor John A. Love which favored the Forest Service proposal but suggested that South Fork White River be excluded from the Wilderness until the studies and evaluation of the water resources potential of the area are further advanced. If this is not possible, he suggested that the boundary of this area be moved west to the vicinity of the confluence of the South Fork River and Lost Solar Creek.

4. A proposal by the Colorado Game, Fish, and Parks Commission for an area of 192,055 acres which included: the original Primitive Area, plus the additions proposed by the Forest Service plus nine additional areas.

These areas, totalling 38,810 acres, are all inside the areas proposed by COSCC under No. 2 above. Principal justification given for these inclusions was to provide additional choice hunting and fishing areas. This proposal also stipulated that, if the nonconforming uses of a motor boat and a cabin by the Commission for spawn-taking on Trappers Lake (Forest Service Area M) could not be continued under the Wilderness regulations, the boundary should be changed to exclude these uses.

5. Verbal and written testimony by groups and individuals who thought that only the original Primitive Area, without additions, should be classified as Wilderness.

Of the statements by individuals, 28 percent favored the Forest Service proposal, 59 percent favored the COSCC proposal, 1 percent favored the Colorado GF&P proposal, 12 percent favored no enlargement of the Primitive Area.

Of the statements by groups, clubs, and associations, 46 percent favored the Forest Service proposal, 42 percent favored the COSCC proposal, 9 percent favored the Colorado GF&P proposal, 3 percent favored no enlargement of the Primitive Area.

All Federal Department and agency statements favored the Forest Service proposal, except that the Bureau of Reclamation questioned the addition of the South Fork White River, until the investigations of the need of water resources of this area for development of other valuable resources are further advanced.

The statement of the Rio Blanco County Commissioners favors the Forest Service proposal but questions the need to exclude Area 2, Dry Sweetwater and Area 3, Nichols Creek.

The statement of Representative John D. Vanderhoof, who represents Garfield, Eagle, Pitkin, and Rio Blanco Counties in the State Legislature, favored the Forest Service proposal.

Citizen organizations favoring the Forest Service proposal included:

Aiken Ornithological Society of Colorado Springs.
Burns Livestock Association.
City of Glenwood Springs.
Colorado Cattlemen's Association.
Colorado Farm Bureau.
Colorado River Water Conservation District.
Colorado Springs Mineralogical Society.
Glenwood Springs Chamber of Commerce.
Glenwood Springs Kiwanis Club.
Izaak Walton League of America, Colorado Division and Front Range Chapter.
Lions Club of Eagle.
Moffat County Cattle Association.
Rio Blanco Stockgrowers Association.
Rio Blanco Woolgrowers Association.
Routt County Stockgrowers Association.
Skagit Alpine Club.
Western Forestry and Conservation Association.
Western Federation of Vertebrate Zoology.
Yampa Valley Electric Association.
Yellow Jacket Water Conservancy District.

Citizen organizations which generally supported the proposal made by the Colorado Open Space Coordinating Council included:

Sierra Club.
Wilderness Society.
Colorado Federation of Women's Club.
Colorado Mountain Club.
Colorado Whitewater Association.
Defenders of Wildlife.
Federation of Western Outdoor Clubs.
Isaak Walton League of America.
National Audubon Society.
National Parks Association.
Organic Gardening Club of Denver.
Trout Unlimited, Cutthroat Chapter.
Wildlife Management Institute.

Citizens organizations generally favoring the proposal by the Colorado Game, Fish and Parks Department included:

Colorado Wildlife Federation.
Izaak Walton League of America, Grand Valley Chapter.
Trout Unlimited, Ferdinand Hayden Chapter.

Citizen organizations favoring including in the Wilderness System only the Primitive Area included:

Mt. Sopris Tote Gote Club.
Western Wood Products Association.

Citizen organizations favoring exclusion of all part of the South Fork of White River included:

The Fourteen Mile Land Co., Inc.
The Yellow Jacket Water Conservancy District.
The Oil Shale Corporation.
The Colorado Cattlemen's Association.
The Colorado Water Conservation District.

Thirteen percent of the individuals and 32 percent of the groups who favored the Forest Service proposal specifically opposed any area larger than this. Twenty percent of the groups who favored the Forest Service proposal specifically asked that South Fork White River be excluded or modified.

Copies of the hearing record and an analysis of public response are on file in the office of the Chief, Forest Service, Washington, D.C. and the office of the Regional Forester, Building 85, Denver Federal Center, Denver, Colorado. All exhibits presented at the hearing and all letters received as a result of the public notice and prior to November 15, 1966, are also on file in the office of the Regional Forester.

Mr. ALLOTT. Mr. President, due to the wide differences in size of the proposals, efforts were made by individuals in Colorado to attempt to reach agreement between some of the groups and organizations upon one proposal, or at least to pare down the differences. These efforts have apparently met with only partial success. With this in mind, it now appears that it is time for the Congress to evaluate the proposed additions and deletions.

Mr. President, I introduce the Forest Service proposal today for three reasons:

First, it is the only proposal having an official map reference;

Second, the 10-year period allowed to the executive branch to complete the review of all proposed additions to the wilderness system expires in September 1974, and in fairness to the Department of Agriculture the Congress should attempt to move the submitted proposals along; and

Third, perhaps the introduction of legislation will act as a catalyst to achieve and agreement between the various groups and governmental agencies. The dialog that will insure from the introduction of this bill, hopefully will lead to a mutual understanding among them, and ultimately to an agreement. Under

our system of government, everyone is entitled to be heard, and if agreement is not possible, the legislative process will provide an opportunity for all to be heard.

It should be clearly understood that my introduction of the Forest Service proposal does not constitute an endorsement. There have been so many proposed changes to the boundary of the original primitive area that it would not only be unwise but even foolhardy for me to endorse any proposal until after the hearings have exposed the facts. Congress will need, and I am confident, will receive the good faith assistance and advice of all interested persons.

Some of the efforts to resolve differences may have borne fruit, and in order to display these efforts, it would be appropriate that certain letters be included in the RECORD.

Mr. President I ask unanimous consent that letters from Mr. Edward P. Conners, president, Colorado Open Space Council, Inc., Mr. Roger P. Hansen, executive director, Rocky Mountain Center on Environment, and Mr. T. W. Ten Eyck, executive director, Department of Natural Resources, State of Colorado, be printed in the RECORD at this point.

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

DEPARTMENT OF NATURAL RESOURCES,
Denver, Colo., March 5, 1971.

Hon. GORDON ALLOTT,
U.S. Senator,
New Senate Building,
Washington, D.C.

DEAR GORDON: I wanted to bring you up-to-date on what we are doing here in an effort to develop a unified position in Colorado on proposed boundaries for the Flat Tops Wilderness Area.

A number of conservation oriented groups together with the Colorado Open Space Council have been working together to develop recommendations which I hope will be forthcoming for your use within the next three weeks. The Game, Fish and Parks Commission has also taken a position. The only area of disagreement is in the southwest quadrate where exclusion from the Wilderness Area had been made for a number of potential reservoir sites for future oil shale development.

A significant portion of the conservationists and the Game, Fish and Parks Commission want the entire area identified as G1 on a map which you will be receiving, to be included in the Wilderness Area and I believe Governor Love is inclined to go along with this boundary also, provided there is a suitable reservoir site for oil shale development down stream of this G1 area.

Information I have received from the Bureau of Reclamation indicates that there is a good dam site (Sweetbriar) which would not be involved in any of these boundary questions and which would provide for a gravity pipeline diverting into the Piceance Basin.

Unfortunately, I will not be able to discuss this possibility with the Governor for another ten days but I did want you to know that we are working on the problem and believe we are near a solution that the majority of the Coloradoans can support (unanimity is hard to come by these days!).

Best personal regards.
Sincerely,

T. W. TEN EYCK,
Executive Director.

COLORADO OPEN SPACE COUNCIL, INC.,
Denever, Colo., March 5, 1971.

Hon. GORDON L. ALLOTT,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: We greatly appreciate your continuing interest in the proper establishment of a Flat Tops Wilderness in northwestern Colorado.

As you are aware, in 1968 the Forest Service recommended, through the President, to Congress a 142,000-acre Flat Tops Wilderness. However, the Forest Service proposal was considered totally inadequate by the Colorado Open Space Council and its 30 participating organizations of some 30,000 members. The Wilderness Society and the Division have agreed as to the inadequacies of the Forest Service proposal.

The Colorado Game, Fish and Parks Division originally recommended a 192,000-acre Flat Tops Wilderness, much along the lines of the conservationists' suggestions.

The Forest Service's plan for a 142,000-acre Flat Tops Wilderness would needlessly exclude the entire undeveloped reach of the South Fork of White River. This is Colorado's finest wild river. The Forest Service proposal would also eliminate from wilderness protection nearly 80,000 acres of additional wild lands under the high volcanic escarpment of the Flat Tops. These lower areas contain many small but beautiful lakes and streams that provide a home for the endangered native cutthroat trout. These additional wild lands also supply irreplaceable habitat and calving grounds for a major elk herd. Significantly, they offer superb opportunities for many family groups and others to enjoy an easily accessible and inexpensive weekend wilderness experience. We should be providing more such opportunities, not destroying them.

We wish to emphasize that throughout the past several years there has been *no* disagreement among Colorado conservation organizations as to appropriate boundaries for the Flat Tops Wilderness. However, during the period since the Forest Service field hearing in 1966, we have been attempting to bring industry, State Government, and conservation organizations together in at least a general agreement on the proposed wilderness boundaries. In this regard, we are pleased that matters are moving rapidly now in a favorable direction.

The Colorado Open Space Council has carefully refined its original (1966) wilderness boundary recommendations to exclude nine areas to which the Forest Service objected. COSC also has realigned its recommended boundary on the lower part of the wild South Fork of White River to exclude a small area which Humble Oil Company and Governor John Love had initially suggested be left out of the wilderness. The up-dated boundary recommendations are as indicated on the enclosed map.

Humble Oil has written us that it does *not* object to our proposed boundary, as revised, for a 230,000-acre Wilderness. Moreover, we have met with Mr. Kenneth Balcomb, Counsel, and Mr. Roland Fischer, Chief Engineer, for the Colorado River Water Conservation District in Glenwood Springs, and they are very much in accord with our present revised wilderness boundary.

As a result, we now have a proposal for a magnificent 230,000-acre Flat Tops Wilderness which is supported by the Game, Fish and Parks Commission and Division, and all the conservation organizations in COSC. The Game, Fish and Parks Commission and some conservation groups believe that, in addition, the lower part of the South Fork of White River, the area indicated on the enclosed map as G–1^{w}, should also be included in the wilderness proposal at this time.

Governor Love is now considering whether suitable alternatives exist to allow him to recommend inclusion of the lower part (Area G–1 ^{w}) of the wild South Fork of White River in the Flat Tops Wilderness. As soon as this determination is made in the very near future, we should be in a position to submit to you joint recommendations for a Flat Tops Wilderness that will adequately serve present and future generations.

We look forward to contacting you again soon, and will appreciate your favorable consideration of the proposal we have worked out.

With very best wishes,
EDWARD P. CONNORS,
President.

ROCKY MOUNTAIN CENTER ON ENVIRONMENT,
Denver, Colo., March 5, 1971.

Hon. GORDON ALLOTT,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR GORDON: I have reviewed the letter of March 5 to you from Edward P. Connors, President of the Colorado Open Space Council, relative to a proposed Flat Tops Wilderness in Colorado.

It has been extremely time-consuming and at times frustrating to try to get "all the ducks in a row" on this proposal. In my opinion, the Wilderness Workshop of COSC has exhibited considerable responsibility and patience in carefully considering the desires of *all* parties in this matter. In attempting to accommodate certain needs and interests, they have been criticized by some of their own colleagues.

Irrespective of a written agreement from the Humble Oil Company not to object to an enlarged Flat Tops proposal providing the boundary was adjusted on the west end of the South Fork of the White River to accommodate a possible reservoir for oil shale, and the cooperation of the Colorado River Water Conservation District, some members of the Game, Fish & Parks Commission and some conservationists will still insist on including *all* of the South Fork of the White in the wilderness. For this reason, Governor Love is now seeking other alternative reservoir locations.

All of us would like to include all of this outstanding wild river in a Flat Tops Wilderness if possible. However, some of us are willing to be accommodating on this point in exchange for the inclusion of thousands of acres of other prime wilderness lands. The former Regional Forester, now retired, admitted privately to me that the Forest Service had been "way too conservative" on the Flat Tops wilderness proposal.

We greatly appreciate your patience, your understanding and your support on this matter. Regardless of what pressures may be brought to bear in the future, I feel you should know that the COSC Wilderness Workshop has really tried to exercise responsible environmental statesmanship.

Kindest personal regards,
ROGER P. HANSEN,
Executive Director.

FLAT TOPS WILDERNESS PROPOSAL

ANNEX B—BOUNDARY DESCRIPTION

Beginning on top of Baldy Mountain, a peak in the southwest quarter of Section 18, T. 2 N., R. 87 W., 6th P.M., Routt National Forest, Colorado;

East part of *Area A,* from this peak thence 2.7 miles easterly and south-easterly on the divide between Baldy Creek and Bunker Creek to Pyramid Peak at the head of Baldy Creek;

thence 1.00 mile southeasterly along the divide to the point on the divide where Sheriff Reservoir—Williams Fork trail crosses the divide;

Area O[n], from this point thence 2.50 miles northward along the ridge separating the Bunker Creek-Trout Creek drainages (including the trail) to a point 0.25 mile south of Sheriff Reservoir;

thence east 0.25 mile to the ridge separating Trout Creek and Sand Creek;

thence 5.00 miles southeast along that ridge to Orno Peak;

Area O[r], from this point then 1.50 miles southeast along the divide between West Coal Creek drainage and the Mandall Creek drainage and then 1.50 miles southwest to a point on Mandall Creek 0.25 mile upstream from the Bear River Road;

thence 3.00 miles southwest, 0.25 mile from and generally parallel to the Bear River Road and the Stillwater Reservoir, excluding the reservoir and at the southwest end of the reservoir circling counter-clockwise and proceed 3.00 miles northeast parallel to and 0.25 mile from the reservoir and the road to a point south of the junction of Mandall Creek and Bear River, which point being approximately in the center of Section 19, T. 1 N., R. 86 W.;

thence 1.25 miles south up the ridge to the base of the cliffs of Flat Top Mountain at approximately the 11,000 foot contour line;

thence 3.50 miles southeasterly along the base of the cliffs to a point due east of Dome Peak;

Area P, from this point thence 1.50 miles westerly along the base of the cliffs to the vicinity of BM 10912, which is approximately in the center of the northwest quarter of Section 8, T. 1 S., R. 86 W.;

thence 2.50 miles southerly along the ridge dividing the upper Cabin Creek-North Fork Derby Creek drainages to a point on North Fork Derby Creek where the irrigation ditch in Section 19, T. 1 S., R. 86 W., originates;

thence 2.00 miles southeasterly along North Fork Derby Creek (including North Fork Derby Creek) to the junction North Fork and Middle Fork Derby Creek;

thence 1.75 miles northwesterly parallel to Middle Fork Derby Creek (including the trail and McMillan Lake) to the point where the trail from the south crosses Middle Fork;

thence 1.50 miles south, parallel to and including the north-south trail, to the pass on the ridge between Middle Fork and South Fork Derby Creeks, in the vicinity of Hill 10385 (Glenwood Springs Quadrangle, USGS map);

thence west across the trail and 1.00 mile south, parallel to the trail and excluding the trail, to a point on South Fork Derby Creek which is the point of origin of Lime Basin irrigation ditch;

thence southwesterly up the ridge to a point on the ridge which is 0.60 miles south of Emerald Lake (south end of Area P boundary);

thence 0.40 mile southeasterly across two small drainages on small ridges on a main ridge which runs southwesterly up to "W" Mountain;

thence 0.60 mile southwesterly along this main ridge to the northeast arm of "W" Mountain;

thence 0.50 mile easterly along the rim to the eastern-most point of this arm of "W" Mountain;

thence 0.50 mile southerly on small ridges across a minor drainage between two arms of "W" Mountain to a point on the southeast arm of "W" mountain;

thence 1.60 miles southerly along the rim of the southeast arm of "W" Mountain to the eastern-most point of the mountain which lies almost in the center of Section 30, T. 2 S., R. 86 W., 6th P.M.;

thence 0.90 mile southwesterly in a clockwise direction around the rim of the southeast arm of "W" Mountain to a point overlooking the West Fork Red Dirt Creek, this point being 1.45 miles north-northeast from Horse Lake;

thence 0.50 mile southwesterly across the West Fork Red Dirt Creek on small ridges to a point on the rim of "W" Mountain which is 1.10 miles north of Horse Lake;

thence 2.00 miles southwesterly along the southeast rim of "W" Mountain to a point where the rim intersects the White River National Forest Boundary on the Township Line between T. 2 S., and T. 3 S., R. 87 W., 6th P.M., which point is 0.40 mile west of the Northeast Corner of Section 2, T. 3 S., R. 87 W., 6th P.M.;

thence 0.50 mile west along this Township Line to a point 0.10 mile east of the Northeast Corner of Section 3, T. 3 S., R. 87 W., 6th P.M., where the rim turns northwest from the Township Line;

thence 1.00 mile northwest along the rim to a prominent point facing Turret Creek, which point is 0.60 mile northeast of the Northeast Corner of Section 4, T. 3 S., R. 87 W., 6th P.M.;

thence 1.50 miles westerly down the main ridge from this point to Turret Creek;

Area R, thence 0.75 mile southwesterly down Turret Creek, including the creek, to the aforementioned Township Line;

thence 3.50 miles due west along that Line and a projection of that Line across the main branch of Sweetwater Creek to a point on the main rim overlooking the intersection of Dry Sweetwater Creek and Sweetwater Creek, which point is 2.40 miles west-northwest of the intersection (west end of Area R boundary);

thence 3.00 miles westerly along the rim to a point where the rim turns north on the east side of Buck Creek, this point being 1.50 miles southeast of the confluence of Buck Creek and the South Fork of the White River;

Area S from this point thence 0.25 mile westerly down the slope toward the junction of Buck Creek and Dry Buck Creek to a point 1/6 mile uphill from the unimproved road along Buck Creek;

thence 3.00 miles northerly parallel to and 1/16 mile from that road to the point where that road crosses South Fork White River;

thence 0.75 mile north along the west bank of the North Fork White River to the present boundary of the Primitive Area;

thence 0.25 mile west to a point 1/16 mile west of the end of the road, and then south 0.75 mile parallel to and 1/16 mile from the road to the vicinity of Nichols Creek junction with South Fork White River;

thence 2.00 miles south and 0.75 mile westerly along the east and south bank of South Fork White River to a point 0.25 mile downstream from the Special Use Permit Lodge (Budge's Resort);

Area S[s], from this point thence in a counter-clockwise direction around and 0.25 mile from Budge's Resort to a point ⅛ mile uphill from the resort access road;

thence continue 1.00 mile easterly parallel to and ⅛ mile from the road to a point on the ridge which separates Wagon Wheel and Dry Buck drainages, this point being ⅜ mile south-southeast of the junction of Buck Creek and South Fork White River;

thence 4.00 miles south and southwesterly along this ridge (excluding the rough terrain vehicle trail) to the ridge immediately north of the East Fork of Wagon Wheel Creek;

thence 1.00 mile west down this ridge to the junction of the forks of Wagon Wheel Creek;

thence 1.50 miles southerly up the dominant ridge between Wagon Wheel and Patterson Creeks to a point 0.25 mile from the Ute Trail, this point being approximately in the center of Section 22, T. 3 S., R. 89 W.;

thence 3.50 miles westerly parallel to and 0.25 mile from the Ute Trail (excluding the trail) to a point approximately 0.50 mile south of Limestone BM 11368 where Ute Trail now merges into the Blair Mountain Vehicle Trail;

thence 3.25 miles northerly along the eastern escarpment of Blair Mountain (excluding the route of the proposed Blair Mountain Road) to a point on the escarpment 0.50 mile northwest of Blair Lake where the southern boundary of Area G–1 intersects the escarpment;

Area G—1[e], from this point thence 2.25 miles northwesterly along the escarpment to a point on the escarpment 0.10 mile southwest of Mahaffey Lake, which point being on the north-south line between the center of Section 36 and Section 25, T. 2 S., R. 90 W.;

thence 0.75 mile north to the center of Section 25;

thence 0.75 mile due east to a point due south of the junction of Park Creek and South Fork White River;

thence 0.75 mile north to a point on the escarpment which is 0.50 mile due north of the junction of Park Creek and South Fork White River (north end of Area G—1[e] boundary);

thence 1.75 miles west-northwesterly along a rim north of South Fork White River to a point on Lost Solar Creek, which point is 0.60 mile north of the confluence of Lost Solar Creek with South Fork White River;

thence 0.70 mile westerly up an ascending ridge to a point on the rim of the South Fork canyon;

thence 0.70 mile westerly along the rim of the canyon to a point on a drainage divide which is east of the second drainage which flows into the South Fork White River from the north above South Fork Campground;

thence 0.70 mile northwesterly along this drainage divide and across a small drainage to a point 0.10 mile south of Fowler Creek on a ridge, which point is 2.50 miles east-northeasterly from the South Fork Campground;

thence 1.00 mile northerly across Fowler Creek and then following the divide between Fowler Creek and Hill Creek to a prominent point between the two main southern forks of Hill Creek;

thence 3.90 miles northerly along the top of sharp cirque slopes facing into the fork of Hill Creek and then westerly to the prominent point between Hill Creek and Peltier Creek which is 1.60 miles west of Clam Lake;

thence 4.00 miles northerly and northwesterly along the main rim east of Peltier Creek, Ward Creek, White Creek, and Swede Creek to a point on Swede Creek 0.50 mile northeast of Swede Lake;

thence 1.00 mile northeasterly up Swede Creek to the top of the rim overlooking Papoose Basin;

thence 3.30 miles southeasterly and easterly along the rim facing Papoose Basin, Papoose Creek, and Ute Creek to a point where this rim turns south on the west side of Ute Creek;

thence 0.60 mile east-northeasterly from this point on a ridge descending to a point on Ute Creek which is 0.50 mile downstream from the confluence of the two main forks of Ute Creek;

thence 1.00 mile northeast along an ascending ridge to the northern-most prominent point on the rim at the divide between Ute Creek and West Marvine Creek;

thence 2.00 miles southeasterly on the rim facing West Marvine Creek to West Marvine Creek;

thence 1.00 mile northeasterly along the rim east of West Marine Creek to the point on the north end of the rim;

Area T, from this point thence 3.50 miles descending northerly along the ridge between West Marvine and Marvine Creeks to a point 0.50 mile west of Marvine Creek Campground;

thence 0.25 mile northeasterly to the junction of Marvine Creek and East Marvine Creek;

thence 0.50 mile up the south bank of East Marvine Creek, then 0.25 mile north-

easterly to the top of the ridge north of East Marvine Creek;

thence 3.50 miles northeasterly along this ridge (including within the wilderness Wild Cow Park) to the western-most point of the escarpment north of Wild Cow Park (east end of Area T boundary);

thence 0.75 mile along the escarpment to the northern-most point of the escarpment;

Area N[e], from this point thence 2.00 miles northeasterly down the ridge between Sable Lake and Mirror Lake to a point on the boundary of the patented land adjacent to North Fork White River, said point being approximately in the center of Section 13, T. 1 N., R. 89 W.;

thence southeasterly 3.75 miles along the boundary of the patented land to the point where the southeastern edge of the patented land crosses North Fork White River;

thence 2.00 miles southeasterly along the western bank of the North Fork White River to a point in Section 35, T. 1 N., R. 88 W., where North Fork White River makes an abrupt turn to the northeast;

thence 2.00 miles south-southeasterly, 0.25 mile from and parallel to North Fork White River and access road to the new Forest Service campground in the vicinity of Trappers Lake (south end of Area N[w] boundary);

thence counter-clockwise around and 0.25 mile from the campground to a point which is 500 feet from the high-water line of Trappers Lake;

thence 1.00 mile northeasterly and southeasterly, clockwise on a line which is 500 feet from the high-water line of Trappers Lake to a point which is 0.25 mile from the outlet of Trappers Lake;

Area N[e], from this point thence 7.50 miles northwesterly, 0.25 mile from and parallel to the Trappers Lake Road, to a point 0.25 mile southeast of the bridge across Ripple Creek;

thence 4.00 miles northeasterly, crossing Ripple Creek 0.25 mile upstream from Ripple Creek Campground and ascending the ridge which divides the main forks of Ripple Creek to a point which is on the divide between the North Fork of the White River and the East Fork of the Williams River at the head of the northern-most fork of Blue Mountain Creek, this point being 0.40 mile west-northwest of the southeast corner of Section 28, T. 2 N., R. 88 W.;

Area A, from this point thence 3.10 miles northeasterly down Blue Mountain Creek to its confluence with the East Fork Williams River;

thence 0.50 mile northerly down the East Fork Williams River to the first ridge north of Baldy Creek;

thence 1.00 mile easterly and northeasterly to the top of Baldy Mountain, the point of beginning. (East part of Area A boundary is described at the beginning of Annex B.)

Mr. DOMINICK. Mr. President, I am very pleased to join with Senator ALLOTT in sponsoring this bill to establish a Flat Tops Wilderness Area in the Routt and White River National Forests in Colorado. This legislation would give permanent wilderness protection to one of the most magnificent de facto wilderness areas in Colorado. It would encompass the existing Flat Tops Primitive Area. In addition to the interesting geology of the White River Plateau, the area provides habitat for many species of wildlife. Among them are elk, mule deer, black bear, bighorn sheep, bobcat, coyote, badger, fox, beaver, marten, mink, weasel, snowshoe rabbits, blue grouse, ruffled grouse, white tailed ptarmigan, eagles, hawks, and migratory water fowl. There are more than 30 high mountain lakes in the area, and several excellent trout streams including the South Fork of the White River, which is considered to be one of the best streams in the State for native cutthroat or rainbow trout.

Although nearly everyone in Colorado recognizes the need to preserve this beautiful area, agreement has not yet been reached as to the exact boundaries of the proposed wilderness. The various proposals range from 102,000 acres—the existing primitive area—to 230,000 acres. This bill, which was previously introduced in the 90th Congress, is based on the original recommendation of the Forest Service for inclusion of 142,230 acres.

I want to make it absolutely clear that in sponsoring this bill, I am in no way endorsing the Forest Service's recommendation with regard to the size of the wilderness area. That issue remains unsettled, and my intent here is just to provide a focal point for resolving it so that we can move forward. The acreage issue can be decided after hearings are held by the Interior Committee. Evidence brought out in the hearings may well justify a larger wilderness area than that proposed by the Forest Service. Hearings were held in Colorado in 1966, and no accommodation of the various interests involved has yet been reached. As Senator ALLOTT has suggested, this bill will hopefully act as a catalyst in resolving the differences so that we can move toward making a significant addition to the country's wilderness preservation system.

By Mr. MOSS (for himself, Mr. ALLEN, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. MCGOVERN, Mr. METCALF, Mr. PASTORE, and Mr. RANDOLPH):

S. 1442. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 1443. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes;

S. 1444. A bill to increase the contribution by the Federal Government to the costs of employees health benefits insurance; and

S. 1445. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. MOSS. Mr. President, no one will challenge me, I am sure, when I say that most people trying to live on retirement income in this country are in financial crisis. Only those who have retired in the last few years, when pension levels have been based on relatively high salaries, have any real chance of stretching their retirement dollar to meet today's living costs. There is no question that many of those who retired 5, 10, or even 15 years ago, when salaries were much lower, are in serious financial trouble.

The Congress has the particular responsibility, I feel, to make sure that our retired civil service employees—our former Government servants who devoted many good years of their lives to Federal programs which benefit all of us—are not being reduced to penury because of persistent inflation. We also have the responsibility to see that inequities in the civil service retirement laws are wiped out, and that annuitants are treated fairly with respect to tax deductions, health benefits, and in other ways.

I am, therefore, introducing today a package of four bills which offer solutions to some of the problems plaguing the Federal Civil Service annuitant and his family. All, with one or two minor adjustments, are a part of the legislative program of NARCE—the National Association of Retired Civil Service Employees. I am pleased to be joined in sponsoring these bills by Senators ALLEN, GRAVEL, HART, HARTKE, MCGOVERN, METCALF, PASTORE, and RANDOLPH.

The first of the bills would provide a general increase for all annuitants who retired prior to October 1969. This would exclude from the increase those who retired after the new formula for computing annuities was put into effect—the high-3-year-formula—and which has resulted in larger annuities for many people. It would also exclude those who have benefited by the pay raises for classified civil service employees in the past 2 years. It would help mostly the low-income retirees who retired in lower pay-scale times.

Of the approximately 997,000 retired Federal employees and their survivors, some 276,000 receive annuities of less than $100 a month, some 515,000 receive less than $200 a month. This means that there are 619,000 annuitants—or more than 60 percent of all annuitants—who are receiving less than $3,000 a year, an accepted poverty level.

The bill would give the greatest percentage—a 13-percent increase—to those in the lowest brackets, with diminished increases as the annuity level rises. Those drawing over $6,000 annually would receive the least. In short, the bill is designed to help all of those retirees who did not benefit by the 1969 liberalization in computation, and to give the greatest increases where they are needed most.

The second bill I am introducing would exempt from gross income for Federal income tax purposes the first $3,000 of a civil service annuity.

This would give to civil service retirees a measure of the tax advantages already granted to social security and railroad retirement beneficiaries, whose maximum retirement pension is free from Federal income tax. The top amount that can be drawn and therefore be tax exempt under the railroad retirement system is about $6,000—under the social security system, a little less than $4,000. So the bill for $3,000 tax exemption for civil service annuitants is a most reasonable one.

The third bill would increase the Government's contribution toward premium costs under the Federal employees health benefits program from the present 40 percent to 50 percent. My colleagues will remember that the 40-percent level was achieved only last session, but was lower than some of us felt it should be. An equal sharing by the Fed-

eral Government and the insured Federal worker of health benefit premiums would bring the Federal level more in line with that of private industry.

The final bill would provide restoration of a full annuity when a retiree has been predeceased by the designated survivor and has not remarried.

Again, this is a bill which grows out of legislation enacted in the 91st Congress.

In that Congress a bill which I introduced—S. 437—provided that when a spouse who had been designated as a survivor to a civil service annuity dies first, the surviving spouse could designate a second spouse to receive those benefits, provided that marriage had been in effect 2 years at the death of the retiree. The bill likewise provided that if a survivor spouse died, the retiree could begin receiving a full annuity instead of a reduced annuity. The first part of the bill was passed and became public law but the second part of the bill was dropped.

The bill I am introducing today provides that when the survivor has predeceased the retiree, and no other spouse has been acquired to eventually receive the benefits being paid for, the retiree can apply for restoration of full annuity during the period of no marriage. This is most certainly equitable.

Mr. President, the Congress must keep a constant watch on retirement legislation, and continue to evaluate it in terms of changing economic conditions.

Unless we can control inflation, substantially all retirees—even those retiring today, or those retiring in 10 years—will be in trouble a few years hence. We have provided some protection for civil service retirees through the automatic cost-of-living increases triggered by Bureau of Labor Statistics. But let us not forget that if inflation continues at an annual rate of 5 percent, in 15 years a person will need $20,000 to buy what $10,000 buys today. Even if we get inflation down to a 3-percent annual rate, a person will require $15,000 to just stay even.

This spells difficulties for those people who are now at their full earning capacity—who will not retire for years yet—but who must consider that the dollars they are earning now will not provide an adequate base for retirement income unless we can keep our retirement laws and policies current with the times.

Also, since people are living longer, and are on retirement incomes longer, this changes our horizon in planning retirement payments. We must do more to tailor our pattern of living to those of retirement age.

These four bills today are offered as some steps which might be taken to make life more tolerable for some of our present civil service annuitants. I ask unanimous consent that the texts of all bills be printed in the RECORD at the close of my statement.

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

S. 1442

A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 121 as section 122, and by inserting after section 120 the following new section:

"SEC. 121. RETIREMENT ANNUITIES PAID BY THE UNITED STATES OR ANY AGENCY THEREOF

"Gross income does not include the first $3,000 received during any tax year as civil service retirement annuity from the United States or any agency thereof, after the full amount of the annuitant's contribution to the civil service retirement and disability fund has been paid to the annuitant."

SEC. 2. The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out

"Sec. 121. Cross references to other Acts."

and inserting in lieu thereof:

"Sec. 121. Retirement annuities paid by the United States or any agency thereof under Federal Retirement Acts

"Sec. 122. Cross references to other Acts."

SEC. 3. Section 37(d)(1) of the Internal Revenue Code of 1954 (relating to limitation on retirement income) is amended by striking out "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) under Federal Retirement Acts, or".

SEC. 4. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

S. 1443

A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of non-marriage of retired employees and Members (and for other purposes)

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8339 (i) of title 5, United States Code, is amended by adding at the end thereof the following sentence: "However, such reduction shall be restored to a retired employee or Member during any period of non-marriage which occurs after retirement.".**

S. 1444

A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That SEC. 2. Section 8906(a) of title 5, United States Code, is amended by striking out "40 percent" and inserting in lieu thereof "50 percent".**

SEC. 3. The amendments made by this Act shall become effective at the beginning of the first applicable pay period which commences after December 31, 1971.

S. 1445

A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, 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) Each annuity payable from the Civil Service Retirement and Disability Fund, under Chapter 83 of title 5, United States Code (other than the annuity of a surviving child) having a commencing date prior to October 20, 1969, shall be increased in accordance with the following schedule:**

If annuity is—		
Greater than—	But not greater than—	The amount of increase is—
0	$3,600	13 percent of the annuity.
$3,600	4,800	$468 plus 9 percent of the excess over $3,600.
4,800	6,000	$57 plus 7 percent of the excess over $4,800.
6,000	----------	$660 plus 5 percent of the excess over $6,000.

(b) Each annuity payable from the Fund to the surviving spouse of an employee or Member whose annuity commenced prior to October 20, 1969, which commenced after October 19, 1969 and prior to the effective date of this Act, shall be increased in accordance with the schedule prescribed in subsection (a) of this section.

(c) Effective from its commencing date, an annuity payable from the Fund to the surviving spouse of an employee or Member whose annuity commenced prior to October 20, 1969, which commences after the effective date of this Act, shall be increased in accordance with the schedule prescribed in subesction (a) of this section.

(d) This Act shall not authorize an increase in an additional annuity purchased at retirement by voluntary contributions.

(e) The monthly installment of annuity after adjustment under this Act shall be fixed at the nearest dollar.

SEC. 2. Subsections (a) and (b) of section 1 of this Act shall become effective on the first day of the second month which begins after the date of enactment of this Act.

By Mr. CRANSTON (for himself, Mr. TUNNEY, Mr. MUSKIE, and Mr. NELSON):

S. 1446. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1447. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1448. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1449. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which

such State has suspended leasing for mineral purposes;

S. 1450. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1451. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes; and

S. 1452. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

CALIFORNIA MARINE SANCTUARY BILLS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference seven bills which will, if enacted, correct a major inequity in Federal policy toward the environment:

When the Federal Government sold lease P–0241 in the Santa Barbara Channel to Union Oil and its partners, it set the stage for the January 1969 blowout beneath Platform A with the resulting pollution of Santa Barbara's beaches. It is particularly ironic that the Union lease lies directly seaward of the sanctuary created by the State of California to protect these beaches from oil pollution. By its actions in 1968, the Federal Government effectively thwarted the positive steps which California had taken to avoid oil contamination.

Since 1955, the State of California has passed legislation prohibiting oil, gas and other mineral development on seven stretches of California's coastal tidelands. Almost all of southern California is protected—to the degree that Santa Barbara was protected landward of the Union blowout. The largest sanctuary stretches from Newport Beach down the historic coast of Orange and San Diego Counties to the Mexican border. The offshore islands of San Clemente and Santa Catalina were set aside as were the heavily used metropolitan beaches of Los Angeles and the magnificent 16-mile stretch of Santa Barbara beach—where the oil blowout occurred in Federal waters just outside the State sanctuary. The rugged and unspoiled coast of San Luis Obispo County completed the 1955 actions.

In 1963, two additional norther California coastal sites were made sanctuaries: Monterey Bay, which played such a major role in California's early history, as well as the desolate grandeur of the Big Sur shoreline and the wild, redwood lands of Humboldt and Mendocino Counties.

In 1969, after the Santa Barbara blowout and spill, the sanctuary in Monterey Bay was extended northward to the border of Santa Crux County. Today these seven sanctuaries account for almost a fourth of the entire California coastline. They prohibit oil drilling on an estimated half of the tidelands suspected or known to contain oil deposits.

I doubt that many of my colleagues come from States which have prohibited the production of oil on vast stretches of State-controlled tidelands. The only State I know of which is developing a comparable prohibition on drilling in the tidelands is Florida.

By voting to prohibit oil development on portions of its tidelands, California has voted to deny itself the substantial bonuses, rents, and royalties which would flow into the State treasury from such leases.

California has voted to deny itself the State income and property taxes which this oil development would produce.

California has voted to deny itself the jobs which this potentially major industrial development would provide.

Mr. President, no government—Federal, State or local—denies its citizens revenues or jobs unless by its denial it protects and enhances resources and values which are far more important to its citizens. The citizens of California have decided to do all they can do to protect their coastline from the water and beach pollution of inevitable oil spills and the scenic pollution of drilling platforms—because they believe that the preservation of the recreational, economic, scenic and spiritual resource represented by the California coastline is of greater value than the exploration and development of suspected oil reserves.

It may be that my colleagues will disagree with California's decision to create oil-free sanctuaries. It may be that the citizens of other States would give higher priority to oil development over environmental protection.

But that is not the point. California has voted to create these sanctuaries.

I believe the Federal Government should allow the people of California the right to protect their coastal environment from oil pollution.

Oil production on Federal leases on the Outer Continental Shelf would clearly be injurious to California's coastal environment. There are two major environmental objections to offshore drilling: the danger of oil spills and blowouts and the ugliness of the drilling platforms, which are totally incompatible with the mountains, cliffs, beaches, surf and ocean of California's shore.

Oil spills are the constant companions of oil production. President Nixon's Panel on Oil Spills' second report, issued September 1969, contained the following warning:

> If offshore development continues to expand at the present rate and the frequency of accidents remains the same, we can expect to have a major pollution incident every year.

Even a minor mechanical failure, which would cause no damage on land, can have disastrous effects underwater. In December 1969, a seam split on a pipe on Union's platform A. A low pressure leak went unnoticed for two or three days. Finally the slick was sighted by a commercial fish-spotting airplane, and the pipe was repaired. If this leak had occurred on land the only consequence would have been a pool of oil on the ground. But in the Santa Barbara Channel, an oil slick, variously estimated to cover from 13 to 50 square miles, was created. It eventually washed ashore, coating the California beaches with another black film of oil.

Even with the most stringent regulations, accidents will happen. California's coastline is geologically unstable and earthquake prone. The Outer Continental Shelf drops off quite steeply into the Pacific Ocean. Oil production outside the 3-mile limit often will involve drilling at much greater depths than we have done up to this date. To attempt oil production at such depths until there has been substantial improvement in oil production techniques is an unwarranted and unwise gamble with California natural resources.

To allow oil production outside the State sanctuaries is inevitably to condemn the coastline of California to oil pollution, despite the best efforts of the people of California to avoid it.

And when these spills occur we do not have the ability to contain them. President Nixon's Panel on Oil Spills' first report said:

> The United States has neither the technical nor the operational capability to cope satisfactorily with a large-scale petroleum spill in the marine environment. The technology does not exist to prevent virtually all of the oil in a massive spill from being deposited on shore.

In testimony before a Senate Interior Subcommittee in July of 1970, the Secretary of the Interior reconfirmed this lack of technical development in oil capture and constraint techniques.

This same situation prevails with the drilling platforms. President Nixon's panel recommended that oil and gas production be accomplished from totally underwater structures, which would "mitigate many of the storm and navigation hazards and eliminate the esthetic unsightliness of offshore oil structures." But the panel adds that technology for underwater completions in deeper waters has not yet been developed. Here again we do not at present have the techniques to eliminate the environmental pollution which accompanies oil production.

At present, there are no plans I know of to sell oil-gas, or mineral leases in these Federal lands on the California Outer Continental Shelf. Nor have any leases been sold, save in the Santa Barbara Channel.

But once oil is suspected, once the pressure builds for Federal leasing, it may be too late to protect the environment. It is now that we must act if we are to prevent the California coastline from becoming an oil-sodden junkyard.

In the 91st Congress, I introduced S. 3093, the California Marine Sanctuary Act. This bill provided for the automatic creation of Federal oil-free zones seaward of all existing and future State sanctuaries.

But the administration and some

members of the Senate Interior Committee objected to the nature of this proposed response to the State's action, urging that the bill would surrender Federal decisionmaking to the State.

In the first of the bills I introduce today, The California Marine Sanctuary Act of 1971, I have deleted this automatic sanctuary creation provision. Instead the bill describes the six specific existing State sanctuaries and provides for the creation of Federal sanctuaries seaward of only these six tideland areas. In the case of State legislative action creating additional State sanctuaries, my bill simply requires the Secretary of the Interior to report to Congress any recommendations he may have regarding suspension of leasing in adjacent Federal waters. Congress may then take whatever action it deems appropriate.

In making this change, it is my intention to assure the Congress and the administration that adoption of this bill will in no way delegate or diminish Federal authority over these lands.

In response to other criticisms, I have provided first, that no sanctuary be created seaward of areas where the State previously allowed oil production, and second, that the suspension of Federal leasing can be lifted by the President in case of national emergency.

As before, the bill provides for the termination of any Federal sanctuary if the State of California revokes its law prohibiting oil exploration or production.

In July 1970, Secretary Hickel made another objection to S. 3093. He told the Senate Subcommittee on Minerals, Materials, and Fuels that he wanted to "look at each one . . . on an individual basis." He went on to say that he opposed a "blanket decision," and would "look at" a sanctuary "in an area of natural beauty."

Unfortunately, although it might have done so, the administration has not chosen to report its opinions of each specific area of the coastline where a sanctuary has been created by California.

To implement the administration's review of each area, my remaining six bills would each create one of the six sanctuaries proposed in my first bill. Otherwise the six specific sanctuary bills are identical with my first all-inclusive bill.

I should add here that none of the seven bills makes reference to the Santa Barbara Channel sanctuary. My proposal for that area is embodied in S. 373, the Santa Barbara Channel Moratorium and Ecological Preserve Act, which I introduced with Senator TUNNEY in January.

Mr. President, the people of our Nation should have the right to protect their homes, their yards, their neighborhoods from environmental pollution. But most defenses against environmental pollution must be made locally. One of the most important elements of a Federal environmentally enlightened policy must be a willingness and desire by the Federal Government to encourage and implement—not obstruct—local decisions to protect the environment.

Such has not been our Federal policy regarding oil drilling in the California coastline.

The refusal of the Federal Government to honor the State oil-free sanctuary at Santa Barbara is the classic example of the Federal Government's obstructing, if not negating, the struggle of an individual community to keep its environment clean and pleasing.

It is to end this potential for obstruction that I introduce these seven bills.

Mr. President, I ask unanimous consent that the text of the "California Marine Sanctuary Act of 1971" be printed at this point in the RECORD.

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

S. 1446

A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Marine Sanctuary Act of 1971".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreation, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in any portion of the Outer Continental Shelf seaward of each of the areas described in subsection (b) in all of which such State has provided by law that leases will not be issued by such State for the exploration for or extract the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of each such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such areas are as follows:

Area No. 1. The San Diego and Orange County Sanctuary.

Beginning at the point of the intersection of the ordinary highwater mark of the Pacific Ocean with the southern boundary of San Diego County; thence in a generally northerly direction along said ordinary high-water mark to the northerly city limits of the City of Newport Beach, Orange County; thence southerly and westerly three nautical miles to a point in the Pacific Ocean; thence in a generally southerly direction parallel to said ordinary high-water mark to a point in the Pacific three nautical miles west from the point of beginning.

Area No. 2. The Los Angeles County Sanctuary.

Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 3. The Santa Catalina and San Clemente Islands Sanctuary.

The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

Area No. 4. The San Luis Obispo County Sanctuary.

All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high-water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high-water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high-water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection of the ordinary high-water mark of the Pacific Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high-water mark of the Pacific Ocean to the point of beginning.

Area No. 5. The Monterey and Santa Cruz Counties Sanctuary.

All those tide and submerged lands being in the County of Monterey, and lying withing an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the west line of Section 32, T. 24 S., R. 6E., M.D.B. & M.; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to a point on said ordinary high-water mark one-half mile northerly of the south line of T. 12 S., M.D.B.; thence in a true southwesterly direction to a point in Monterey Bay, said point being three nautical miles from the ordinary high-water mark; thence southerly and easterly on a line parallel to and three nautical miles distant from said ordinary high-water mark of the Pacific Ocean to a point due west from the point of beginning; thence due east to the point of beginning.

Area No. 6. The Humboldt and Mendocino Counties Sanctuary.

All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to the intersection of said high-water mark and the north line of Township I North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high-water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high-water mark to a point due west from the point of beginning; thence due east to the point of beginning.

Sec. 4. Any suspension of leasing in an area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the continental shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the areas of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

By Mr. JAVITS:

S. 1453. A bill to amend part A of title IV of the Higher Education Act of 1965, relating to educational opportunity grants, in order to authorize an increase in the amount of such grants in certain cases and to authorize such grants for students attending institutions of higher education on a less than full time but at least half-time basis. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the education opportunity grant program of the Higher Education Act in two respects—

First, extend to part-time students eligibility for education opportunity grants so that those many young people attending college at least half time might have an opportunity to obtain, on a pro-rated basis, the same assistance in obtaining a higher education as that afforded to full-time students. Education opportunity grants are the funds up to $1,000 annually provided needy full-time students to attend college.

Part-time students form a substantial portion of the student body in this Nation today, comprising 1.03 million of the 2.2 million attending junior and community colleges and 1.65 million of the 6.35 million attending 4-year institutions. If it were not for the opportunities of part-time study, many of these young people would be unable to obtain a higher education, due to the fact that family personal circumstances oblige them to work while pursuing their studies. I have an especial personal sympathy for young people who find themselves so constrained because as a student I also found it necessary to work part time while undertaking my law studies at New York University.

Second, increasing the maximum amount authorized for an Education Opportunity grant from $1,000 to $1,200 annually during the second, third, and fourth years for any recipient who ranks in the upper half of his class. This is similar to a provision recognizing academic achievement which was part of the original Higher Education Act in 1965, but which was repealed when Educational Opportunity grants were increased from $800 to $1,000.

I feel that it is most important that the economic status of the individual's family not be the sole determinant of assistance during his college career but that an opportunity be afforded to recognize academic achievement also. This is a key element of non-Federal student-aid programs, both State and private.

Finally, I am pleased to note that the higher education associations, in testimony yesterday before the Senate Education Subcommittee, voiced support to extend the Education Opportunity Grant program to part-time students, as I have proposed. Joining in the testimony were the American Association of Junior Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Colleges, the Association of American Universities, the National Association of State Universities and Land Grant Colleges and the National Council of Independent Colleges and Universities.

By Mr. MOSS:

S. 1454. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

CIGARETTE LABELING AND ADVERTISING

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content.

Our Nation today is faced with soaring hospital costs; our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use their skills because they are disabled by chronic respiratory disease and heart conditions.

The best medicine for these diseases is preventative medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. Certain diseases are prevented with vaccinations such as German measles, smallpox, and polio. Certain diseases have been eliminated with environmental prevention, such as malaria, typhus, and yellow fever. And where prevention is not available, early detection and treatment are the surest methods of therapy: Pap smears for cervical cancer, chest X-rays for tuberculosis, PKU tests for birth defects, and spirometry for oral cancer.

The bill I introduce today would provide a measure of environmental protection against the ravages of lung cancer, emphysema, and heart disease. We have limits on pollutants; we set tolerances for contaminants in foods; we set flammability standards for fabrics; we limit impurities in medicines, in water, and in air.

Is not it about time we limited the toxic inhalants in cigarettes? I am not proposing a ban on cigarettes. The Volstead Act demonstrated that prohibition cannot work. Human behavior is too difficult to change. I do propose, however, that the harmful constituents of cigarettes be removed in quantities sufficient to reduce the hazards of personal air pollution for the 44.5 million adult smokers in the United States. The least we can do for them is warn them of the hazards of smoking and just as we find it necessary to limit toxic emissions in the name of air pollution, we must limit toxic emissions from cigarettes for the safety of the 44.5 million smokers.

Mr. President, I ask unanimous consent that the text of the bill and the transcript of the Public Broadcasting System's January 19, 1971, program on this topic be placed in the RECORD.

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

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Cigarette Labeling and Advertising Act is amended by adding at the end thereof the following new paragraph:

"(7) The term 'incriminated agent' means any constituent element of cigarette mainstream smoke which is present in quantities sufficient to be a health hazard."

SEC. 2. Section 7 of the Federal Cigarette Labeling and Advertising Act is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and inserting immediately after subsection (a) the following new subsection:

"(b) Not later than 6 months after the date of the enactment of the Public Health Cigarette Amendments of 1971, the Federal Trade Commission shall promulgate standards establishing such maximum acceptable levels of tar, nicotine, and other incriminated agents as the Commission determines may be present in cigarettes in quantities which will not pose an unreasonable health hazard. Such maximum levels may be reduced periodically, but not more often than once during any calendar year, whenever the Commission determines that lower levels are necessary to avoid unreasonable health hazards. Standards established by the Commission under this subsection shall permit cigarettes to contain the least amount of tar, nicotine, and other incriminated agents which is consistent with consumer acceptability. No standard estblished under this subsection shall be consistent with consumer acceptability if cigarettes produced in conformity with such standard would be so unacceptable to a substantial number of cigarette smokers as to create a market for the illicit sale and purchase of significant quantities of cigarettes which fail to meet such standard."

SEC. 3. This Act may be cited as the "Public Health Cigarette Amendments of 1971".

SHOULD THE FEDERAL GOVERNMENT SET LIMITS ON THE TAR AND NICOTINE CONTENT OF CIGARETTES?

(Originated in Washington, D.C. Produced by KCET)

Participants: Advocate Howard Miller (PRO) Professor of Law, University of Southern California.

Frank Moss, Democratic Senator from Utah, Chairman, Consumer Protection Subcommittee of the Senate Commerce Committee.

Ernest L. Wynder, M.D., President, American Health Foundation, New York City, Professor of Public Health, Columbia University.

Advocate William Rusher (CON) Publisher, National Review.

Horace Kornegay, Head, Tobacco Institute, Washington, D.C. Former Congressman from North Carolina.

Mr. James Levy Smoker, New York City.

Sheldon C. Sommers, M.D. Professor of Pathology, Columbia University and University of Southern California. Chairman, Scientific Board for the Council for Tobacco Research.

Moderator: Victor Palmieri.

Origination: House Ways and Means Committee hearing room.

This technical assistance from WGBH; equipment from WETA. Tonight's program is produced by Tom Burrows, KCET, and directed by Al Muir, KCET. Greg Harney, Executive Producer; Peter McGhee, Executive Editor.

Palmieri: Good evening. Tonight THE ADVOCATES is privileged once again to be broadcasting from the Hearing Room of the Ways and Means Committee of the House of Representatives of the Congress of the United States. Each week at this time THE ADVOCATES looks at an important public question. For you, a very important choice. Tonight we discuss a proposal that directly affects more than 45 million Americans. All of us who smoke cigarettes. Our question is this: "Should the Federal government set limits on the tar and nicotine content of cigarettes?" Advocate Howard Miller says "Yes."

Miller: Millions of Americans recognize the danger in smoking cigarettes and would like to quit. But as the common saying goes, it's a terrible habit, but you just can't break it. One of the reasons you just can't break it is because the entire environment—wide-spread cigarette advertising, high tar and nicotine content in cigarettes—simply makes it difficult for the individual to act to break the habit. We propose to change that environment. It has to some measure already been changed by the banning of advertising from television. But of course other advertising will continue. Another very significant factor is the high tar and nicotine content of many cigarettes, which make it difficult for people who want to stop smoking, those cigarettes, and contribute directly to bad health. We propose the Federal government set a limit on that tar and nicotine content to make it easy for those who want to save their health to do so, and to be given a chance for life. With me tonight to support this proposal are the President of the American Health Foundation and a Professor of Public Health at Columbia University, Dr. Ernest Wynder. And the Chairman of the Consumer Protection Subcommittee of the Commerce Committee of the United States Senate, Senator Frank Moss of Utah.

Palmieri. Advocate William Rusher says "No."

RUSHER. There are really two questions before us tonight, and I urge you to keep them carefully separated in your mind. One is the question whether cigarettes, and specifically the tar and nicotine in cigarettes, have anything to do with lung cancer or other forms of human illness. As to this, we will show you tonight that the medical evidence is, to put it charitably, very mixed, and extremely inconclusive. But there is also another question up for discussion this evening which is very important that has nothing whatever to do with the medical issue. It is rather a profound moral, and in the highest sense, political question, which is this: If a man or a woman knows that cigarettes may be harmful to his health, and knows exactly how much tar and nicotine they contain, and wants to smoke anyway, whose business is it to tell him that he cannot smoke, and indeed that the American Tobacco Industry cannot even produce the kind of cigarettes he wants to smoke. That is the question. And I predict it is going to be ducked by the other side for the very good reason that there is no valid answer to it. With me tonight to discuss both of these questions are Dr. Sheldon Sommers, Director of Laboratories, Lenox Hill Hospital, New York City; Mr. Horace Kornegay, President of the Tobacco Institute, and Mr. James Levy, smoker.

PALMIERI. Thank you both, gentlemen. In 1964, the Surgeon General of the U.S. issued a report warning that cigarete smoking was a hazard to health. Congress reacted by requiring manufacturers to print that warning on each cigarette package. On the last session, Congress passed legislation prohibiting cigarette advertising on radio and television, effective January 2nd of this year. And last week, finally, the Surgeon General called for a ban on smoking in all public places. So the warnings from government continue, but so far, nothing has been done to affect the ingredients of cigarettes which are claimed to be the actual cause of the hazard to health. As a result, some authorities contend that the government should take a further step and set limits on the tar and nicotine content of cigarettes. That's our question tonight: Mr. Miller, why do you support this proposal?

Miller: This of course is more than a case of simply individual choice to smoke. It is in the highest sense a public health problem. And it is a public health problem because the entire environment that has been created by the tobacco industry, through advertising and other pressures, has created the very demand that the industry now claims requires no interference with personal rights. But that cigarettes themselves are a serious and harmful cause of ill health is no longer subject to doubt. Just this month, the Royal College of Physicians in England told us that premature deaths and disabling illness caused by cigarette smoking have now reached epidemic proportions, and present the most challenging of all opportunities for preventive medicine. And that is a public health problem. As study after study has shown, and as the United States Public Health Service reports, cigarette smoking does contribute to illness. Over 700 percent chance of getting lung cancer for those who smoke over those who don't; 103 percent chance of heart disease; 110 percent chance of any kind of cancer; all from publications of the United States Public Health Service. Despite that, cigarette sales have continued to grow, prompted largely, of course, by the extraordinary advertising. With the growth in cigarette sales the lung cancer death rate in the United States, for example, has climbed dramatically. That is just a line on the chart indicating a rate. [Displays chart.] The number of absolute deaths continue to grow. 55,000 absolute deaths in 1968 from lung cancer. Those statistics are widely recognized. Insurance companies, for example, have special non-smoker health policies, recognizing the lower chance of dying at the early age for the non-smoker. So millions recognize the difficulty. Millions wish to stop. And many of those personally come to understand what the danger is far too late.

(Cut to film: Animated cartoon of a man who lights cigarette on a bomb fuse; bomb blows up, followed by:)

Announcer: Some people'll do anything for a cigarette.

Chorus: You get a lot to like with a Marlboro—

Female singer: You can take Salem out of the country, but—

Male: There's no compromise in the tobacco.

Another male: Say, Mister. How about some of those skinny cigarettes.

Operator: At the tone the time will be: 12:05 and 40 seconds. [Tone sounds.]

Another female singer: Winston tastes good, like a cigarette should.

Another male: Camel filters.

Another male: Camel filters aren't for everybody.

Operator: Twelve five, and 50 seconds.

Another male: Come to Marlboro country.

Auctioneer: [Singing] Sold to . . . American.

Tolman: My name is Bill Tolman. I'm sure that some of you are familiar with me as the most unsuccessful prosecuting attorney in the history of the legal profession. When I was a kid, 8 or 9, my dad offered me a thousand dollars and a gold watch if I would get to the age of 21 without smoking a cigarette. And I lost that case before I was 12. Of all the cases in my whole life that I've lost, of all the bets I've lost, of all the chances I've blown, that one I regret the most today. Because today I'm 53 years old; I have a family consisting of 6 kids; and a wife whom I adore. I also have lung cancer. [A lung operation is shown during this talk.] Let me join you in spirit, in prayer, even if I'm gone when you see me speak these words to you. Let me join you in this crusade and let's make this world a world that's cancer free.

(Cut to Studio)

Miller: So long as the tobacco industry continues to dispute the medical evidence of the danger of cigarette smoking, so long as there are people who may believe them and continue to be harmed by it, films like that, and as strong, will have to continue to be shown. To talk to the problems of cigarette smoking and health, I have asked to join us here tonight as our first witness, Dr. Ernest Wynder.

Palmieri: Dr. Wynder; welcome to THE ADVOCATES.

Miller: Dr. Wynder is President of the American Health Foundation. He's also Professor of Public Health at Columbia University. Dr. Wynder, for what diseases is cigarette smoking and tar and nicotine a principal causative factor.

Wynder: Well, first of all, when you refer to causative factor, this doesn't mean that we say it is obligatory cause. Simply, we mean that in the presence of this factor, this disease will occur more commonly, and in the absence, it will occur less commonly. Among the many diseases having been thusly associated and often causatively associated with cigarette smoking are cancer of the lung, cancer of the larynx, cancer of the oral cavity, cancer of the esophagus, cancer of the bladder, emphysema, bronchitis, and also importantly, particularly premature death from heart attacks.

Miller: Is there any real dispute about that evidence and what it proves?

Wynder: Well, there is no dispute among committees that, in this country and in other countries have been asked to review the evidence. You always find an individual that will disagree; jokingly we refer to a society that we call "The Flat Earth Society"; because we believe that there are those who will argue that the earth is flat in spite of the evidence. But the important point is that any medical and scientific committee ever put together to decide on this matter has agreed smoking is injurious to your health.

Miller: Would lowering the tar and nicotine help the problem?

Wynder: This is a very important issue; we published, a few weeks ago, in the Journal of the American Medical Association, data which show that smokers of filter cigarettes, that is, those who have smoked filter cigarettes for more than ten years, have significantly less risk of lung cancer than those that smoked regular cigarettes. I think this is the best evidence up to date that the tar content in our cigarettes relate to lung cancer, and that as you reduce the tar content, you reduce the risk of cancer.

Miller: Is it appropriate to treat this as a public health problem, that is, to impose limits on tar and nicotine for all smokers.

Wynder: Well I believe this is very appropriate as a public health problem, because it is apparently difficult for the individual to give up a habit in spite of the evidence. because we all suffer from the illusion of immortality, and therefore we all believe it cannot happen to us.

Palmieri: Doctor, let's see if [overriding Miller] Mr. Rusher is a member of The Flat Earth Society.

Rusher: Dr. Wynder, in your opinion, which is more dangerous, tar or nicotine?

Wynder: It depends, Mr. Rusher, on the kind of disease you want to get.

Rusher: I am referring to lung cancer.

Wynder: If you refer to lung cancer, the principal causative factor is the tar.

Rusher: Is the tar.

Wynder: Correct.

Rusher: Has the Public Health Service ever repudiated the Surgeon General's 1964 report which says that nicotine in tobacco, and I quote, "probably does not represent a significant health problem?"

Wynder: The Surgeon General's report of 1964 refers to nicotine in relationship to cardiovascular disease; fortunately in science we learn. In the last six years we have learned a great deal, and you will read in the next Surgeon General's report, soon to be issued, that nicotine is an important public health issue—

Rusher: I think—I think you are—

Wynder: —particularly for cardiovascular disease.

Rusher: —perhaps inadvertently, misrepresenting the Surgeon General's report. First, let's take the Advisory Committee Report in 1964, and I quote exactly from it, "There is no acceptable evidence that prolonged exposure to nicotine creates either dangerous functional change of an objective nature, or degenerative disease" Close quote. And then the '64 report itself says, and I quote again, "The chronic toxicity of nicotine, in quantities absorbed from smoking, is very low, and probably does not represent a significant health problem." So you are telling me that this has or has not been repudiated to date, Sir.

Wynder: You will see in a few weeks the new Surgeon General's—

Rusher: Yes.

Wynder: is issued, Mr. Rusher, let me state that fortunately in science we learn and we have learned since 1964. Many studies have since been published that indicate the nicotine level in tobacco smoke plays a vital role in cardiovascular disease.

Rusher: That's what you've learned in science, and we've learned in law, and we knew it before 1964, is that when you tell me about reports that haven't been published yet, and that are going to say what you want them to say, there isn't much I can do about it. But the report on record is that there is no apparent effect from the quantities of nicotine in cigarettes.

Wynder: Let me—

Rusher: That is the report.

Wynder: Let me correct you, Mr. Rusher. If you go into the Surgeon General's Report of '67 and '68, they will also indicate that nicotine is playing a role in—

Rusher: I asked you; I asked you, Doctor, in the beginning whether or not that report had been repudiated; you didn"t tell me it had.

Wynder: Oh, I indicated there were several studies; I just want to bring you up to the very latest.

Rusher: Science has made enormous strides since then, as the saying goes.

Wynder: Indeed it has.

Rusher: Tell me, what level of tar and nicotine do you think should be the legal limit? Take tar. How many milligrams of tar in a cigarette would be the proper legal limit for Senator Moss' bill?

Wynder: At the moment we are not prepared to give you a specific level.

Rusher: Why not. Hasn't science told us what's dangerous, and how much would be safe?

Wynder: The—best figure, Mr. Rusher, would be that would have a hundred percent filter so you'd no smoke at all.

Rusher: I understand that. Do you recommend . . .

Wynder: On the other hand . . .

Rusher: And are you recommending that Senator Moss include that in his bill in that form?

Wynder: On the other hand, I——

Rusher: Would you answer the question. Are you recommending that?

Wynder: I will recommend to Senator Moss that we ought to give all incentive we can to lower the tar and nicotine level of American cigarettes—

Rusher: Now be specific. What level do you recommend; this is a bill that is to be put before the Congress of the United States—how many milligrams of tar should be, according to that bill, allowed in a cigarette. This is a very practical problem, and you're a doctor. Tell us.

Wynder: If I would set an upper limit.

Rusher: Please.

Wynder: At this point.

Rusher: Yes?

Wynder: And that's only an upper limit because there's no lower limit; I would state that a filter cigarette should not contain more than 20 milligrams of tar, and 1.0 milligrams of nicotine.

Rusher: Are you aware that the average, the actual mean of cigarettes in this country contain only 19 milligrams of tar?

Wynder: I am quite aware that the tar and nicotine content of the American cigarette has been significantly reduced in the last 20 years, and the American tobacco industry is to be congratulated for this.

Rusher: You, you would actually set a limit higher than the average one.

Palmieri: Doctor, I'm afraid that I'll have to interrupt.

Rusher: I beg your pardon?

Palmieri: I'm afraid I'll have to interrupt this segment of the program; Dr. Wynder, let me thank you now for appearing on THE ADVOCATES.

Miller: Thank you. There really is no dispute about the effect of cigarette smoking on lung cancer, other items of health, whether you look at tar or nicotine. You'll see a list of organizations, medical organizations and a few others, that have endorsed and agreed the causative connection between cigarette smoking and lung cancer. Of course it is always possible to pick a particular sentence out of a '64 report that relates only the nicotine and ask a question about that. But if you look in the 1967 report, at pages 60 to 61, or the 1968 report at page 30, you will find the statements about the nicotine relationships in cigarettes. There is general agreement. There is no significant dispute. The tobacco industry does itself no credit by continuing to dispute that.

Palmieri: Mr. Miller, we're going to hear now from Mr. Rusher and his case; we'll come back to you for your rebuttal.

Rusher: And Mr. Miller does his case no credit by attempting to turn it into an attack on an American industry in another example of the hate-Business mentality. As I have said earlier, our topic tonight touches not just one, but two, of the most sensitive nerves in our modern American society. Let us take up this medical question first; and it is, Mr. Miller's opinion notwithstanding, by no means a closed issue. We live in the first truly scientific age, when mankind has become able to detect and measure all sorts of invisible danger. Radiation, chemical poisons, and the like. Our general anxieties have tended to fasten on these dangers, and make us fearful of all kinds of lurking scientific terrors, much as more primitive men used to fear the powers and principalities of the air, or things that go boom in the night. We are not really very rational about all this; we stopped drinking low-calorie soft drinks because we would risk cancer of the bladder, if we drank 500 bottles of them a day; and then we go back to high-calorie drinks, that will soon make us overweight and subject to heart attacks in our fifties. And what's more the degrees of harm in various products are hotly debated. Certainly, certainly this is true of cigarettes. There are many doctors who consider them harmful. And there are plenty of others who are not so sure. In the latter category are such men as Dr. Milton Rosenblatt, President of the Medical Board of Doctor's Hospital in New York. He has spent half a lifetime studying the causes of lung cancer. Dr. Theodore Sterling, Professor of Applied Mathematics and Computer Science at Washington University, Saint Louis, an expert in medical statistics. Dr. Sheldon C. Sommers, Director of Laboratories at Lennox Hill Hospital, New York and Clinical Professor of Pathology at Columbia University. Dr. Carl Seltzer, Senior Research Associate of the Harvard University School of Public Health. He has written extensively on the effects of smoking on heart disease. These men will testify that the medical case against cigarettes is by no means subtle. They question the statistics, and the one-sided use of studies by the American Cancer Society and the Public Health Service. They question the myths; for example, the myth that smoking causes the lungs to turn black. And they question the contradictions. Why, for example, is lung cancer predominantly a man's disease, even though smoking by women has increased enormously in the last 40 years. Why does cigar and pipe smoking show little or no relation to these diseases. These are some of the disturbing questions. Let's hear what the experts have to say.

[Cut to Film:]

Rosenblatt: There is no real evidence that lung cancer is caused by cigarettes. As a matter of fact the preponderance of evidence is to the contrary. All we have going, for all the publicity that has prevailed, is a statistical correlation which is very tenuous.

Sterling: The National Center for Health Statistics claimed for instance that there was a relationship between the amount people smoked and the incidence of illness, so that the more you smoked, the more people smoked, the more frequently they were ill, and the longer they were ill, and the more the loss from work. Now, curious enough, when you examine this data, these data, that relationship did not appear, actually. For instance, in general, those individuals who smoked a pack or less had less disease than people who did not smoke at all.

Interviewer: If inconsistencies and contradictions like this existed in this study, why weren't they reported?

Sterling: That's a good question.

Rosenblatt: We have here a group of individuals who in my opinion are out on a limb.

Interviewer: These are the Public Health Service people?

Rosenblatt: Yes, and they cannot come back.

Sommers: Inconclusive evidence piled upon inconclusive evidence convinces some people that something they'd like to believe is true is actually true. But that's not the scientific approach.

Seltzer: As a result of my many years of research and publications, I find no hard support for the contention that cigarette smoking causes heart disease.

Interviewer: Well, what is the real association, then?

Seltzer: Well, many of us feel that it is possible that the statistical association which exists in United States figures may be due to the fact that smokers are different kinds of people than non-smokers.

Sterling: Smoking in general is associated with an individual who eats perhaps a bit too much, drinks perhaps more than average and does less exercise than people do in general.

Interviewer: Why is it that females aren't getting more lung cancer now?

Rosenblatt: Although women have been smoking at least 40 years, and in some instances probably smoking more prodigiously than men, the ratio between males and females with respect to lung cancer is just the same, six to one, which means that it is not the smoking that has been the cause of the lung cancer in the male but rather this is a characteristic of the disease, just like the age at which one acquires lung cancer. Lung cancer occurs in the fifth, sixth, and seventh decades of life, predominantly in the sixties, and it does so in the smoker and in the non-smoker, and it does so whether you start smoking at six or whether you start smoking at 46. This is inherent biologic feature of the disease.

Sommers: Some people have referred to black lungs and claimed it was a problem related to smoking, but in fact the blackness is coal dust and it's in the contaminated air and is not a result of smoking.

Interviewer: Can you tell by looking at the cancerous lung tissue whether it comes from a smoker or non-smoker?

Sommers: No, there isn't any way to identify the habits or in most cases the occupation of an individual with lung cancer, from looking at the tissue.

Interviewer: So you can't tell?

Sommers: There's no way to tell.

Rosenblatt: These diseases are old diseases. To attempt to blame them on our by-products of modern civilization is wrong and those who promulgate this thesis are really misleading the public.

[Cut to studio:]

Rusher: One of the men whom you have just seen on film is with us in Washington tonight to answer further questions about the film, and about the medical aspects of this subject. He is Dr. Sheldon C. Sommers, the Director of Laboratories at Lenox Hill Hospital in New York City.

Palmieri: Thank you. We're glad to have you with us on the Advocates.

Rusher: Dr. Sommers, I might add, is also Clinical Professor of Pathology of the College of Physicians and Surgeons at Columbia University and at the University of Southern California. Dr. Sommers, I believe in addition to your principal position at Lenox Hill, you are also the Research Director of the Council for Tobacco Research, and Chairman of its Scientific Advisory Board. Is that right?

Sommers: Yes, that's correct.

Rusher: Can you tell us what the Council for Tobacco Research is?

Sommers: It's a granting agency; it's between 17 and 18 years old; it has a budget of two and a half million dollars a year, which is provided by all of the major tobacco companies; it provides research grants in the field of smoking and health; anyone interested writes in and if they have a competitive program, then it's funded.

Rusher: Does this mean that you are in the pay of the vested interests of the tobacco industry?

Sommers: Well, when I work outside my office I am paid on a *per diem* basis, the same rate as I am paid by the Veterans' Administration Hospital when I work for them.

Rusher: In this matter of smoking and health, how do we come to be concentrating on tar and nicotine, anyway, as distinguished from other things in tobacco.

Sommers: Well, beginning about 1900, using a tobacco condensate, and "tar" is actually a misnomer, by painting on the skin of mice and rabbits it was possible to produce warts or a benign or sometimes malignant tumors. And this has continued up to the present. But in the last few years, many workers have found no tumors after painting of the skin of animals, and it's probably the wrong tissue to study anyway, and so we've lost it as a biologically useful experimental model. And all of us are looking for a new experimental animal model, usually involving inhalation of cigarette smoke. We hope someday to have an effective experimental model for producing any kind of a positive bioloigical effect from inhaling cigarettes.

Rusher: May I briefly ask—

Palmieri: The feeling is you don't have one now. Let's see what Mr. Miller has to say on cross-examination.

Miller: Dr. Sommers, tell us about the American insurance companies that have non-smoker policies because they believe the data about a different mortality rate. Are those hard-headed businessmen being misled?

Sommers: I'm not expert in the insurance business; I think that they base their rates upon statistics, and statistics are notoriously difficult to assay as regards their accuracy, and—

Miller: Well, since insurance companies of course rely on actuarial statistics all the time, and they have, some of them have decided to issue a lower premium rate for non-smokers. You think that in fact those hard-headed businessmen are just blundering and losing money for their companies.

Sommers: No, I myself, and I'm speaking purely as an individual, regard that as a sales gimmick.

Miller: What about the Royal College of Physicians. Are they also out on a limb along with the Public Health Service. The Royal College has just decided that incidence of disease from cigarette smoking had reached epidemic proportions—What went wrong in the Royal College of Physicians?

Sommers: No, you see, they did no research themselves; they reviewed the literature. And there's a problem in England; for example, smokers, or non-smokers in Australia and New Zealand get lung cancer most notably determined by the number of years they lived in England. Not by their smoking, or by their occupation.

Miller: Let me ask you about—

Sommers: So there seems to be something peculiar about England.

Miller: Yes. There seems to be something peculiar about other things as well. Let me—when the original Surgeon General's Advisory Committee, in 1964, looked at all this evidence, there was a committee—it was not employees of the Public Health Services or the Surgeon General, they were independent experts on the Advisory Committee; the names were in fact submitted to the tobacco industry, is that correct?

Sommers: They were chosen on the basis of never having worked in the field; I know three of them personally; and actually, I helped to rewrite part of the Surgeon General's report.

Miller: And those people heard, those people heard all of the testimony that's been presented tonight; they heard all of the statistical arguments; they heard all the statements we heard on film; they were impartial experts, agreed to by the tobacco industry, and concluded differently and rejected those arguments, didn't they.

Sommers: No, I think you have a problem here, and that is, that as Dr. Wynder pointed out, science marches on, and—

Miller: Precisely.

Sommers:—the statistical, the statistical studies were smokers versus non-smokers. And now they are multi-factorial studies. And the multi-factorial studies indicate a much less striking relationship between any of the diseases and smoking.

Miller: Well that's not—

Palmieri: One more question.

Miller: Tell me about physicians. The Public Health Service reports that the group in the population that has most frequently stopped smoking, and readily advises its patients not to smoke, are doctors. Fewer than 30 percent of doctors now smoke. Is the whole medical profession being taken in by the Surgeon General's report, the Royal College of Physicians, the supplements?

Sommers: No, you see, like others, most physicians get their information second-hand, and the workers in the field are not in agreement, as you suggest. This is a wide open field, and one should keep an open mind about the causes of these very chronic and mysterious diseases. They are our greatest biological—

Miller: But we're dealing with life and death; there comes a time when all minds must be closed. I have no further questions.

Palmieri: Doctor, thank you. Would you continue, Mr. Rusher?

Rusher: Obviously for Mr. Miller the time has come when all minds must be closed. Tonight we have seen the war-drums throbbing against American business, and we have no hesitation in bringing before you a spokesman for the tobacco industry, indeed its principal spokesman, the President of the Tobacco Institute, Mr. Horace Kornegay.

Palmieri: Glad to have you with us, Mr. Kornegay.

Rusher: Mr. Kornegay, if you will forgive the expression, let's get down to the nitty-gritty; how much tar and nicotine is there in an average American cigarette.

Kornegay: Of the one hundred—approximately 120 brands that are marketed and sold in the country today, it will vary from 2 milligrams to 31 milligrams tar, and one tenth of a milligram to 2.2 tenths of a milligram of nicotine.

Rusher: And the average, the bulk of sales; where, where do they rest.

Kornegay: The average, the bulk of sales would rest somewhere in the range from 17 to 21. It's right in the middle range as far as tar is concerned—

Rusher: So that Dr. Wynder's death-defying intention to lower the amount of tar in a cigarette to 20 milligrams and save us all our health wouldn't even affect the majority of American sales of cigarettes, if that's true. Is that correct?

Kornegay: Well, if you set it at 21, it would not affect the majority of sales.

Rusher: Tell me, I assume the amount of these ingredients affects the flavor of the cigarettes.

Kornegay: Assuming above 21.

Rusher: Yes. [Talking over Kornegay.] I assume the amount of these ingredients affects the flavor of the cigarette?

Kornegay: Yes, Sir; I understand that it does.

Rusher: From the industry standpoint, does it matter how much tar and nicotine there is in a cigarette? Is it more expensive to produce one with less?

Kornegay: Well, insofar as I know, the industry is capable of producing one at any level. They're doing it now. Again, as far as I know, the cost would be the same. It's a matter of consumer choice. It's what the consuming public wants.

Rusher: Would the industry mind stating, in all its advertising, the amount of tar and nicotine in its cigarettes?

Kornegay: As a matter of fact, they recently volunteered to put into all of their print advertising the tar and nicotine level of the cigarettes.

Palmieri: Let's have one more question.

Rusher: Let's get a little bolder than Dr. Wynder, and make a limit of, say, 15 milligrams on the tar in cigarettes. What would be the effect.

Kornegay: If you set it at 15, in other words, nothing over 15 could be sold, you'd be eliminating 97 percent of the cigarettes sold in the country today. In other words, 15 and below represents approximately 3 percent of the market.

Rusher: What would people do?

Kornegay: Well, there's no telling what they would do, but I would think they'd probably smoke more. They get less satisfaction, less enjoyment, less flavor out of a low tar and nicotine cigarette—

Rusher: Or turning perhaps to foreign brands?

Palmieri: —Mr. Kornegay; thanks for being on THE ADVOCATES. Mr. Rusher, would you continue.

Miller: No, I'm sorry.

Palmieri: Well, if, if you insist.

Miller: Mr. Kornegay will have to continue for a few more minutes.

Kornegay: —Mr. Rusher—

Miller: As a matter of fact, your, your principal job is continuing for a few more minutes speaking for the tobacco industry. Tell me, Mr., Mr. Kornegay, we've heard some dispute here among scientists. Is there any scientific group in this country, not funded by the tobacco industry, but any independent scientific medical society or group that differs with the conclusion of all the organizations that we've seen, that there is this principal causative relationship between cigarette smoking and serious illness?

Kornegay: I could, could not answer that, Mr. Rusher—

Miller: Miller.

Kornegay: —I'm not familiar with the facts.

Miller: Well, you cannot then, despite what we've heard, you cannot tell us of a single medical or scientific group in this country that disagrees, that has done independent research, aside from the independent researchers, but a group, established group, that disagrees with the conclusions we've heard From the Surgeon General.

Kornegay: I could, I could not name one, I know that some of them have gone on record in various ways or another, condemning smoking, I know that—

Miller: Which.

Kornegay: —the Inter-Agency Council for Smoking and Health in the country drafted a model resolution, and urged, encouraged and campaigned among the health groups and medical societies to get it passed, and—

Miller: That's right, and—

Kornegay: You know how those things go, so like

Miller: That's right.

Kornegay: —signing a petition.

Miller: —no established group disagrees. Now tell me, do you think teenagers should smoke; do you advise teenagers to smoke?

Kornegay: No, I do not advise teenagers to smoke.

Miller: Well, now, why not?

Kornegay: I just don't advise teenagers to smoke.

Miller: Well tell me, Mr. Kornegay—

Kornegay: I don't advise anybody to smoke.

Miller: Well, but now, let's tell me about teenagers and smoking. If it's not harmful, if we have this dispute about the harm, why shouldn't they smoke.

Kornegay: Well, I haven't said it wasn't harmful; I haven't said it was harmful. I'm saying to you, Sir, that—

Miller: You simply don't know. You're—

Kornegay: —it's a matter—

Miller: —principal spokesmen for the tobacco industry and the best you can say is that you don't know. And you don't want teenagers to smoke.

Kornegay: I'm saying to you, Sir, that the—I didn't say I didn't want to, I said I don't "advise" them to.

Miller: Well do you want them to?

Kornegay: That's a matter—

Miller: Won't it boost your sales?

Kornegay: It's like so many other things in life, Mr. Miller; there're times when you're an adult, when you're developed—

Palmieri: One more question.

Miller: [Overriding Kornegay] Well if we had a representative of the soft-drink industry, then I would ask him, "Do you want teenagers to drink soft drinks?" What do you think he should say?

Kornegay: Well, they ought not to drink too many soft drinks.

Miller: Well what—why do you hesitate on saying they should smoke cigarettes. Why do you respond—

Kornegay: I haven't hesitated. I've been, I've been just as frank with you in saying that I, I have not recommended that teenagers smoke.

Palmieri: [overriding Miller] Well it sounds to me like you may have some teenagers at home. I'd know your problem.

Kornegay: I have some teenagers.

Palmieri: Okay. I'm going to let you go now.

Miller: So do a great many other—

Kornegay: But I just want to say that it's an individual choice, it's a matter for the individual himself—

Miller: And as the spokesman—

Palmieri: Mr. Kornegay, we'll close here.

Kornegay: —man reaches the age of discretion, or a woman, then they're free to do as they please.

Miller: Thank you.

Palmieri: Thank you very much.

Rusher: Obviously it baffles Mr. Miller that anybody should be left a free choice in anything, and we have to go over and over the point again. But we'll do it one more time. This time, with a rather different witness. We have on The Advocates many experts and many famous men, United States Senators, and I respect them all enormously; the hardest of all roles to cast, though, is that of the average man. And I have looked and looked among my own friends and acquaintances, until I have finally found in this respect the man who can be introduced to you simply as from New York City, Mr. James Levy, smoker.

Palmieri: Welcome, Mr. Levy.

Rusher: Mr. Levy, why do you smoke?

Levy: I like it.

Rusher: Don't you think it's bad for you? You've seen all these pictures?

Levy: Yes, sometimes yes, sometimes no. I've heard evidence on both sides; I get a little confused. The principal thing that concerns me is I want to figure out whether it's good or bad; I don't want somebody else to tell me that.

Rusher: Yes, but now don't you worry about it? Don't you worry that you may be getting sicker, or that you will sometime in the future get sick.

Levy: Yes, I worry about it. I worry about my waist, and I worry about the tar on my teeth, and I worry about a lot of things. My point is, I want to do the worrying for myself, that's all.

Rusher: You want to do your own worrying, you don't want Senator Moss to do it for you. It that right?

Levy: Senator Moss, or anybody else——

Rusher: Or anybody else. Right. Now on this——

Palmieri: ——Mr. Miller. I'm going to ask him if he wants to question the——

Rusher: Sorry.

Palmieri: ——our expert on smoking.

Miller: Well, I have a hunch that if Mr. Levy truly were an average man that Mr. Rusher might not . . . Mr. Levy, tell me. Do you want to make your own choices with drugs, also? You want to abolish the Federal Drug Administration, and allow any drug to be sold so you can make your own choice about which drugs are harmful to you or not?

Levy: No, sir.

Mr. Miller: Well then why are drugs different, if we have evidence of the harm of cigarettes.

Levy: I'm talking about smoking for me.

Miller: Well I'm talking about drugs for you. Don't you want the ability to choose your own drugs at the drugstore?

Levy: Not when I am convinced that a particular form of a drug will kill me.

Miller: But you're not convinced until the Federal Drug Administration goes and makes its tests, and says this drug is dangerous. Otherwise you'd have no way of knowing.

Levy: I am personally convinced that particular drugs are deleterious, if that's an average man's word; I am not convinced that smoking is dangerous.

Miller: Well, you're not convinced. You don't know that about—tell me. You know a great deal about the cigarettes and which brands, you've seen the numerous commercials—

Levy: Yes.

Miller: You know what kind—

Levy: I can tell a Marlboro from a Virginia Slim.

Miller: Yes. . . . You know who's come a long way, baby, and all the rest; when did you last have a health examination that indicated that smoking had hurt you.

Levy: I haven't had any that have indicated that smoking has hurt me any.

Miller: Have you, have you checked?

Levy: Yes.

Miller: You checked, and you're convinced that it, that it does not?

Levy: Yeah. I—for some peculiar reason, with my peculiar habits, seem to be all right. I don't know why.

Miller: But it, it—suppose you knew that it hurt you. Suppose you believed this overwhelming amount of organiza—you knew it hurt you. Would you still want to have cigarette companies be able to sell the cigarettes that you could buy that would cause you harm?

Levy: Want me to pretend I haven't been coached? It's a hypothetical question that I'm not prepared to deal with, until the time comes where someone tells me I have a particular problem, which may be related to smoking——

Miller: Well have you gone to a doctor and asked him whether you have a particular problem because of smoking?

Levy: When I go for a checkup. I don't go every two weeks and say, "Do I have a particular problem because I smoke two packs of cigarettes a day?"

Miller: Well, have you consulted with others who might be involved? Mr. Rusher would lead you to think this is a personal choice. Have you consulted with your family and whether they care whether you smoke?

Levy: Yea, I get nudged by my kids a lot.

Miller: Probably because they'd like you around as long as possible.

Levy: Yes.

Miller: Yes. And they would certainly object if you went down to the drugstore and took some harmful drugs, and said I want——

Levy: Yea.

Miller. ——personal right to do that.

Levy: Yea.

Miller: That's right, and if cigarette smoking is harmful, then the government could move in for the same reason, for your child's interests and—

Levy: My children's exposure to the reason that smoking is harmful is what they see on television. Interestingly enough, that's probably where I started smoking.

Miller: Yea. And do you, do you care whether your own children smoke; what do you tell them.

Levy: Yea. Plenty.

Miller: And what do you tell them.

Levy: I do not want them to smoke now, I hope at some point, by the time they are old enough to consider smoking, that the evidence will be so—

Miller: Well why don't you want them to smoke.

Levy: Pardon?

Miller: Why don't you want—

Palmieri: One more question.

Miller: Why don't you want them to smoke?

Levy: Because, to me, as I suggested before, the evidence is not complete. I have one judgment for me; there's another judgment for them.

Miller: Thank you.

Palmieri: All right, Mr. Levy; thanks for being with us.

Rusher: Obviously the difference between the clearly harmful drugs and tobacco and tar and nicotine is that drugs are a social problem, creating a very heavy and considerable penumbra of social effects; if there is anything that the famous consenting adult can do in his own room without bothering anybody at all is smoking, it seems to me, a cigarette. And more power to Mr. Levy if he likes to do it. To help people quit, which is one of Mr. Miller's earlier missionary efforts this evening, we have to cut down the amount of tar and nicotine in cigarettes, but there are already plenty of cigarettes on the market with tar and nicotine much lower than the limit proposed by Dr. Wynder, of Mr. Miller's own witness set. I predicted early in this program that the question of moral choice here, and the right of the individual to make it would be ducked. It has been ducked; I predict it will continue to be. We'll see.

Palmieri: All right, Mr. Rusher; Mr. Miller, he attacks it on the grounds of moral choice, and he attacks the medical evidence.

Miller: And the medical evidence.

Palmieri: Now your chance to rebut.

MILLER. Who, who did we see on the screen in medical evidence. Dr. Seltzer, one of the people you saw, is a physical anthropologist, specializing in nutrition. Professor Sterling, who you saw, is a statistician. There were only two doctors who spoke here tonight, Dr. Rosenblatt on film, Dr. Sommers here. Dr. Rosenblatt referred, for example, to the man-woman difference; why is it that the ratio of men is higher than women despite the smoking. These are all questions that have come up before. In 1959, that question was first raised, in an article published by the Journal—in the *Journal of the National Cancer Institute*, it was pointed out simply that women in this country, only .6 percent of them, on the whole, smoke more than one pack a day, while 6.9 percent of the men do. Every one of these things that you've heard has been considered by the Surgeon General of the United States and his Advisory Committee, by the Royal College of Physicians, in supplementary reports, and by others. If the tobacco industry were more candid, and simply said, "Yes, it does cause harm, but let's go to the moral choice," it would be one thing. But they don't say that, and that's why it's a social problem. That's why it's the moral problem. Because the tobacco industry continues to insist that there is no substantial evidence of harm, that there is dispute about the harm; and because by its advertising, the industry continues to advertise to get people to smoke the products and produce the high tar and nicotine products. It is not simply a matter of personal choice. It is millions upon millions of personal choices, created through the very mechanism of the industry advertising. That's why the environment must be changed—a start has been made on the advertising—and that's why the environment of the amount of tar and nicotine must be changed. Because the industry itself, through its pushing of cigarettes, through its high tar and nicotine, has made it a social, and not simply a personal problem. To speak for the appropriateness of Federal regulation in this area as a public health measure, we have asked to join us, Senator Frank Moss of Utah.

PALMIERI. Senator, welcome.

MILLER. Senator Moss is Chairman of the Consumer Protection Subcommittee of the Commerce Committee of the United States Senate. Senator Moss, if cigarettes were a new product, just being introduced today, would the government allow it?

Moss. Well, it would be examined by the Food and Drug Administration, because of the chemicals involved in tobacco. The chances are that it would not be permitted to be sold openly on the market, but of course tobacco's been with us for generations, and has not come up in that way.

MILLER. Has the Congress moved to take other steps in a public way to prevent the harm from cigarettes?

Moss. Oh, yes, indeed, there are many products of which the Congres has determined that there shall be a limitation, and that they shall be controlled in various ways, all the way from air and water standards up to atomic wastes, cyclamates; there are many, many—

MILLER. And besides moving on those products, the Congress has also moved specifically on cigarettes, with labeling, and other laws?

Moss. Indeed they have, requiring them to be labeled as to being dangerous, and controlling the circumstances under which they may be marketed and possessed.

MILLER. Do you feel that setting the tar and nicotine limits in cigarettes is now an appropriate public health measure for Congress to undertake—would it help the problem?

Moss. Yes, it would. Seems to me that we must move on in the control of the harmful substances that are within tobacco, and tar and nicotine have been identified as the most noted of the harmful substances. Therefore, it would be very proper to place a limit on that, and to encourage the industry to continually reduce both tar and nicotine, and I would favor taxation inducement or other inducements to get them to lower the content in cigarettes.

MILLER. You've sat as a Senator on many subcommittees that have heard this evidence, considered it along with the Congress; are you convinced, and do you think the Congress is convinced, that this is a serious health problem, the causative relationship between cigarettes an major illness?

Moss. Oh, I don't think there's a bit of doubt that every organized study that has been made by the medical profession or by any independent group has come to the same conclusion, that the contents of cigarettes, that cigarette smoking is harmful to health. And it's a very major problem in our country, as it is in Britain, with epidemic proportion. The number of days lost from work, the cost of hospitalization, the impairment of the ability of our people, make it a public health problem and therefore, it's incumbent upon the Congress to move in this area to try to protect the public health.

MILLER. Thank you, Senator Moss.

PALMIERI. Mr. Rusher.

RUSHER. Senator Moss, I believe you are the Chairman of the Senate Committee or Subommittee interesting itself in consumer affairs, and on behalf of consumers, is that right?

Moss. That is correct, sir.

RUSHER. Surgeon General Stewart in 1969 stated that people, and I quote, "should be able to select or not select low tar and nicotine cigarettes; this is the old idea of 'consumer's choice'." Was he wrong?

Moss. Well, he, he was not wrong in that consumers have, should have a choice so far as the public health is not impaired. Now with the evidence coming in on subsequent reports since the '64 report, indicating that public health is impaired by excessive tar and nicotine in tobacco, therefore, it is proper to set a ceiling, and to induce the production of lower tar and nicotine cigarettes.

RUSHER. And in 1969, you yourself said, "If knowing the consequences, they"—meaning the consumers—"continue—choose to continue to smoke, they're entitled to do so." Is that right?

Moss. Yes, I have not advocated that there be any total prohibition.

RUSHER. You just want to stop them from smoking cigarettes with tar above a certain level.

Moss. I want to protect them as far as possible in that regard, and to educate them——

RUSHER. From themselves.

Moss. From themselves, and to educate them as to what—what will be the results if they do smoke.

RUSHER. And if these consumers you protect choose to consume something you don't want them to consume, you'll make a law against it, is that right?

Moss. No, I don't believe in total prohibition, but I believe in giving the maximum degree of protection as we do in labelling, many substances that require labelling warning people against the contents of that bottle.

RUSHER. I was about to ask you about precisely that. It is widely known that alcohol is a serious drug and creates a serious social problem; have you, or will you introduce a bill to reduce the alcoholic content of say, beer to 3.2 percent?

Moss. I have no plan to do that; in some places it is done by state law——

RUSHER. How about prohibiting wines over 8 or 9 percent alcohol?

Moss. In some states that's done, but there's no Federal law——

RUSHER. Whiskey 60 proof?

Moss. There is no Federal law——

RUSHER. Well why isn't there. Why don't you pass a bill and make a Federal law.

Moss. If, if I thought it would be effective——

RUSHER. These are serious problems.

Moss. If I thought it would be effective, I would be glad to proceed in that area.

RUSHER. Why wouldn't it be effective?

Moss. Because, if 60 proof whiskey were sold, I assume that two drinks in place of one would get the person the same as at——

RUSHER. How about two cigarettes at 20 milligrams of tar?

Moss. Well, there's just so much time, a fellow can't have to cigarettes in his mouth all the time.

RUSHER. Or to drink. How about eliminating sugar altogether, and replacing it with saccharine. I think if one thing is clear medically, it is that sugar and the obesity it causes and the atherosclerosis is one of—probably the principal cause of death in the United States today; how about a bill from you, Senator, to eliminate sugar altogether and replace it with saccharine. Also in soft drinks, gum, ice cream, foods of all sorts.

Moss. Well, if the evidence came in, in a report comparable to that of the Surgeon General, here, on smoking and health

RUSHER. Do you doubt the evidence on obesity [overrinding Moss]?

Moss. Please let me finish my question——

RUSHER. Sorry.

Moss. ——my answer, please; if a report came in that told me that sugar would have

the same effect on the health of the American people as tobacco, then I'd be willing to proceed in that case.

RUSHER. Isn't it a perfectly well-known fact in all medical circles that obesity is one of the—probably the greatest causes of ill health in the United States, and that this is caused in large part by sugar and fats, which we're coming to?

Moss. Well, I'm not a doctor, but I know there's a lot of concern.

RUSHER. It would be very hard, though, on the sugar beet industry in Utah, wouldn't it, Senator, if it were——

Moss. Yes, sugar cane.

RUSHER. How about, how about limiting the cholesterol level in meats, by requiring leaner meats. This by the way has—such as bacon.

PALMIERI. Senator, Senator and Mr. Rusher, let me interrupt for just a minute, because when we get to sugar beets and cholesterol, and you're—you're raising questions that I think need to be brought back to focus here. I think you've made, you made an important point, Mr. Rusher, and I don't think it's lost on the Senator. But something has to be bothering the people that are watching this program. That is to say, Mr. Rusher has had distinguished witnesses here, as has had Mr. Miller. Mr. Miller's have pronounced a death sentence on smokers. You apparently agree with that.

Moss. I do.

PALMIERI. On the other hand, people here tonight, on the other side, have countervened that medical testimony thoroughly. What really is your position about that, Senator Moss?

Moss. Well I note that the medical evidence that was adduced all came from grants that were made by the tobacco companies to an institute to work on this problem. And of—when Mr. Kornegay was queried on it, he could not think of a single medical group who had come to a conclusion different from that of the Surgeon General on this question of tobacco and health. And it's worldwide, this isn't in the United States alone, it's world wide.

RUSHER. May I have a question, Mr. Palmieri.

PALMIERI. Mr. Rusher, you certainly may. And I would hope that you could make—meet that point. I think the public wants to know about that.

RUSHER. Well I, with due respect, I was going to ask what the Senator planned to do about high-tar cigarettes that come over the border say from Mexico after he has carefully limited the production of such cigarettes in the United States. Are we going to have Camel runners replacing the rum runners of the 1920's? Now come on, this is a practical and a serious problem.

Moss. It is——

RUSHER. You know that full well——

Moss. Why certainly it's practical. And I don't see——

RUSHER. Well what are you going to do about it.

Moss. Why do you want to make it humorous by talking about camel runners, we——

RUSHER. Let's make it just as serious as you want to make it, and——[Both are talking at once.]

Moss. Let me answer your question. Let——

RUSHER. No, you answer that one, Senator, I'll ask the questions.

Moss. I will not answer that——

RUSHER. You will not——

Moss (continuing). Until I've got a chance to answer your first question.

Moss. Any product——

RUSHER. That's it.

Moss (continuing). Coming into this country can be required to conform to any standard that we set in this country. And if we set it——

RUSHER. So you're going to have bottleggers——

Moss (continuing). Will you let me answer the question [overriding Palmier]—if we——

RUSHER. Please do.

Moss (continuing). For our own tobacco industry, certainly we will set it for all imports.

RUSHER. Back to Prohibition. Right?

Moss. No, not right.

RUSHER. No, not back to Prohibition?

Moss. Not at all.

RUSHER. We're not going to have to have people to prevent cig—we're running cigarettes from New Jersey into New York right now because the price is cheaper in New Jersey. Do you mean you're not going to need Federal protection to keep then from coming in from Mexico and other foreign countries?

Moss. Not at all.

RUSHER. Not at all!

Moss. Anything that is imported into this country has to clear customs.

RUSHER. That's what you think.

Moss. That—well. It's smuggled if they don't. It's against the law, and it's smuggled if it is not. Now we can—

RUSHER. Of course it's smuggled.

Moss. Control our imports, just as we control the imports of many, many products now.

RUSHER. Just as you control marihuana.

PALMIERI. One question, thirty seconds, Mr. Rusher. Very short answer.

RUSHER. If the Federal—if the Federal [they are talking simultaneously]—

Moss. If you're anxious—if you're anxious—to have the marihuana come in, you—

RUSHER. Trade Commission has prohibited—

Moss. Prevent that.

RUSHER. Our Federal Trade Commission has prohibited low tar and nicotine cigarettes from calling themselves safer than high tar and nicotine cigarettes. Apparently the F.T.C. doesn't share the courage of your convictions, because its ruling is consistent only with the proposition that there is no demonstrable connection between tar and nicotine levels and the safety of cigarettes.

Moss. Well then why has the Tobacco Institute itself agreed that cigarette advertising will contain the information on tar and nicotine—

RUSHER. Because it has nothing to hide.

PALMIERI. [Speaking at same time as Rusher.] Senator, we're going to leave that answer hanging. I'm sorry to interrupt you, Mr. Rusher; I'm grateful to you, Senator, for appearing on our program. Thank you. Mr. Miller? You have 30 seconds.

MILLER. This is a public health problem, because it is more than an individual choice. Because as we've said again and again, no one seriously disputes, its the advertising and pressure of the cigarette industry that's built up its own demand, which it now seeks to justify continued production of high tar and nicotine. They way to move is to move by lowering the tar and nicotine content. That's why you don't abolish it all, because you might have the kind of problems that have been spoken about. You move sensibly. You move in what you can move. You set the tar and nicotine level. There are millions of people in this country who would like to stop smoking, and who because of the pressure and the advertising pressure and others find great difficulty in doing so. They deserve the reasonable help of the Federal government in setting tar and nicotine limits. That's not an invasion of their individual choice; that's a protection for it.

PALMEIRI. Thank you, Mr. Miller; Mr. Miller had 50 seconds; Mr. Rusher, you could have 50 seconds.

RUSHER. Mr. Miller made a great deal of fuss over the recent report of the Royal College of Physicians and Surgeons, but let me read you part of the comment of the *London Daily Telegraph* concerning that report, and I quote: "All actions should be based on the concept conceded by the Royal College, that the Government is the servant, rather than the master, or the nanny, of its people. It can inform, warn, exhort and set an example. In restricting and prohibiting it should move more cautiously." Senator Moss has no intention of moving more cautiously; if he has his way, the American people are going to conform to standards of personal conduct prescribed by the Federal government whether they like it or not. We are going to be the healthiest people in the lock-step state. As I said at the outset, there is profound moral question here. In a world in which our personal freedoms are being steadily restricted, one more freedom is to be taken away. A freedom, moreover, whose abuse is by no means clearly harmful and which in any case can only harm the abuser. I urge you to strike a blow for the liberty of all men by voting against the Moss proposal. Perhaps you do not smoke. But do not pretend to know for whom this bell tolls; it tolls for me.

PALMIERI. Well, ladies and gentlemen, you heard the evidence. And now it's time for you at home to act on tonight's question. What do you think. "Should the Federal government set limits on the tar and nicotine content of cigarettes?" Will you let us know what you think? Will you write us tonight. Every one of your votes is important. Send your vote to The Advocates, Box 1970, Boston 02134. Now we're going to tabulate your views as we do, incidentally, on every program; and we'll make them known to the White House and to every member of the Congress, and to other organizations who are concerned with the same issue.

At the end of December, on the first of two shows devoted to South Africa, The Advocates debated this question: "Should the United States support the policy of grand apartheid?" Of the 2685 viewers across the country who sent us their vote on this issue, 35 percent favored such support; 65 percent opposed it. Now, let's look ahead till next week.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 1456. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians in Oklahoma. Referred to the Committee on Interior and Insular Affairs.

OSAGE TRIBE OF INDIANS

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference a bill sponsored by myself and the distinguished junior Senator from Oklahoma (Mr. BELLMON) to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma. The amount of money involved is $13,250,000; $1 million of the funds will be retained by the tribe to be expended for education programs and other programs beneficial to the Osage Tribe under rules and regulations to be prescribed by the Secretary of the Interior.

Pursuant to the terms of this bill, the money is to be distributed to those persons whose names appear on the roll of the Osage Tribe approved by the Secretary of the Interior on September 24, 1921. The share of a deceased Osage allottee shall be distributed to his heirs of Osage Indian blood. Those persons holding Osage "headrights" will not share in the judgment funds unless it so happens that they are on the roll or unless they happen to be an heir with Osage blood.

Mr. President, on March 23, 1971, the Osage Tribal Council passed a resolution requesting the Oklahoma Congressional Delegation to introduce this legislation. I ask unanimous consent that this resolution, with the provisions of the bill omitted, be printed in the RECORD at this point.

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

RESOLUTION OF THE OSAGE TRIBAL COUNCIL

Whereas,

1. The Indian Claims Commission on September 15, 1970, rendered its final judgment awarding the Osage Nation of Indians $13,250,000 in full settlement of all Osage claims pending before it, identified as Dockets 105, 106, 107, and 108, and

2. Funds to satisfy said judgment were included in the Supplemental Appropriation Act approved January 8, 1971 (84 Stat. 1981), and have been deposited to the credit of the Osage Tribe pending disbursement, and

3. Following appropriation of the funds and upon request of members of the Osage Tribe, the Osage Tribal Council has prepared a distribution bill which it believes expresses the recommendations of a majority of the tribal members: Therefore, be it RESOLVED,

1. That the Osage Tribal Council respectfully requests members of the Oklahoma Congressional Delegation to jointly introduce in the United States Senate and House of Representatives the following proposed bill:

By Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BELLMON, Mr. BIBLE, Mr. BROCK, Mr. BROOKE, Mr. DOLE, Mr. GRIFFIN, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HUMPHREY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S. 1457. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

TO PROHIBIT SALES BELOW COST

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

I have the honor to announce that the bill is cosponsored by the Senator from Alabama (Mr. ALLEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nevada (Mr. BIBLE), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG).

This bill, S. 1457, is a successor to S. 1494 of the 91st Congress, but is not identical. It has been considerably changed, in an effort to serve the major purpose of S. 1494 and earlier bills, while meeting some of the objections that have been raised.

The major purpose of this bill, is to give small business concerns a means of protecting themselves against certain types of predatory pricing practices.

Those practices are loss-leader selling and selling below cost for the purpose of eliminating a competitor. These are practices which are against the interests not only of small business but of the consumer. Furthermore, these practices are now illegal under one or a combination of three existing statutes. The purpose of my bill is simply to make sure that the practices, when employed for motives already criminal under existing law, can be enforced directly, through private treble-damage and injunctive relief actions, by the "policemen" most interested in having them enforced: the small businesses that are injured.

EXISTING LAW

The three laws now on the books which can be employed against loss-leader and below-cost selling, under some circumstances, are:

First. Section 2 of the Sherman Act, which outlaws "attempts to monopolize";

Second. Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, which outlaws various forms of price discrimination; and

Third. Section 3 of the Robinson-Patman Act, which outlaws "sales at unreasonably low prices for the purpose of destroying competition or eliminating a competitor."

Infractions of the first of these, section 2 of the Sherman Act, can be attacked by the Justice Department in either a civil or criminal action, or both; by the Federal Trade Commission—which regards all Sherman Act violations as automatic breaches of its own statute, the Federal Trade Commission Act, section 5; and by civil actions brought by private parties injured by the violations.

Infractions of the Clayton Act, section 2, can be attacked by the Justice Department in a civil but not a criminal action, by the Federal Trade Commission, and by injured private parties.

Infractions of section 3 of the Robinson-Patman Act are now subject to attack only by the Justice Department, as crimes.

ROBINSON-PATMAN ACT BACKGROUND

It was not always so. Between 1936, the year the Robinson-Patman Act was passed, and 1958, some 50 private businessmen filed civil actions against those who had injured them by violating the "sales at unreasonably low prices" ban of section 3. While some Federal courts refused to allow the suits, enough others did allow them to make private business, by 1955, the most important enforcers of section 3. Some of the cases are collected in Rowe, "Price Discrimination Under the Robinson-Patman Act," page 469, footnotes 97 and 99.

Then, in 1958, civil enforcement of section 3 came to an end. That year, in the companion case of *Nashville Milk Co.* v. *Carnation Co.*, 355 U.S. 373, and *Safeway Stores, Inc.* v. *Vance*, 355 U.S. 389, the Supreme Court entered 5–4 decisions holding that section 3 of the Robinson-Patman Act was not a part of the antitrust laws and therefore not subject to enforcement by civil actions filed by persons injured in their business by violation of its provisions.

ATTEMPTS TO OVERTURN CASES BY LEGISLATION

The Court's interpretation of congressional intent was a severe blow to this country's small business community, for it is well recognized that private civil actions are the principal vitalizing force of the Nation's policy against monopoly. Three days after the decision came down, I introduced a bill to make section 3, by express enactment, a part of the antitrust laws and thus subject to civil enforcement.

Over the years, that bill and its successors have had much attention but none has made significant progress down the tortuous legislative path to enactment. Those who see themselves as prospective defendants under the proposed new law have had more persuasive power and influence with the Judiciary Committee than those who see themselves as prospective plaintiffs.

In my judgment, this is unfortunate. I think the perils and pitfalls of providing for civil enforcement of the statutory ban on predatory pricing have been vastly overrated and the advantages overlooked.

The difficult situation of small business concerns in industries in which predatory pricing is a way of life continues, meanwhile, unabated, and a dreadful toll has been taken. There are today, for example, only about a tenth as many independent dairies and independent bakers in existence as there were at the end of World War II.

SIMILARITIES AND DIFFERENCES IN BILLS

The bill introduced today resembles S. 1494, 91st Congress, in that both bills have as their main purpose the express authorization of civil actions to be filed by those injured by predatory pricing against those who practice such pricing. Both bills are aimed at the loss leader and below-cost selling. Both bills would allow the plantiff to seek and, if successful, obtain treble damages, injunctive relief, or both. There the similarities end.

S. 1494 would have repealed section 3 of the Robinson-Patman Act and reenacted as a new section 3A of the Clayton Act one provision of section 3: the ban on sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor." The new bill does not repeal section 3, and hence

leaves alive the little-used criminal sanctions it contains.

S. 1494 used the section 3 language just quoted to describe the prohibited conduct. The new bill uses different and more specific language. It prohibits sales "below cost for the purpose of destroying competition or eliminating a competitor."

A ground for objection to S. 1494 was that the language, "unreasonably low prices," was allegedly too vague. The new bill meets that objection by stating exactly what kind of prices are prohibited, namely, those that are "below cost." The term "below cost" is defined in language borrowed substantially verbatim from the opinion of the Eighth Circuit Court of Appeals in the leading case involving enforcement of section 3 of the Robinson-Patman Act as a criminal statute, *National Dairy Products Corporation* v. *United States*, 350 F. 2d 321, 329, (1965).

As that case makes clear, however, mere proof of sales below cost will not alone suffice to establish liability by a defendant to a plaintiff: there must also be proof of the predatory intent, the "purpose" to destroy competition or eliminate a competitor.

As the law stands now, we have this anomaly: below-cost selling with predatory intent is a Federal crime, for which the offender can be fined or even imprisoned, if the Justice Department elects to prosecute and a court convicts. But the person injured by the crime, the businessman destroyed in his livelihood, is given no remedy. He cannot sue the offender either for damages or injunction. My new bill would end the anomaly. It would give the small businessman the right to sue his predatory competitor, and if he could prove below-cost selling and prove the "purpose" of that pricing was destruction of competition or a competitor, he could obtain an injunction and treble damages. This bill will restore force and meaning to an important part of the Nation's anti-monopoly law.

The forces pushing us toward concentration in industry after industry in our economy are very great. Some of them may be unavoidable; but one such force, the occasional practice of deliberate predatory pricing with the express purpose of destroying competition, is not in that class. It can and should be checked; yet it is not feasible or even, perhaps, desirable for the Justice Department to initiate a criminal prosecution every time the existing law against such pricing is broken. Unleashing the power of private civil enforcement will bring vitality to an important part of our national policy against economic concentration and monopoly power. To that end, this bill is dedicated.

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

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

S. 1457

A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (38 Stat. 730 et seq.; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after section 3 thereof, the following new section:

"SEC. 3A. It shall be unlawful for any person engaged in commerce to sell, offer to sell or contract to sell goods below cost for the purpose of destroying competition or eliminating a competitor. The term 'cost' as used in this section means fully distributed cost, which includes the cost of producing or acquiring or processing the product, plus the additional allocated delivery, selling and administrative costs involved in doing business."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7, and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 3, 3A, 7 and 8".

By Mr. MUSKIE:

S. 1458. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves, and for other purposes. Referred to the Committee on Commerce.

MARINE RESOURCE PRESERVATION ACT

Mr. MUSKIE. Mr. President, I am concerned with the anomalous manner in which we Americans are attempting to conserve and protect the Nation's beaches, marshes, tidelands, coastal zones, and ocean resources. We are suffering from a piecemeal approach.

At this moment, we have no way of setting aside portions of the tidelands and the Outer Continental Shelf for research, recreation, and other specific purposes. But oil leaks and spills continue; coastal land sales make banner headlines.

With respect to beaches and wetlands, we seem to be of two opposing minds. In some areas, we put strict limits upon the use of these resources, permitting no development of any kind. In other areas, we allow frank and open exploitation for private ends.

Already we are witnessing the grave consequences of such catch-as-catch-can national policy. If we continue this approach, we will face within a very few years a staggering cost of restoring and reclaiming these national resources.

Last year, as a first step in developing a balanced national policy for the use of our marine resources, I introduced S. 3516, the Marine Resource Preservation Act of 1970. In my opinion, the need for such a bill has not diminished, and I am reintroducing the bill today.

The bill would authorize the Interior Secretary to recommend the best means of designating portions of the tidelands, Outer Continental Shelf, ocean areas, Great Lakes, and adjoining shorelines as marine preserves.

The bill also would direct the Interior Secretary to enter into agreements with State and local governments on regulations concerning the use of areas designated by the Congress as marine preserves.

Mr. President, I believe there is still time for us to preserve these resources for ourselves and for future generations. But I think we must move now; a piecemeal approach can bring only further damage and degradation.

By Mr. MUSKIE:

S. 1459. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California. Referred to the Committee on Interior and Insular Affairs.

SANTA BARBARA CHANNEL PRESERVATION ACT OF 1971

Mr. MUSKIE. Mr. President, more than 2 years have passed since an oil well blew out on platform A of the Union Oil Co. in the Santa Barbara Channel. Today, wells are still leaking in the area; oil still threatens the California coast.

This situation exists because the Congress, in effect, has accepted the judgment of a special Presidential panel which concluded:

It is less hazardous to proceed with the development of the lease than to attempt to seal the structure with its oil content intact.

The special panel reported its recommendations more than a year ago, but residents of the area, reminded recently by the severe earthquake in Los Angeles, are still seriously concerned about the geologic conditions along the California coast.

And just last week, the U.S. Geological Survey published the draft of an environmental impact statement on exploratory drilling operations in the Santa Barbara Channel. Since 1967, 66 exploratory wells have been drilled on 30 of 72 leases issued to 22 oil companies.

The draft statement says flatly that "production platform drilling is not the subject of this environmental statement." But of what use, then, is an environmental impact statement on exploratory drilling? We need to know, we must know, what the effects of production platform drilling are going to be before not after a major investment in exploratory drilling is made.

We cannot afford to repeat the mistake of the Alaskan North Slope where billions of dollars have been invested in exploration without evaluation of the environmental effects of production and associated transportation of oil. The pressures to accept environmentally unacceptable alternatives is too great if environmental considerations do not precede economic commitments.

Even the language of the draft statement on exploratory drilling is far from reassuring. The draft says:

The exploration drilling program could result in an unfavorable impact on the aesthetic values of the Santa Barbara Channel only if a drilling accident should result in a major oil spill.

Minor oil pollution has long existed in the channel as the result of many natural oil seeps—

It continues—

No evidence yet exists of permanent damage to the environment from major oil spills, although extensive short-term damage to beaches and wildlife can occur. . . .

The people of Santa Barbara believe that it may take years to relieve the oil pressure in the channel. I agree with

them that the schedule of drilling and pumping of oil in the area should not be determined by the oil companies holding leases there.

For these reasons, Mr. President, I offer for reintroduction in the Senate today a bill providing for the orderly closing out of mineral development of the Outer Continental Shelf lands in the Santa Barbara Channel. The bill would:

First. Require the Interior Secretary to assume control and management of platform A and to take whatever action is necessary to prevent more blowouts and to stop seepage;

Second. Provide for the use of safe devices to reduce oil pressure and to collect oil in the area;

Third. Prohibit all new exploration or drilling for oil in the Outer Continental Shelf lands in the Santa Barbara Channel;

Fourth. Close out permanently in an orderly and safe manner all oil operations in the area; and

Fifth. Provide for the orderly removal of all platforms from the area.

I ask unanimous consent that a statement on this issue by the Los Padres Chapter Executive Committee of the Sierra Club be included following my remarks.

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

The Los Padres Chapter Executive Committee at a special meeting January 19, 1971 reaffirmed club policy on prohibition of oil development in the entire Santa Barbara channel region. The reaffirmation was in response to proposed new bills in Congress advocating a 38 lease oil-free sanctuary in the channel with a moratorium on development of the remainder of the 70 leases during an escrow period of the type originally proposed by the DuBridge Panel. The Committee rejected this proposal in favor of the clubs original position for a sanctuary to include all 70 leases, the principal recommendation of the bills on the channel in the last session of Congress.

The following policy recommendations are an outgrowth of the Committee's discussion and the club's existing policy on the channel oil problem. The club should consider support of these precepts and actions:

1. Reintroduction of legislation incorporating the cancellation principles of bills introduced last session of Congress. Deserving primary consideration is Senator Muskie's legislation (S. 3516).

2. Refunding of leases, if necessary as to both amount and source of payment based on court settlement.

3. Rejection of the Elk Hills trade as a means of repayment for channel leases. The Elk Hills field and other existing Naval Petroleum Reserves should remain undeveloped as production-ready resources in a National Defense Petroleum Reserve of the type proposed by Walter J. Mead and Philip E. Sorensen in their recent paper "A National Defense Petroleum Reserve Alternative to Oil Import Quotas".

4. Dedication of the channel as a whole in a petroleum reserve for purposes of conservation of oil for wiser uses (chemical and protein products), other than extravagent fuel consumption, and for the protection of the environment until some distant or near-distant future when oil can be removed safely from ocean waters. Such an Oil Conservation Reserve could be part of a national system differing in some ways from a national defense system in that the reserves would not be earmarked necessarily for national defense nor would they necessarily be production-ready. The reserves, however, would function economically along the principles advocated by Mead and Sorensen as an alternative to import quotas.

5. Evaluation of administration proposal to reduce domestic oil production and increase importation of foreign oil (Jack Anderson, "Merry-Go-Round—White House Considers Plan to Import Oil and Cap Wells", *Santa Barbara News Press*, January 24, 1971). According to Anderson: "Crude oil producers with offshore Gulf of Mexico holdings would go ahead with their oil development. But instead of pumping the oil out, they would cap a large percentage of the pipes. In return for each barrel they keep in reserve they would get an extra barrel in quotas to bring in foreign oil.

"Under the quota system, the oil companies are allowed to import cheap foreign oil and sell it at domestic prices. The difference, normally about $1.25 a barrel, is made up by motorists at the pump," Anderson writes.

Variations on the administration proposal should be considered, specifically alternative allocations of the profit bonanzas the proposal would grant to the oil companies. A government tax, for example, might siphon off some of these profits for national and international crash studies on fuel policy and action programs.

6. Investigate the status of national and international fuel policy agencies, studies and programs designed to advance conservation of fuel resources, alternative power sources, consumer restraint in utilization of power, environmental protection in the face of mounting pollution from power sources, and related crucial immediate issues. The club itself, drawing upon the capabilities of its own membership, should form a study team to investigate these issues. The world fuel crisis and the attendant pollution has consumed much of the club's recent energies. References need be made to only a few of the issues: powerlines, (Diablo, Calvert Cliffs), nuclear power plants, oil tanker collisions (S.F. Bay), oil platform accidents (Santa Barbara, Gulf Coast), pipelines (Alaska), oil development in wilderness (Santa Barbara Channel, North Slope), and thermal effects of conventional and nuclear power plants.

7. Development of overall policies on fuel development and consumption that recognizes the complex social, cultural, and technological interrelationship of all aspects of the fuel problem. Oil phased out of the channel possibly increases pressure for production in Alaska. Reduction of import quotas transfers the problem of on and offshore exploitation in the U.S. to the Middle East and other areas of ecological and economic concern and intensifies the pollution threat from tanker and pipeline disaster. An overall policy would include elements on alternative means of transportation, substitution of electronic communication for transportation (the "fourth revolution"—moving ideas instead of bodies), development of new fuel resources, the means of phasing in new energy program, and the paramount problem of population control. The environmental movement must develop its own initiatives in this field, process them through government, and in other ways encourage government and industry to take a stronger hand in the necessary research and development.

By Mr. MUSKIE (for himself, Mr. PELL, Mr. RIBICOFF, Mrs. SMITH, Mr. THURMOND, and Mr. HOLLINGS):

S. 1460. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients. Referred to the Committee on Interior and Insular Affairs.

FEDERAL BENEFITS TO INDIANS

Mr. MUSKIE. Mr. President, in the 91st Congress I introduced legislation which would extend Federal benefits to Indian tribes and certain organized bands or groups of Indians residing on Indian reservations established under State law. These benefits include care or assistance for which federally recognized Indian tribes qualify as recipients. On behalf of myself and Senators HOLLINGS, PELL, RIBICOFF, SMITH and THURMOND, I reintroduce that legislation for appropriate reference today.

Mr. President, this legislation would affect approximately 27,000 Indians living in eight States—Connecticut, Maine, New York, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia. In New York State alone, about 10,000 of the State's 15,000 Indians live on nine State reservations. Because the governments of these eight States did not cede Indian reservations within their borders to the Federal Government at the time they joined the Union, these State reservations do not fall within Federal responsibility. Thus, as a result of a historic accident, thousands of American Indians residing on State reservations have been denied the benefits of many Federal programs because they were not inhabitants of "federally recognized tribes" within the definition of the Bureau of Indian Affairs.

I have long been aware of this discrimination and have in the past introduced legislation which specifically included State Indian reservations in particular Federal programs, including the Public Works and Economic Development Act of 1965.

Mr. President, more than 100 acts of Congress, rules and regulations authorize aid and assistance to American Indians. Some of these acts confer on the Secretary of the Interior control over Indian property. Consequently, not all of these acts would be beneficial to State reservation Indians. The purpose of my bill is to qualify State reservation Indians, at their option, to participate in Federal Indian aid programs. This approach will insure full independence of State reservation tribes.

The numbers involved here are small, but the needs of these State reservation Indians are urgent and unmet. Like their brothers on Federal reservations, our State Indians have too often had policy imposed from without. They have been encouraged to sever their tribal and cultural ties. They have faced harassment, hostility, and discrimination in the world outside the reservation. Within the reservation they have faced despair and deterioration of the culture they hold dear and which gives them distinction as Americans.

Mr. President, the bill which I introduce today would provide a new approach toward fulfilling the needs of a unique group of Americans. I hope my colleagues will agree with me that it deserves speedy

action during this session of Congress.

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

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

S. 1460

A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of all Federal programs and laws providing benefits, care, or assistance, financial or otherwise, to Indian tribes or members thereof, any organized tribe, band, or group of American Indians a majority of the members of which reside on an Indian reservation established under the laws of a State, but which has not heretofore been recognized as an Indian tribe for purposes of such programs or laws, shall, in its discretion, be entitled to receive such benefits, care, and assistance for which federally recognized Indian tribes or members thereof qualify as recipients.

By Mr. McGOVERN (for himself and Mr. Moss):

S. 1461. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services. Referred to the Committee on Commerce.

TRUTH IN ADVERTISING ACT OF 1971

Mr. McGOVERN. Mr. President, I introduce today, on behalf of Senator Moss and myself, the Truth in Advertising Act of 1971, a bill designed to give the consumer the means to make his own judgment about the validity of advertising claims.

A recent report indicates that the average consumer may be the target of more than 1,000 advertisements every day. Most of these advertisements contain claims about the quality or performance of the product or service or about its comparative price. The consumer now has no way of judging whether these claims can be substantiated.

This bill would require advertisers to have available for the public full documentation substantiating their claims before they can advertise their products or services. The media would be required to inform the public that such documentation was available from advertisers on request.

The requirements laid down in this bill should not be burdensome, since we should assume that, in general, advertisers are responsible and do not make claims that they cannot support. They are simply asked to make copies of their documentation available upon request, and they are entitled to be repaid by consumers for the costs of reproducing such copies.

The media would be required to perform the public service of informing consumers that they can obtain the supporting evidence without themselves having to bear the burden of actually providing it.

The bill contains authority for the Federal Trade Commission to insure that advertisers and the media comply with the requirements of the law. But there should have to be very little recourse to action by the FTC.

Since advertisers would have to make their documentation available to any person requesting it, it is clear that public disclosure and the scrutiny of a free press would provide the most powerful sanction. It is reasonable to expect that among those requesting documentation would be consumer action groups, the FTC itself, the press and competitors, as well as the individual consumer.

Such individuals and groups would certainly examine the documentation carefully to insure that it fully supported the claims that were made. For that very reason, advertisers would have the incentive to limit their claims only to what could be backed up.

By making sure that all claims are substantiated, we would make a major contribution to the efficient functioning of the free enterprise system. Those advertisers who take great care to make responsible claims would no longer be placed at a disadvantage when they compete with those who are so irresponsible as to make extravagant claims that cannot stand scrutiny.

The consumer should be the big winner. He would come to have confidence in the claims that are made for the goods and services he is asked to purchase.

Most important, he would be given the right to take direct action to protect himself against false claims. This direct action would not represent the traditional class action approach; instead the matter would remain essentially an exchange of information among private parties.

I have long favored legislation which gives the individual the right to participate in procedures designed to serve his interests. The Environmental Protection Act of 1971, which Senator HART and I have introduced, embodies this concept. I am pleased that the present bill carries the idea one step further.

The initial impetus for this legislative approach came from Mr. Ralph Nader, his associate, Mrs. Aileen Cowan and Mr. Warren Braren, a former official of the National Association of Broadcasters Radio and Television Code Authority. Mr. Nader and Mrs. Cowan wrote to scores of corporations asking them to provide information supporting their advertising claims. Very few were willing to do so. Many indicated that the consumer had no right to know. Mrs. Cowan is quoted as saying:

> I was surprised. Here were some of the Nation's largest corporations, supposedly the friend of the public, if you believe their cheery commercials, refusing to back up their ad claims. It's as if two people were having a discussion, but when it suddenly turns serious, one party clams up.

Mr. Nader, Mrs. Cowan, the Consumer Association of the District of Columbia and the Federation of Homemakers petitioned the FTC on December 11, 1971, to make a rule that would require advertisers to place their documentation on file with the FTC before actually advertising.

Among the claims that the FTC petitioners sought to have substantiated were: the assertion that studies of "a major dental clinic" show that Macleans dentifrice gets teeth "whitest"; the claim that "a study of hospital patients showed Excedrin tablets are more effective in the relief of pain than twice as many aspirin"; the statement that Dow's oven cleaner has "33 percent more power"; the General Motors claim that the Toronado's engine gives "worry-free performance thousands of miles longer"; and the advertisement for Armour bacon which says that it "gives you a little more because it shrinks a little less."

A moment's thought indicates just how many advertisements we see every day that contain such claims. Most advertising, it would appear, is based on claims as to the comparative virtue of the product or service in question.

In a case that has just come to light, a CBS television news team questioned the efficacy of a nonphosphate detergent. The detergent producers claimed that the product had been analyzed by 10 independent testing firms and the results supported their claims. But the producer did not turn over those test results to the newsmen, who had their own tests conducted. The results of those independent tests of the product Ecolo-G indicated that it was not as efficient as claimed and that its high alkaline content—far above what the producer admitted—was dangerous. The Food and Drug Administration subsequently ordered the product off the market.

Of course, the FTC is empowered to halt false advertising when it can be proven. Thus, one soup company tried to give the impression that its product was loaded with vegetables by placing glass marbles in the bowl before a commercial was filmed. The FTC ordered a halt to this advertisement. But the company was not required to correct the impression it had made or to avoid similar false claims for other of its products. This bill provides for a form of consumer protection differing from that sought by the FTC petition and that presently afforded by the FTC, because of the direct communication between the consumer and the advertiser.

It is an elementary requirement that in the free enterprise system, competition should be not only free, but fair—most of all to the consumer. That is why this legislation is needed now.

I am pleased that Mr. Nader, Mrs. Cowan, and their associate, Mr. Christian White, together with Mr. Braren, support this proposal. Their endorsement of it demonstrates that its purpose is to aid the American consumer.

Mr. President, I sincerely hope that the Commerce Committee will schedule early hearings on this bill and that it will be adopted by the Congress this year. Many people with whom I have discussed this bill mistakenly thought that the law already required that advertising claims be substantiated. That fact shows that such a requirement is long overdue.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the full text of the bill be printed together with an article by Colman McCarthy from the Washington Post of November 8, 1970, entitled "Advertising

on the Defensive in the Age of Disbelief" and an article by John D. Morris in the New York Times of December 12, 1970, describing the petition to the FTC.

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

S. 1461

A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services

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 "Truth in Advertising Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that informed consumers are essential to the fair and efficient functioning of the free market economy; that the individual has the right to know and ought to be able to obtain for his personal consideration, the documentation advertisers use in support of claims for the products and services he is asked to purchase; and that this information, which frequently is unavailable through the advertising itself, is needed by the individual to make intelligent and informed choices in today's highly competitive and complex marketplace.

(b) It is the purpose of this Act (1) to insure that no advertisement can be disseminated if substantiating documentation is not available to the public and (2) to insure that individuals will be able to exercise their right to know, to protect themselves from unsubstantiated claims and to act directly to promote fairness in advertising.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "advertisement" means all forms of promotion for products and services conveyed through, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters, direct mail material, and point of sale display material.

(b) The term "Commission" means the Federal Trade Commission.

(c) The term "commerce" means commerce between any State, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, possession, or the District of Columbia, but through any place outside thereof; or within the District of Columbia or any possession of the United States.

(d) The term "documentation" means—

(1) in the case of any advertisement containing claims concerning the safety, performance, efficacy, or characteristics of a product or service including testimonials thereto—

(A) a full and complete description of all material aspects of any pertinent research or other data, including a detailed summary of all tests, in support of or detracting from any claim in the advertisement, including the name and address of any testing organization or agency and its principal officers, the date, duration, procedures, methods and results of any tests, the brand names of products or services tested, and the technical names of any ingredients tested;

(B) when specifically requested by a person, full disclosure of all material research, tests and other data contained in the description and summary referred to in clause (A) of this paragraph. Nothing in this subsection shall require disclosure of the exact product formulation when such a disclosure comprises a trade secret;

(2) in the case of an advertisement with respect to comparative price, a substantial representative listing of prices of products or services sold in the marketing area served by the advertisement which form the basis for the comparison.

(e) The term "person" means an individual, corporation, partnership, association, or any organized group, including local, state or federal government agencies.

(f) The term "principal office" means the headquarters, corporate or otherwise, of the person disseminating the advertising; however, in the case of regional or local advertising, the principal office shall mean an office located within the regional or local marketing area in which the advertising is disseminated.

UNLAWFUL ADVERTISING WITHOUT FURNISHING DOCUMENTATION

SEC. 4. (a) It shall be unlawful for any person to disseminate, or cause to be disseminated, by the United States mails, or in commerce by the use of, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters and point of sale display material, any advertisement concerning the safety, performance, efficacy, characteristics or comparative price of any product or service unless documentation is available at the principal office of such person in the United States for public inspection, including the furnishing of copies of such documentation to any person requesting such documentation by mail, telephone or otherwise. The cost of duplication may be charged to the person requesting such copies but in no case shall the charge exceed the actual cost of duplication.

(b) The publisher, radio or television broadcast station, or agency or medium for the dissemination or advertising, except the person making the claims subject to this Act in such advertisement, shall be liable under this section by reason of the dissemination of such advertising—

(1) if he refuses, on the verbal or written request of any person, to furnish the name and address of the person who caused him to disseminate such advertisement.

(2) if he fails to inform publicly his readers, listeners or viewers on a regular basis that documentation for advertising claims is available upon request and that the name and address of the person making the advertising claims subject to this Act, and carried by his publication or broadcast station, is available by contacting his publication or station.

(c) The dissemination or the causing to be disseminated of any advertisement in violation of subsections (a) and (b) shall be an unfair or deceptive act or practice in commerce within the meaning of section 5 of the Federal Trade Commission Act.

ADMINISTRATION

SEC. 5. (a) This Act shall be enforced by the Commission under rules, regulations and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers and duties as though the applicable terms and provisions of such Act were incorporated into and made a part of this Act: Provided, That persons excepted by section 5(a)(6) thereof shall not thereby be exempted from Federal Trade Commission enforcement of the provisions of this Act.

(c) The Commission is authorized to prescribe such substantive and procedural rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

EFFECTIVE DATE

SEC. 6. The provisions of this Act shall take effect upon the expiration of 120 days after the date of its enactment; except that subsection 5(c) shall take effect immediately.

[From the New York Times, Dec. 12, 1970]

NADER URGES FTC TO BAN ADS NOT BACKED BY SCIENTIFIC TESTS

(By John D. Morris)

WASHINGTON, Dec. 11.—Ralph Nader and other consumer advocates asked the Federal Trade Commission today to issue a regulation prohibiting advertisers from making assertions that were not "fully and completely substantiated by scientific tests."

Mr. Nader, an associate and two consumer organizations, in a petition filed with the commission, accused advertisers of making "vague claims which give consumers no real understanding" of the performance of their products.

In addition, they contended, advertisers "invoke clinical tests with little scientific basis to substantiate claims and otherwise deliberately mislead and confuse the consumer."

Under the proposed regulation, national advertisers would be required to file with the commission evidence substantiating their statements at the time the advertisements were published or printed. The commission would make the data available to the public.

Other advertisers would have a choice of filing such information with the commission or making it available directly to the public.

ANY REASONABLE DOUBT

The regulation would restrict the advertisement of any product if there was "any reasonable doubt" that it posed a health or safety hazard to users or an environmental health or safety hazard to the general public.

Advertising would be prohibited unless "competent scientific tests show that no such hazards exist."

The petitioners said the regulation would help consumers make intelligent choices of advertised products, enable consumer organizations to obtain information needed to register complaints with the commission and significantly deter false advertising by increasing the possibility of legal action by the commission or by consumer groups.

The petitioners, besides Mr. Nader, were Mrs. Aileen Adams, a staff member at Mr. Nader's Center for the Study of Responsive Law; the Consumer Association of the District of Columbia, with about 200 members, and the Federation of Homemakers, which lists 5,200 members in 46 states.

There was no comment by the commission, but officials noted that in several recent cases it had called on individual advertisers to substantiate their assertions.

Filed with the petition was a sheaf of correspondence that Mr. Nader and Mrs. Adams conducted with 58 companies concerning 68 advertising statements monitored by Mrs. Adams since last December. She said she monitored television "day and night" with a tape recorder, similarly monitored many radio broadcasts and clipped various newspaper and magazine advertisements.

In their letters, addressed to the companies' presidents, Mr. Nader and Mrs. Adams quoted advertisements and asked for test data and other substantiating information.

Only three supplied any data, and the value of the studies covered "was dubious," Mrs. Adams reported. Four other answers, she said, "included cursory descriptions of company tests rather than detailed scientific data."

Sixteen companies failed to reply and seven declined to substantiate their ads, she said. Fifteen "purported to clarify vague and misleading statements in their advertisements,"

according to Mrs. Adams, while most of the others responded in generalities and with assurances of truthful advertising practices.

Mr. Nader, at a news conference, said the correspondence illustrated that "big business almost systematically refuses to document its wide-ranging claims" while spending hundreds of millions of dollars on advertising "to deceive" and "evoke the weaker instincts" of consumers.

[From the Washington Post, Nov. 8, 1970]

CONSUMER RESENTMENT—ADVERTISING ON THE DEFENSIVE IN THE AGE OF DISBELIEF

(By Colman McCarthy)

Among those most alarmed at the growing anger and resentment of American consumers, few talk about it as much as the advertising industry. "A lot of advertising is not true, or at least (is) trickily true," said Amelia Bassin, president of Bassinova, Inc., of New York to the Milwaukee Advertising Club recently. "Advertising has completely alienated youths, blacks and now women," she added. Stanley Cohen, the Washington editor of Advertising Age magazine told a meeting of ad men in Denver: "Nine years ago, Newton Minnow was shrugged off when he warned TV was selling our kids short. Those kids are now the teenagers and students who have become such puzzles to their elders. Critics ask—'How much of their contempt for American institutions is a backlash against the crassness projected at them from the TV tube?' "

Perhaps most to the point was ad man Frederick E. Baker who told a meeting of the American Advertising Federation: "Much of the public has lost a good share of confidence in what we do. We are suspect on more counts than one . . . If we think we have been harassed in the past few years by confining laws and stringent regulations, I assure you we have only seen the beginning and a small beginning at that."

These confessions of remorse and alarm come at a time when the advertising industry already throbs with a fiscal headache for which there is no "instant relief." Executives at many large agencies have been stunned with pay cuts—20 per cent for the $40,000-and-up people at McCann-Erikson, for example. The GM strike—no cars, no ads—could cost agencies $60 million. An estimated 40 per cent of the clients of some 16 large agencies pay their bills late.

Perhaps the most ominous threat to the industry is that many consumers are now so skeptical that the honest ads are disbelieved also. It once required a good eye to spot a less-than-candid ad but now in the age of commercial disbelief, the game is easy. Newspapers, where most of the 300 daily ads people get exposed to are seen, often carry news stories in one section that directly refute ad claims in another. Recently, papers across the country told about a colony of laboratory rats on a diet of commercial white bread dying of malnutrition; flip the page and there is an ad touting many kinds of bread as the last word in nutrition. Who can tell which brands are reliable and which are not?

Many ads are true, but are loaded with such bitter irony that it is hard to accept the sincerity of the seller. Union Carbide placed an ad in Time magazine on June 1 that promoted the company's "oxygen walker." To aid people with emphysema and other chronic lung problems, Union Carbide's Linde division had produced a portable liquid oxygen system carried easily over the shoulder. "It's just one of the things our Linde division is doing with air," pumped Union Carbide. Something else the company does with air, however, and not mentioned in the ad, is to spew 28,000 tons of smoke and grit a year (one-third of New York City's total) into a valley in West Virginia that is host to a Union Carbide factory. Citizens have begged the company for years to stop the pollution, but it would not. Thus, who can fail to wonder about a company that sells a breathing machine while continuing to make the air unbreathable?

Many corporations now place "environment awareness" ads. Some only add to the pollution. A recent ad in Time had water flowing by the chemical plant of Potlatch Forest Co.; it "still runs clear," said the ad. A group of students checked, however, and the picture showing the water was found to have been taken 50 miles upstream from the plant. Other ecology ads invite cynicism. A television viewer sees oil firms explaining during prime time how they have gotten the lead out of their gas in the cause of antipollution; but only that morning, for example, the same viewer read in the paper that Mobil Oil in Buffalo, N.Y., was fined $10,000 for continuing to pollute the Buffalo River. The state attorney general has asked that the refinery be closed.

The Vice President criticized rock music where in "too many of the lyrics the message of the drug culture is purveyed." Mr. Agnew and his writing ghost should watch more television. Almost $20 million worth of ads for sleeping aid drugs alone ran in 1969, a fact which horrifies Sen. Frank Moss, a consumer ally: "The drug culture finds its fullest flowering in . . . advertising which mounts the message that pills turn rain to sunshine, depression to euphoria."

America is in no danger of committing heresy against its sacred doctrine of maximum production and maximum consumption. But here and there, the gospel is being questioned. Suddenly, the Federal Trade Commission is viewing ads with a skeptical eye.

Procter and Gamble, Colgate-Palmolive and Lever Brothers were accused by the FTC of false advertising. Axion, Biz, Amaze, Tide, XF, Drive and others do not "get all the stains out with enzyme power." The ads deceive, said the FTC. All the stains don't come out as many housewives have known all along.

Hi-C fruit drink, made by the Coca-Cola Co., is under pressure by the FTC to ban the brand name on the ground that nutritionally Hi-C is closer to being low c. The Coke lawyers are fighting.

Wig, wiglet, toupee and hairpiece companies were advised not to advertise their product as "natural hair" if it was made of animal hair or synthetics. Also hair that was bleached or dyed on the original owners dome should not be advertised as "virgin" hair.

Even more helpful to the confused consumer than the occasional ban is FTC's recent idea that a company caught duping the public in one ad should be required to take out another ad admitting it. The idea for "corrective ads" came from Dr. Robert S. McCleery, former head of the FDA's medical advertising bureau. Due to his work, in June 1968, Bristol-Myers Co., took out an ad in Medical Tribune and Medical World News confessing that they had violated FDA restrictions in promoting a drug called dynapen. Recently, law students from George Washington University caught the Campbell Soup Co., playing with the truth. To convey the impression that its soup was so thick that vegetables could be seen at the surface, Campbell put glass marbles in the soup bowls before filming a commercial. The students, after getting the FTC to stop the rigged ad, demanded that the company run a future ad admitting the old one deceived.

The FTC let the Campbell case drop—with an order to rig no more—but the idea of corrective ads has caught on. The commission is now in combat with Hi-C to admit past sins. The fiercer battle, however, is with the Chevron Research Co., a division of Standard Oil of California. Last month the FTC said that a Chevron ad touting the additive F-310 was false and misleading and that the gas "did not in fact reduce air pollution" as claimed. Chevron shot back with full page ads saying F-310 really was fine stuff—based on "15 years of research and hundreds of tests." FTC's charges were "grossly in error and unfounded."

Corporations have been saying that for years about the FTC, but few, if any, have taken on the government so directly and so publicly. As for the consumer, whom should he believe? Gasoline companies have been trumpeting their additives endlessly, so that now when one wants to be taken seriously all the credibility may be used up. Besides, what layman knows what F-310 is?

While the government marches on Madison Avenue, private citizens are forming their own attack. Aileen Cowan, a first-year student at Howard University law school, has long been incensed over what she considers phoney and bogus ads. In a joint effort with Ralph Nader, Mrs. Cowan wrote to some 70 corporations asking them to send the scientific data to back up their ad claims. For example:

The McLean's toothpaste ad that says a major dental clinic claims McLean's gets teeth "whitest."

Warner Lambert Company's inference that Listerine helps in the prevention of colds.

The Ralston-Purina claim that in a test over the leading competitive variety dogs chose the Ralston-Purina food six to one.

Bristol-Myers' claim for Excedrin that a clinical study shows that "two Excedrins work better for the relief of pain than twice as many aspirin tablets."

General Motors' claim that its Toronado car gives "worry-free performance thousands of miles longer."

Few corporations bothered to document their claims for Mrs. Cowan. Some wrote back saying the consumer had no business knowing. "I was surprised," said Mrs. Cowan, who works at the Center for the Study of Responsive Law when not in class. "Here were some of the nation's largest corporations, supposedly the friend of the public if you believe their cheery commercials, refusing to back up their ad claims. It's as if two people were having a discussion, but when it suddenly turns serious, one party clams up."

Aside from a suit against Bristol-Myers for its Excedrin ad, Mrs. Cowan will soon file a legal petition with the FTC to require companies to provide clinical evidence to consumers for their advertising claims.

Other groups—most notably Action for Children's Television (Boston)—are also taking legal action to force the government to control advertising. Perhaps as important as legal changes are shifts in attitude. Jerry Mander, a San Francisco ad man with a restless conscience, wrote to the Wall Street Journal last June to say the unspeakable: "I . . . expect that all automobile advertising will be banned one of these days as well it should be, as automobiles are demonstrably far more dangerous to the health of society than cigarettes are."

Until legal or attitudinal restraints have their effect, suspicion will likely grow about the advertising industry and its massive flow of copy. Sadly, the honest ads will be less and less believed also. Ironically, an industry that has for so many years been wildly accentuating the positive is not forced to live with the negative.

Mr. MOSS. Mr. President, I am pleased to join with the Senator from South Dakota (Mr. McGOVERN) in cosponsoring the Truth-in-Advertising Act.

The objectives of the consumer movement embody the American ideals of truth and justice. And the Truth-in-Advertising Act which we introduce today, is but a modest proposal to insure the validity of advertising claims.

I look forward to holding hearings on the bill. After all, can there be anyone who will find offensive a requirement to preserve truth in advertising claims? Of necessity, a half-page advertisement or a 30-second television spot announcement cannot contain all of the substantiation for an advertising claim. I have been told that the average consumer views hundreds of advertisements each day, many providing important product information, but others contain confusing and ill-defined characteristics. As a result, there is evidence of an overwhelming number of unsubstantiated claims in advertising, and where there is valid documentation for advertisers' claims, the information is difficult to obtain. This uncomplicated legislation provides the consumer with a straightforward method of evaluating advertising claims.

The Truth-in-Advertising Act would require the carrier of an advertisement to provide the name and address of the offer—or upon request of any individual. Second, advertisers would maintain and make available to individuals the appropriate documentation to substantiate the claims set forth. With this information, many consumers will be able to make more intelligent decisions in selecting products and services. Finally, I might also note that the bill provides important safeguards to both consumers and advertisers by granting the Federal Trade Commission the powers necessary to enforce and prescribe procedural and substantive rules.

The Truth-in-Advertising Act will put meaning back into the adjectives, "stronger," "faster," and countless others, will add significantly to the educating force of advertising, and will restore faith in many American businesses.

By Mr. McGOVERN (for himself and Mr. BURDICK):

S. 1462. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, on behalf of the junior Senator from the State of North Dakota (Mr. BURDICK) and myself, I send to the desk for appropriate reference a bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes.

Similar legislation was passed by both the House of Representatives and the Senate in the 91st Congress, but objections were raised by the House to an amendment made by the Senate. I am hopeful that the bill I introduce today can be enacted into law at an early date so that the rightful beneficiaries may receive these funds.

By Mr. McGOVERN:

S. 1463. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife. Referred to the Committee on Agriculture and Forestry.

Mr. McGOVERN. Mr. President, I introduce today a bill which would provide incentives for farmers to allocate a portion of their acreage for the preservation of wildlife. The program would compensate participating farmers for planting or diverting 5-acre plots in a cover crop beneficial to wildlife.

Tall, dense vegetation is of utmost importance to ground-nesting birds. This cover should be available during the very early portion of the nesting season and therefore would have to come in the form of residual vegetation and, therefore, improves the value of such cover for nesting; consequently, legumes and cool-season grasses are very important for nesting cover, especially in areas void of residual vegetation. A variety of plant growth including many annual weeds commonly found on retired cultivated land would not only help provide nesting cover but year-round cover as well. It is assumed that only cultivated cropland would be retired in this program.

Under the provisions of my bill, a standard fee of $250 per year for a 5-year contract would be offered. The acreage necessary to qualify for the standard payment of $250 per year would be tied to the productivity of the land. Five years should be the term of the contract and farmers would be allowed only one contract in any one year. Over the life of the program, the farmer would be eligible for additional contracts on new land each year.

Mr. President, I urge my colleagues who care about the preservation of our rapidly dwindling wildlife to give serious attention to this legislation.

By Mr. INOUYE (for himself and Mr. FONG):

S. 1466. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii. Referred to the Committee on Armed Services.

Mr. INOUYE. Mr. President, I wish to introduce today on my own and Senator FONG's behalf, a bill to authorize the grant of the necessary easement for the widening and improvement of Kalia Road by the city and county of Honolulu through the Fort DeRussy area. While this project is not a military necessity and, therefore, requires legislative authorization, it does have the support of the military. Such widening will do much to relieve the presently congested traffic in the area as well as improving the appearance of Kalia Road.

A similar measure was introduced last year, but no action was taken on it. The city and county of Honolulu has again indicated that it is keenly interested in this project.

I hope the necessary authorization will be expeditiously granted.

By Mr. PROXMIRE:

S. 1469. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes. Referred to the Committee on Armed Services.

FAIR INDUSTRIAL COMPETITION ACT

Mr. PROXMIRE. Mr. President, in 1970 Government contractors held almost $14 billion in Federal property including special tooling and test equipment, materials, industrial real property, industry plant equipment and other plant equipment. This incredible stockpile has gradually inched upward from about $9.6 billion in 1964, even though the Government has sold a number of its large facilities and the equipment in them to private contractors over this period.

Just about every group or committee in or out of the Government that has examined the program, even the Defense Department itself—the Department owning the lion's share of the property—agrees that it should be curtailed. This judgment applies with particular force to $2.2 billion worth of industrial plant equipment—IPE. This equipment can readily be duplicated by purchases in the private sector. It has been used in far too many instances by Government contractors to perform commercial work completely unrelated to the Government contract. Although a rental is paid when this equipment is used on commercial work, not only does this use represent a misallocation of equipment purchased with tax dollars but it also enables Government contractors to compete unfairly with private concerns not in possession of Government-owned equipment.

In early 1968, the General Accounting Office issued a report on an investigation initiated at my request into the misuse of this Government owned IPE in the hands of private contractors. The report was shocking, to say the least. It found in a random check of 23 contractors that all but one were using Government equipment for commercial work in violation of the laws and regulations covering such use.

Consequently, I introduced legislation in both the 89th and 90th Congresses to halt this appalling misuse of IPE by making it more difficult for private firms to get the equipment initially, imposing stricter controls on its use and making it easier for the Government to dispose of the equipment. Unfortunately, the Senate Armed Services Committee was unable to act on this legislation despite unanimous Government support for the bill as well as a generally favorable reaction by private industry.

Today, I am again introducing legislation to get the Government out of the

IPE business. I would characterize it as a tougher bill than the proposal I authored in the 91st Congress, but I feel that we must get tough in view of continuing abuses by industry as a result of this tax supported lease program.

The bill I am introducing today would go far toward doing away with the $2.2 billion Federal stockpile IPE in private hands by—

Prohibiting outright the future placing of IPE with contractors unless there is a showing that the equipment cannot be acquired practicably in any other way;

Requiring a periodic review of a contractor's circumstances so that the equipment can be removed as soon as the initial reason for using it ceases to exist;

Permitting IPE to be sold by negotiated sale if it is so specialized that a general competitive sale could not be expected to yield a fair market price;

Eliminating current burdensome procedures requiring equipment to be declared surplus and offered to other Government agencies before it can be offered in a competitive public sale;

Insuring that public sale is truly competitive by equalizing any advantage the firm holding the equipment at the time of sale might have through a transportation and installation differential; and

Prohibiting the commercial use of IPE.

Although the prohibition-of-commercial-use clause undoubtedly will give rise to a great deal of controversy, it is an essential part of the bill. This provision is aimed at what has been the most shocking abuse revealed in the equipment leasing program: the extensive use by private companies of Government equipment to compete unfairly with other private firms, typically smaller ones, in work having no relation to the Government's needs although these needs were the reason for leasing the equipment in the first place. There have been countless examples of these abuses in the past several years.

One situation involved a large west coast contractor well able to pay for its own equipment that had obtained an expensive but entirely standard machine tool from the Government and was using it well over 90 percent of the time on commercial work—with DOD approval and at a rental that was only a small fraction of its true value. This tool was identical to tools available for use in hundreds of small firms in this country—small firms that had undertaken the risk and expense of purchasing the tools themselves.

Just recently, I learned that Lockheed is doing a substantial amount of purely commercial work on the L–1011 Airbus in the Air Force plant in Marietta, Ga., with Government-owned equipment leased to Lockheed. The Air Force plant in Marietta is also where the C–5A is being produced. The L–1011, a commercial aircraft, is being manufactured in California.

The rental rates that Lockheed and other lessees have paid are apparently based upon a formula developed by the Office of Emergency Preparedness, which uses a declining percentage of the equipment's acquisition value as it get older. Industry sources tell us the formula bears no relationship to the real value of the equipment. First of all, it applies only on a per-month-when-used basis, which distinguishes it sharply from the risk situation facing a firm that buys the same equipment or rents it from commercial sources. Second, many types of production equipment lose very little value over the time period in which OEP's rental rate would go from 3 to three-fourths percent per month. People in the machine tool business tell me that it is not uncommon in time of high demand for capital equipment for used tools to bring prices at auctions comparable to, or even higher than, new tools of the same type.

Mr. President, what sort of firms benefit most from the current Government IPE program? Are they small struggling firms whose capitalization does not permit them to purchase industrial equipment? Far from it. They are, by and large, some of the biggest corporations in the world. General Electric, General Motors, and AVCO each have over $100 million in IPE. Du Pont holds $47.4 million worth; Lockheed, $75.5 million; Martin Marietta, $68.7 million; North American Rockwell, $71.2 million. These are the giants of American industry. They can compete well enough without this added taxpayer-subsidized advantage.

The answer to this unfair situation is not to develop new rental formulas and thus perpetrate the basic practice that is at fault. No persuasive argument has been made for any level of commercial use. Hopefully, by placing an absolute prohibition on commercial use, my bill will lessen contractor interest in Government-owned equipment, thus hastening a phaseout of this burdensome program.

Mr. President, I ask unanimous consent that the text of the Fair Industrial Competition Act, as well as a table showing the 23 largest company holdings of Government-owned property, prepared by the General Accounting Office, be placed in the RECORD at this point:

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

S. 1469

A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 137, title 10, United States Code, is amended by—

(1) inserting at the end of the chapter analysis thereof, the following new item:

"2315. Government production equipment."; and

(2) adding at the end of that chapter the following new section:

"§ 2315. Government production equipment

"(a) As used in this section—

"(1) 'production equipment' means any tool, machine, or similar item, used or designed for use in the manufacture, production, or furnishing of property or supplies, but does not include special purpose production equipment, special purpose production equipment systems, special tooling equipment, or special test equipment;

"(2) 'special-purpose production equipment' means production equipment—

"(A) which is sufficiently unique in design to be of value normally only to the contractor in possession and for the use in making a particular end-item, and

"(B) which would not be expected to be readily available elsewhere in private industry for future mobilization requirements;

"(3) 'special-purpose production equipment system' means a group or series of pieces of production equipment which includes one or more pieces of special-purpose production equipment and one or more pieces of other supporting equipment which is essential to the operation of the special-purpose components and which could not be removed from the contractor's facilities without unreasonably disrupting the contractors' ability to use the special-purpose components for mobilization purposes;

"(4) 'special tooling equipment' means all jigs, dies, fixtures, molds, patterns, taps, gages, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services;

"(5) 'special test equipment' means electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services; and

"(6) 'nonprofit organization' means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(b) It is the policy of the Congress that maximum reliance will be placed on the use of privately owned production equipment in connection with the performance of purchases and contracts made under this chapter. No agency shall acquire production equipment for the purpose of furnishing it to a contractor by lease or contract, and no agency shall permit such production equipment to remain in the possession of any contractor, for use other than by a nonprofit organization, unless the furnishing thereof is necessary—

"(1) to meet mobilization requirements under a duly authorized mobilization plan;

"(2) to permit the obtaining of supplies or services by that agency from a contractor which has been determined by the Administrator of the Small Business Administration to be a small business organization which is unable to procure such production equipment through the use of its own resources, and no alternate means of obtaining the needed supplies or services is practical; or

"(3) to meet an urgent need for supplies or services which the head of that agency has determined cannot be met by any other practical means.

Determinations under clause (3) of the preceding sentence shall be made in writing. The power to make such determinations shall be delegable only in accordance with regulations promulgated under subsection (c).

"(c) The Secretary of Defense for the Department of Defense, the Administrator of the National Aeronautics and Space Administration for that agency, and the Secretary of Transportation for the Coast Guard shall promulgate uniform regulations for the effective control of all production equipment

which is the property of each such department or agency and which is or hereafter may be furnished by such department or agency by any means to a contractor. Such regulations shall include—

"(1) a mandatory system for the periodic review (at least every six months) of the circumstances under which any production equipment was originally furnished in order to determine whether the requirements of subsection (b) of this section are satisfied, and appropriate provisions for the prompt return of such production equipment to the custody of such department or agency when such requirements are found not to be satisfied, except that rights of contractors under contracts entered before the effective date of this section shall not be abrogated by this section;

"(2) a requirement for the maintenance by such contractor of inventory records concerning all production equipment so furnished to it, and records and reports with respect to the nature and the extent of the use of such equipment, such records to be maintained and reports made as prescribed by the regulations; and

"(3) such other requirements as may be determined to be necessary for the effective maintenance and control over all such production equipment so furnished by any such department or agency during the time in which such production equipment is in the custody of any such contractor.

Equipment which is returned to any such department or agency under clause (1) of the preceding sentence, if no longer required to meet the mobilization needs of the United States, shall be promptly disposed of under other law.

"(d) The furnishing of production equipment to any contractor under this section shall be solely for use on contracts, or subcontracts under contracts, with an agency or department of the Government. Any other use of production equipment shall be cause for the immediate removal of such equipment from a contractor's possession.

"(e)(1) Under such regulations as may be prescribed by the Administrator of General Services, the head of an agency may sell to a contractor items of special-purpose production equipment, special-purpose production systems, special tooling equipment, or special test equipment which are owned by the United States and under the control of that agency and which are located at the facility of the contractor.

"(2) Sales under this subsection shall be made at not less than a fair and reasonable price, and in the case of equipment used or planned for use in the development or production of supplies for, or the furnishing of services to, the United States, upon such terms as to assure that for a reasonable period after the sale the property or its replacement will be available, on a priority basis, for the performance of contracts of the United States or subcontracts thereunder.

"(3) Under such regulations as the Administrator of General Services shall prescribe, the proceeds of a sale made under this subsection may be used to pay the cost or expense incurred in connection with that sale. Any remaining balance of the proceeds of such a sale shall be covered into the Treasury as miscellaneous receipts.

"(4) An explanatory statement of the circumstances of each sale made under this subsection of property having an original acquisition value in excess of $25,000 shall be prepared and a copy thereof shall be preserved in the files of the agency making the sale for not less than 5 years.

"(f)(1) Under such regulations as may be prescribed by the Administrator of General Services, the head of an agency by competitive public sale may dispose of items of production equipment which are owned by the United States and are under the control of that agency and which are located at the facility of the contractor.

"(2) Any sale of production equipment under this subsection may be made without prior offering of such production equipment to other departments or agencies. Any such sale of production equipment may be conducted at the site of the contractor in possession, except that to the extent necessary to assure a fair and competitive sale in which the contractor in possession has no advantage, such production equipment (A) shall be removed to other locations for sale, or (B) where removal would be unreasonably expensive, the contractor in possession, if the successful bidder, shall be required to pay to the agency concerned an additional amount which is substantially equal to the average cost which would have been incurred by other bidders for the removal of such production equipment to, and the installation of such production equipment at, sites within the same general geographical area within which the facility of the contractor in possession is located. No such removal or additional payment shall be required if the Government would incur a substantial loss thereby.

"(g) The head of each agency shall transmit to the Congress in January of each year a report of each determination made under clause (3) of the second sentence of subsection (b) involving property having an acquisition cost of $10,000 or more and of each sale of property made for more than $1,000 under subsection (e) during the preceding year.".

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

25 LARGEST COMPANY HOLDINGS OF GOVERNMENT-OWNED REAL PROPERTY, PLANT EQUIPMENT, AND MATERIAL AS OF JUNE 30, 1970

[In millions]

Name	DOD procurement ranking[1]	Total	Plant equipment			Material
			Real	OPE	IPE	
International Telephone and Telegraph Corp	(31)	$1,277.7	$491.5	$695.5	$57.1	$33.6
General Dynamics Corp	(2)	836.6	102.5	42.7	76.0	615.4
General Electric Co	(3)	532.2	82.2	162.3	136.9	150.8
Olin Corp	(28)	452.9	268.7	58.2	14.9	111.1
Lockheed Aircraft Corp	(1)	340.3	108.3	32.0	75.5	124.5
North American Rockwell Corp	(7)	337.4	105.3	47.8	71.2	113.1
Hercules Inc	(45)	324.4	251.0	25.3	7.7	40.4
Martin Marietta Corp	(26)	274.8	64.7	21.2	68.7	120.2
Boeing Co	(12)	269.2	95.3	31.3	38.5	104.1
Day and Zimmerman Inc	(55)	265.7	79.6	18.0	17.7	151.4
Mason & Hanger, Silas Mason Inc	(75)	266.6	81.9	14.9	9.9	159.9
McDonnell Douglas Corp	(5)	252.2	45.1	18.5	51.1	137.5
Ling-Temco-Vought, Inc	(11)	246.4	70.7	70.6	48.2	56.9
Chrysler Corp	(58)	222.6	36.5	12.1	46.6	127.4
RMK-BRJ Construction Co.[2]		217.7	23.1	154.2	1.0	39.4
General Motors Corp	(17)	215.5	28.6	33.1	104.7	49.1
E. I. DuPont de Nemours & Co	(37)	208.7	86.9	18.7	47.4	55.7
Global Associates		202.1	189.9	11.7	.5	
Uniroyal Inc	(48)	199.5	109.9	48.1	14.9	26.6
Tenneco Inc	(27)	193.5				193.5
Sperry Rand Corp	(15)	180.6	40.2	20.1	20.3	100.0
AVCO Corp	(20)	155.9	30.5	13.1	100.2	12.1
Thiokol Chemical Corp	(59)	148.2	58.7	29.7	17.9	41.9
Teledyne Inc	(29)	136.8	25.7	22.7	55.9	32.5
Holston Defense Corp		128.5	89.0	26.4	.7	12.4
Total		7,887.0	2,565.8	1,628.2	1,083.5	2,609.5

[1] Defense Department list of top 100 companies according to net value of military prime contract awards for fiscal year 1970.

[2] Raymond International, Delaware; Morrison-Knudsen, Asia Corp.; Brown and Root Inc.; and J. A. Jones Construction Co.

By Mr. THURMOND:

S. 1470. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; and

S. 1471. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay. Referred to the Committee on Armed Services.

STRENGTHENING OUR ARMED FORCES

Mr. THURMOND. Mr. President, today I am introducing two bills which will further strengthen our armed services.

The first bill provides bonuses to encourage participation in the Ready Reserve and National Guard. It offers cash inducements for reservists who reenlist for at least 3 years following their first 6 years of Reserve or Guard. It also provides a bonus for a member of the regular forces if he elects to enlist in the Reserves following his 2 years of active duty.

At present, upon reenlistment in the Regular Army, a bonus is given to those who have acquired specific skills while in the Armed Forces. This bonus serves

as a realistic incentive for servicemen to remain in the Armed Forces. There is no such bonus offered to reservists, and at present only 1 percent of the enlisted Reserves reenlist after their first tour of duty.

Mr. President, because the retention of high-quality enlisted personnel is of the utmost importance, I believe that unless more definite incentives are provided the Reserves and National Guard, the United States may reach a dangerously low level of personnel strength in these two vital elements of our national defense structure.

This bill would give those qualifying a $1,000 bonus upon reenlistment and $200 at the end of each of the 3 reenlistment years. The present cost of filling a vacancy with a new trainee, on the other hand, is between $2,400 and $4,000. Thus, a reenlistment bonus such as the one proposed would not only create an incentive for Reserve reenlistments, but also effect significant savings to the Government.

Mr. President, the second bill is designed to correct an inequity in both the Reserves and the Regular Army.

As the law now reads, a citizen may join the armed services, elect to take a survivor's annuity under the law, and perform the services required to qualify for retired pay under the law, but if he should die after retiring but before reaching age 60, the retirement pay would not be granted and the survivors would get nothing from the annuity.

A citizen may spend 20 years of his life in the service of his country and still not be assured of the welfare of his family at the time of his death. To date, the Government appears to be hesitant to vest the family of retired servicemen with this much-needed security. As the United States moves toward a peacetime armed service, the Nation must provide more inducements if military personnel strength is to be maintained at even minimum levels. Passage of these bills is important if we are to start making a career in the armed services equivalent to a career in the other sectors of our economy.

Mr. President, I introduce these bills for appropriate reference and ask unanimous consent that they be printed in the RECORD.

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

S. 1470

A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

(1) By adding the following new item at the end of the chapter analysis:

"310. Special pay: participation in Ready Reserve."

(2) By adding the following new section at the end thereof:

"§ 310. Special pay: participation in Ready Reserve

"(a) An enlisted member of a Reserve component who—

"(1) has completed a total of at least two years of active duty, or a total of at least six years of service, in one or more of the armed services;

"(2) is accepted for enlistment, reenlistment, or extension of enlistment in a Reserve component, in a pay grade above E–2, for a period of at least three years; and

"(3) agrees to remain in the Ready Reserve for a corresponding period and to perform such drills or other duty as may be prescribed;

is entitled to special pay computed under subsection (b).

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) $1,000 upon reenlistment or extension of his enlistment;

"(2) $200 upon completing each year, under that reenlistment or extension of enlistment of satisfactory participation in the program prescribed for his Reserve assignment, as determined by the Secretary concerned.

However, no member is entitled to incentive pay for any year of satisfactory performance that ends after he has completed twenty years of service computed under section 1332 of title 10.

"(c) The special pay authorized by this section is in addition to any other basic pay, special pay, incentive pay, or allowance to which the member concerned is entitled.

"(d) A member who voluntarily, or because of his misconduct, does not complete the first year of service under his reenlistment or extension of enlistment for which he was paid under subsection (b)(1) shall refund that percentage of the amount that the unexpired part of that year bears to the entire year for which the amount was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy."

S. 1471

A bill to amend Chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1437 of title 10, United States Code, is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows:

"(a) Except as provided in subsections (b) and (c) each annuity payable under this chapter accrues as of the first day of the month in which the person upon whose pay the annuity is based dies."

(2) By adding a new subsection (c) to read as follows:

"(c) For the purpose of this chapter, the retired pay of a person who—

"(1) elected an annuity under section 1434 of this title;

"(2) performed the service required to qualify for retired pay under this chapter; and

"(3) died after the effective date of the Act enacting this subsection, and before being granted that retired pay;

shall be computed, and each annuity under this chapter shall accrue, as of the first day of the month following the month in which he would have become sixty years of age if he had lived."

By Mr. PROUTY:

S. 1473. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. Referred to the Committee on Labor and Public Welfare.

Mr. PROUTY. Mr. President, I send to the desk for appropriate reference a bill to provide a benefit increase for those receiving railroad retirement benefits and ask unanimous consent that it be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. PROUTY. Mr. President, last month, after much delay on the part of Congress, we finally passed the 10-percent benefit increase for the 23 million Americans receiving social security benefits. At that time, I was convinced that we did not go far enough. We again avoided facing up to the fact that comprehensive social security legislation is needed now. I am hopeful that all of us in Congress will make every possible effort toward prompt consideration and passage of comprehensive social security legislation.

Such legislation should include a $100 a month minimum benefit, liberalization of the retirement test, a provision to insure that widows receive 100 percent of their deceased spouse's benefit, an updating of the retirement income tax credit, an automatic cost-of-living benefit increase provision, a broadening of coverage under the so-called Prouty amendment, and many other long-overdue reforms. Within the next few weeks I intend to introduce a comprehensive bill designed to bring our social security system and medicare system up to the point where they equitably meet the needs of older Americans.

Today, Mr. President, I am introducing a bill to provide increases in annuities under the Railroad Retirement Act identical to those recently enacted for persons receiving social security benefits. Specifically, Mr. President, there are 637,000 annuitants and dependents and over 308,000 survivors receiving monthly benefits under the Railroad Retirement Act.

Mr. President, the Railroad Retirement Act is older than the Social Security Act itself and vitally affects over 1 million Americans who depend upon its monthly benefits.

Mr. President, we do not deliberately ignore these 1 million Americans. Everyone in this body will agree with me that a similar 10 percent benefit increase should be extended to those individuals. However, time after time we in Congress delay increasing benefits under the railroad retirement system once a social security increase has been enacted.

This week, Mr. President, the Senate Commerce Committee opened hearings concerning the condition of our national railroad industry. During those hearings we all acknowledged that the railroad industry is often a forgotten industry until the crisis of a nationwide strike or bankruptcy is upon us. In all fairness we find that the railroad employee is often the forgotten employee compared to employees in other industries.

Mr. President, I should also like to point out that the bill I am introducing today contains a provision that no re-

cipient of veterans' benefits will lose any benefits as a result of this benefit increase. Too often we provide increases in various pension benefits without taking into consideration that the veteran benefit law has limitations on income from other sources. Over the years I have made an effort to provide a savings clause in every bill that has passed this body.

The bill I introduce today is retroactive to January 1, 1971. I, for one, shall do all in my power to see that it is passed by Congress before many weeks have passed.

EXHIBIT 1

S. 1473

A bill to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following paragraph:

"(4) The annuity computed under paragraphs (1), (2), and (3) of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 10 per centum."

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "such individual's annuity without regard to section 3(a)(3) of this Act or pension as in effect before 1970" and inserting in lieu thereof "such individual's annuity without regard to section 3(a)(3) or (4) of this Act or pension as in effect before 1971";

(2) by inserting "(before any reduction on account of age)" immediately after the first sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under other provisions of this section shall (before any reduction on account of age) be increased by 10 per centum. The preceding sentence and the next preceding paragraph shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding paragraph."

(b) Section 2(i) of such Act is amended by striking out "the last paragraph" and inserting in lieu thereof "the last two paragraphs".

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following subsection:

"(o) The annuity computed under the preceding provisions of this section shall be increased by 10 per centum."

SEC. 4. All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 10 per centum. All survivor annuities deriving from joint and survivors annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuities provided in section 3 of this Act are effective, be increased by 10 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 5. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 6. Notwithstanding any other provision of law, in determining the annual income of any person for any year for the purpose of determining eligibility for or the amount of dependency and indemnity compensation under section 415 of title 38, United States Code, or eligibility for or the amount of pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959, there shall not be included in such income the amount of any increase in the annuity or pension payable to such person under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 resulting from the enactment of this Act if, for the month (or any portion thereof) in which this Act was enacted, or for any month (or any portion of any month) after December 31, 1970, and prior to the month following the month in which this Act is enacted such person is entitled to (1) an annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, and (2) dependency and indemnity compensation under section 415 of title 38, United States Code, or pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959.

SEC. 7. The provisions of this Act shall be effective with respect to annuities accruing for months after December 1970 and with respect to pensions due in calendar months after January 1971.

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

S. 1474. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from the State of Colorado (Mr. ALLOTT), and myself, I send to the desk for appropriate reference a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

Mr. President, this legislation was drafted by the Department of the Interior as a result of a study made by the Secretary under Public Law 91–308 which authorized him to complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs. I ask unanimous consent that the letter from the Secretary of the Interior accompanying the study and draft proposal be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 12, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

GENTLEMEN: Public Law 91–308, enacted July 7, 1970, required the Secretary of the Interior to, ". . . complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs." I am pleased to transmit herewith the required report of the Department of the Interior.

The study leading to this report has been coordinated with the agencies involved with the collection of Federal outdoor recreation fees under the provisions of the Land and Water Conservation Fund Act, as amended. The recommended fee program is not that preferred by each agency. However, the recreation programs of the agencies vary in many respects. Thus, no one system can be optimum for all. If the proposed draft legislation is enacted, all agencies administering recreation areas where fees are collected will give their best effort to make the new program a success.

The Department of the Interior recommends that a new $4 annual permit valid only for one individual replace the existing $10 annual motor vehicle entrance permit. The new permit would apply to all forms of entry by the purchaser and would permit use of basic recreation facilities. In addition, there would be daily permits for persons who do not wish to purchase the annual permit. Supplemental fees would also be charged for use of certain higher quality recreation facilities and services. Special permits could also be available to cover types of recreation use not suited to the annual permit or its alternatives and supplements.

The Department recommends that initially fees be collected only at clearly designated areas where collection is found to be economically and administratively feasible. Coordination authority for this Government-wide program should be vested in the President of the United States. The Secretary of the Interior should be delegated authority from the President for guidelines as necessary to assure coordinated administration of the program.

It is believed that revenues will more than double the historical fee collection levels which have averaged about $10 million per year. Revenue collected should continue to be available for the important outdoor recreation programs funded by the Land and Water Conservation Fund.

Important new authorities are needed to make the recommended program a success. The original Land and Water Conservation Fund Act did not provide adequate authority to enforce the regulations, to undertake educational campaigns to inform the public about fee requirements, or to pay sales commissions needed to develop a large system of non-Federal permit sales outlets. These authorities are included in the draft legislation submitted as part of the report transmitted herewith.

Although the recommended program is believed to be administratively feasible, some period of time will be needed to resolve problems resulting from the fact that visitors must become accustomed to individual permits and stricter enforcement policies. Agency personnel will also have to be retrained to administer the new permit system. When fully implemented, the new system will provide additional revenue to the Fund, a desirable element of control over public use, and greater uniformity in fee program administration.

There may be occasions in the administration of the individual annual recreation permit system at heavily-visited National Parks such as Yosemite, Yellowstone, Grand Canyon, Mesa Verde, Glacier, Mount Rainier, and Shenandoah, that it would unduly delay the entrance of vehicles into the parks. These administrative difficulties would arise from trying to verify the ages of each vehicle's passengers; whether they have an individual permit, and if not, whether they wish to buy such a permit, or in lieu thereof, purchase a daily permit. When these delays necessitate traffic backing up unreasonably, as much as 75–100 cars, it is proposed that the collection be suspended at the entrance stations and only spot checks made by rangers at visitor centers, campgrounds and other visitor concentration points within the park.

It is the hope of the Department of the Interior that presentation of its report will result in prompt action to provide new authority for recreation fee collection in accordance with the recommendations contained herein. Early action is most important so that there will be adequate lead time for starting a new program beginning January 1, 1972. Permits, regulations, lists of areas, and other supporting materials all must be prepared, printed, and distributed.

Agencies also need time to plan budget and administrative staff arrangements.

The proposed legislation within this report has been reviewed by the Office of Management and Budget and it advises that enactment would be consistent with the Administration's objectives.

I would be pleased to discuss the report with you at your convenience.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. STENNIS:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE GUNBOAT "CAIRO"

Mr. STENNIS. Mr. President, for myself and my colleague from Mississippi (Mr. EASTLAND), I introduce a bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*.

The delegation from Mississippi introduced an identical bill in the House of Representatives on March 23.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Miss., during the seige of Vicksburg in 1863. It sank quickly—with its cargo, weapons, equipment, and fittings almost intact. It was covered deeply by silt, and for over a hundred years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with county and State funds. It is now at a shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of the Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to to the *Cairo* would be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment, as well as covering operating costs.

In 1966, the Mississippi Legislature passed an act providing for an agreement with the National Park Service for the project. Since that time, the legislature has provided funds to cover the cost of preserving the *Cairo* prior to restoration, and the amounts have been substantial.

It had been hoped that the project could be funded under existing broad authorizations, but it is considered prudent to seek specific authorization at this time. No additional lands will be required at the Vicksburg National Military Park for the purpose.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

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

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

S. 1475

A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration, and reconstruction of the gunboat "Cairo," formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. FANNIN (for himself, Mr. ERVIN, Mr. HANSEN, Mr. TALMADGE, and Mr. THURMOND):

S. 1476. A bill to revise section 801 of the Revenue Act of 1916 to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, the accelerated international reconstruction and development of our foreign trading partners has made it mandatory to examine the administration and effectiveness of our protections against international price discrimination.

Today I am introducing legislation that will amend the Antidumping Act of 1916. This neglected statute was copied in part from the Sherman Act and apparently was intended to be a part of the antitrust laws condemning, as it does, price discrimination injurious to competition and providing a criminal sanction as well as civil redress.

My bill would declare that the Antidumping Act of 1916 is one of the antitrust laws as defined in section I of the Clayton Act. Such an amendment would provide both the Government and injured persons with the remedy of injunctive relief, prescribe a statute of limitations to be tolled for injured persons during Government proceedings, and further encourage private enforcement by making available Government judgments and decrees as prima facie evidence in private suits. The criminal sanction copied from the original section I of the Sherman Act is amended to comport with the 1955 amendment of section I of the Sherman Act, which increased the maximum fine to $50,000.

Gathering the necessary evidence in an administrative dumping procedure under the 1921 act appears to be the biggest bottleneck in enforcing that law. In a suit brought under the Antidumping Act of 1916, the Federal Rules of Civil Procedure could greatly facilitate the gathering of evidence. Failure to comply with discovery requests would result in the withholding of imports alleged to be dumped until there is compliance with the court's request.

Mr. President, I would like to discuss some of the problems that make this legislation necessary.

The American economy traditionally has been dedicated to free competition. As the economy has grown, this ideal frequently has been threatened by excesses by those who would abuse this freedom. Congress and courts have found it necessary to limit economic free action, lest freedom strangle the competition it was meant to foster. Thus, our antitrust laws were designed to be an economic guide aimed at preserving competition as a rule of trade. It rests on the premise that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic and social institutions.

Among unfair trade practices which have caused serious inroads in the area of free competition is that of price discrimination. The sale of goods to one customer at a price other than that charged a second. A 1914 House report summarized the predatory aspects of discrimination as follows:

> It has been a most common practice of great and powerful combinations engaged in commerce . . . to lower prices of their commodities . . . in certain communities and sections where they had competition with the intent to destroy and make unprofitable the business of their competitors . . . such a system is manifestly unfair and unjust, not only to competitors who are directly injured thereby, but also to the general public . . .

The problem of predatory price discrimination is, of course, not a purely domestic one. Not only have American producers engaged in such practices, but foreign manufacturers have similarly sought to capture markets in the United States and elsewhere by artificially and temporarily reducing prices in the hopes of driving competitors out of business.

Price discrimination between national markets is usually referred to as "dumping." Thus dumping generally involves sales for export at prices lower than those charged at the same time and under like circumstances to buyers in the domestic market.

Mr. President, during the hearings on

the Trade Act of 1970, the opponents of fair regulatory trade legislation contended that any trade restriction will result in higher prices to the U.S. consumer; however, the opposite results from the planned sale of goods abroad at prices below those charged to domestic buyers. The dumping producer may resort to such practices for any one of a number of reasons. He may seek to acquire a foothold in a foreign market or prevent its loss to competitors, to destroy a competitor or to prevent the establishment of a rival concern. The temporary cheapness of the dumped goods is a small gain for consumers, compared with the extended deleterious effects such dumping may have on domestic producers and on the working force. And once the competition has been driven out, the dumping producer may—and probably will—raise prices to the highest level the traffic will bear to the eventual detriment of consumers as well. This predatory dumping is used as a weapon of commercial warfare, endangering the industry and labor of the importing country.

There have been enacted in the United States a number of measures which provide remedies against dumping. Congress in 1890 passed the Sherman Antitrust Act. This act prohibits, under severe penalties, every contract or combinations in restraint of interstate or foreign commerce, and every monopolizations or attempts to monopolize such commerce. The courts have in a number of instances held the use of unfair methods of competition to be evidence of an intent to establish monopoly or restrain commerce, and as such a violation of the act. It is illegal to sell or offer for sale a commodity in one part of the United States at prices which are lower, after allowance for differences in cost of transportation, grade, quality, or quantity sold, than the prices charged in other parts of the United States, with the intent of thereby establishing a monopoly or destroying or injuring the trade or business of another or preventing another from engaging in the same business. Local price cutting is the parallel in domestic commerce of predatory dumping in foreign commerce.

If the Sherman Act were applicable, it would serve as a remedy against predatory dumping by foreigners in the American market with the intent of injuring American competitors or establishing a monopoly in the American market. However, a Supreme Court decision limited the effectiveness of the Sherman Act in curbing the practice of dumping in this country.

In 1916 the disclosure of unfair methods of competition, and above all the practice of predatory dumping which was widely prevalent in the export trade of foreign countries, led to a widespread demand in the United States for a more effective law.

As a result, the revenue bill of 1916 contained provisions adopted from the Sherman Act. This made it unlawful for any importer commonly and systematically to sell imported articles in the United States at a price substantially less than the actual market value of such articles at the time of exportation to the United States in the principal markets of the country of production or of other foreign countries to which they were commonly exported after adding to such foreign market value the various costs incidental to importation. This applied if such act or acts were done with intent to injure or destroy or prevent the establishment of an industry in the United States, or of restraining competition in such articles in the United States. Violators of these provisions were made subject to fines not exceeding $5,000 or imprisonment not exceeding 1 year, or both. In addition, any person injured by such violation was given the right to sue for and recover threefold the damages sustained. Like the Sherman Act, this provision was erroneously thought to be ineffective, generally, for the lack of means to obtain proof of systematic dumping. Congress then enacted the Antidumping Act of 1921 which provided an administrative dumping remedy. The act confers sufficient authority to the Bureau of Customs to enforce the rules for fair trade practices in the import trade; nevertheless, the administration of the Antidumping Act has been substantially ineffective in checking unfair practices in the pricing of foreign merchandise for export to the United States.

The criminal and civil sanctions of the Antidumping Act of 1916 have rarely been invoked. The bill I am introducing today would transform this statute into a broad and effective deterrent to acts intended to lessen competition in international trade.

The first amendment I have to the Antidumping Act of 1916 is taken from the Clayton Act and provides one of the most important categories of antitrust remedies which stems from the equity powers in civil proceedings. Section 15 of the Clayton Act charges the U.S. district attorneys, under supervision of the Attorney General, with the duty of instituting equity proceedings to prevent and restrain violation of certain antitrust laws. Thus, it is the Attorney General and the U.S. district attorneys who are primarily charged by Congress with the duty of protecting the public interest under these laws. The prime object of civil decrees secured by the Government is the continuing protection of the public by means of contempt proceedings, against a recurrence of antitrust violations.

Mr. President, the next amendment would declare that the Antidumping Act of 1916 is one of the "Antitrust Laws."

Now let us look at one of the benefits of declaring the Antidumping Act of 1916 to be within the framework of the antitrust laws. Antitrust violations are often difficult to prove. This is particularly so for the private litigant, often a small busnessman who is already a financial victim of an economically stronger antitrust violator and unable to bear the burden of litigating the issue of violation. Recognizing the economic burden, as well as the public interest in encouraging private enforcement, Congress enacted section 5 of the Clayton Act to aid private litigants in carrying the burden of proof. Section 5 provides that a final judgment or decree, resulting from any civil or criminal antitrust action instituted by the United States, which affirms that the defendant has violated the antitrust laws, can be used in other actions as proof of those facts necessarily proved in the Government's action. This relieves the private litigant of the task of proving the existence of an antitrust violation; all that he need prove is that the violation caused injury to his business or property.

Private parties have long played a major role in the legislative scheme for the enforcement of the Federal antitrust laws through the statutory authority to bring suits for damages or injunctive relief. Congress, in fact, has earnestly endeavored to instigate such litigation and heighten its impact by awarding victorious plaintiffs judgment in treble the amount of their damages plus additional amounts to cover costs and attorney's fees. The hope, of course, has been that private action, so encouraged and bolstered, would come to represent a potent instrument for achieving compliance with substantive legislation.

Private enforcement seems to represent an instrument which offers considerably more in the way of benefits than of deficiencies. Perhaps most important, by permitting private parties to bring suit, the law's deterrent capacity can be significantly increased. Certainly from the standpoint of surveillance the technique is valuable; in effect it enrolls an additional number of policemen who may be expected to protect their interests assiduously and to demand relief when they have been injured.

In 1955 Congress enacted a 4-year statute of limitations applicable to private antitrust actions. It provides that no antitrust cause of action may be the basis of a suit more than 4 years after it has accrued. The general rule is that a cause of action accrues when injury to the plaintiff occurs. A significant exception to the rules governing the statute of limitations is contained in section 5 of the Clayton Act. It provides that the running of the statute or any private right or action arising under the antitrust laws shall be suspended during the pendency of any civil or criminal governmental action designed to prevent, restrain, or punish violations of the antitrust laws. The suspension of the statute of limitations is not absolute. Rather, the suspension lasts only during the pendency of the Government action and for 1 year thereafter, and any private action must be commenced either within 4 years after the cause of action accrued or during the period of suspension. Thus, by improving the means of enforcing the private remedy in the Antidumping Act of 1916, injured parties will have an effective supplementary enforcement device.

Mr. President, the gathering of evidence in a dumping case under the 1921 act appears to be of the greatest handicaps in checking unfair practices in the pricing of foreign merchandise for export to the United States. The principal problem is a customs policy which allows the foreign manufacturers of imported merchandise subject to investigation under the Antidumping Act to label all information submitted to the Bureau of

Customs in an antidumping proceeding as confidential. This obstacle would be overcome by use of the discovery rules in action under the antitrust acts.

The pretrial discovery mechanism is one of the most significant innovations of the Federal rules of civil procedure. The rules invest the deposition—discovery process with a vital role in preparation for trial. The rules provide for the use of interrogatories which may relate to any manner which appears reasonably calculated to lead to the discovery of admissible evidence.

Further, economic facts relative to the use of competitors may be inquired about in interrogatories. In addition, any party may take the deposition of any person after commencement of action, and a court of equity has the inherent power by the issuance of a subpena duces tecum to compel the production of books and papers necessary to a determination of a matter pending before it. The fact that corporations' records and documents are physically located beyond the confines of the United State does not excuse it from producing them in response to a subpena duces tecum if the corporation has possession of them and if the court has jurisdiction of the corporation.

The Antidumping Act of 1916 is applicable to importing subsidiaries of the foreign parent and, in addition, there can be no doubt of the right of American courts to enforce American law against foreign companies through their subsidiaries carrying on business in the United States.

To enforce the subpena power of American courts which have established jurisdiction over foreign corporations, this bill would provide that the court has the power to enjoin the further importation into the United States until such time as the foreign defendant complies with the discovery order.

Mr. President, this bill would further amend the Antidumping Act of 1916 by adopting a well established Clayton Act standard "in any line of commerce in any section of the country," to further define the term industry with respect to a geographic dimension and to assist in determining what constitutes a product within the appropriate industry.

The phrase "in any line of commerce" or the product market have been defined broadly to assist the courts in establishing the product market. These principles were enunicated by the Supreme Court in the leading case of Brown Shoe:

> The outer boundaries of a product market are determined by the reasonable interchangeability of use or the gross-elasticity of demand between the product itself and substitutes for it. However, within this broad market, well defined submarkets may exist which, in themselves, constitute product markets for antitrust purposes. * * *
>
> The boundaries of such a submarket may be determined by examining such practical indicia as industry or public recognition of the submarket as a separate economic entity, the product's peculiar characteristics and uses, unique production facilities, distinct customers, distinct prices, sensitivity to price changes and specialized vendors.

The phrase, "in any section of the country" would preserve competition within whatever geographic area the goods compete. The courts would examine the impact of dumped sales on the geographical segments of the domestic industry involved. Thus, when dumped imports are not sold nationally, the domestic manufacturer supplying the market area in which such imports are sold would constitute a separate industry.

The Supreme Court in United States against Pabst Brewery Co. stated that identification of a particular geographic area need not be as exact as had previously been thought, and that it may be enough to merely demonstrate that competition may be substantially lessened somewhere in the United States without necessarily having to delineate the section by "metes and bounds as a surveyor would lay off a plot of ground."

Mr. President, some observers have stated that this act is ineffective due to the difficulty of establishing intent and thus proving a criminal violation. The statute does impose the burden of proving intent to injure but the courts should have little difficulty finding requisite intent where the natural and probable consquences of the proscribed act is injury. As the Supreme Court has repeatedly said:

> And as respects statements of various appelles that they did not intend to join a combination or to fix prices, we need only say they they "must be held to have intended the necessary and direct consequences of their acts and cannot be heard to say the contrary." * * *

In *United States* v. *Patten,* 226 U.S. 525, 543, a criminal prosecution under the Sherman Act, the Supreme Court said:

> By purposely engaging in (conduct) which necessarily and directly produces the result which the statute is designed to prevent, they are, in legal contemplation, chargeable with intending that result. * * *

The basic principles referred to above anyone expressing reluctance to invoke should provide an adequate answer to the statute because of intent requirement. Nevertheless, this amendment modified the Revenue Act of 1916 by stating that—

> No person importing or assisting in importing any articles from any foreign country into the United States shall knowingly and purposely import, * * * at a price substantially less than the actual market value * * *.

Mr. President, in the 91st Congress I introduced a bill to improve and speed administrative processes to combat the dumping of foreign-made products on the American market. We still need this legislation, and I will reintroduce that bill in this Congress.

Everyone vitally interested in foreign trade is aware that the Tariff Commission has found that Japanese television manufacturers have been guilty of dumping their sets in the United States. Now we are awaiting a decision on how much extra duty the Japanese manufacturers must pay because of violation of the law.

While I applaud this progress in enforcement of vital fair trade principles, the case also points up the weakness in our law and procedures.

First of all, it took more than three years to get even a preliminary finding on the issue. The Electronic Industries Association filed its complaint in 1967, but it was last September before the Treasury ordered Customs officials to withhold appraisement.

This calls attention to a second flaw in the administrative remedy. The extra duty that will be assessed the Japanese television manufacturers will apply only to sets imported since last August 29.

So we had this situation: Japanese television sets were being dumped in the United States for some period of time before American manufacturers brought their complaint. Then, it took more than 2 years to get a ruling. During all this time, the Japanese were free to continue their unfair and illegal practices without fear of penalties. The penalty period did not start until the Japanese were warned that they might indeed be found guilty of dumping. And then no real penalty is involved. The Japanese manufacturers simply are assessed a duty equal to the difference between the price they are selling the sets for and the minimum price they should have been selling the sets for.

The bill I am proposing today would cast an entirely different light on a case like this.

American manufacturers who felt they were suffering loss of business because of dumping by the Japanese could have gone into court on their own in 1968 or even earlier. They could have sought to have the practice halted quickly and they could have asked treble damages for the loss of business caused by the dumping.

My bill would provide a much more effective and forceful remedy for businessmen who are the victims of dumping.

American manufacturers would not have to wait on the Government. They could go directly into court themselves. They would have a new weapon with which to fight back.

Because of the frustrations they have faced, too many American manufacturers have decided they would "rather join than fight" overseas competitors. They are fleeing abroad rather than standing their own ground. My bill should help stem this exodus—or at least remove some of the justification that American businessmen have for moving their jobs and plants overseas.

Mr. President, a few minutes ago I mentioned the dumping of Japanese television sets. This is only one facet of the problem faced by the American electronics industry, just as the situation in electronics is only a small part of the overall troubles plaguing American industry as a result of unfair foreign trade practices. I would, however, like to cite the electronics industry as an example of what is happening to American manufacturing.

We now have only about 15 manufacturers of television receivers in the United States, compared with a total of about 50 some 15 years ago. Imports of television sets increased from less than 10 percent of American sales in 1966 to more than 21 percent in 1969.

Television manufacturers are very justifiably concerned that the same thing will happen to them that happened to

American radio manufacturers. Imports of radios did not become significant until 1956, yet by 1964 imports accounted for more than 58 percent of the home radios sold in the United States. Now only about 8 percent of the radios sold in America are made in the United States.

A similar situation is occurring in the sale of phonographs. Significant imports began in 1967, reached one-third of the American market within 2 years, and now are running around 40 percent of U.S. phonograph sales.

And in the field of magnetic tape recorders for home use, less than 10 percent are now made in the United States.

This startling progress by the Japanese has not come about simply because of any superior technology or the providing of better products. It has come about because the Japanese Government sanctions, encourages and finances trade practices which are prohibited in the United States and which are contrary to international trade agreements.

Japanese television sets and other products have been sold in the United States at less than fair value because the Japanese Government provides export subsidies and incentives. The Japanese Government also provides import and investment restrictions to protect their home market for Japanese manufacturers.

In other words, the Japanese people themselves have had to pay more for television sets than Americans have had to pay. The Japanese Government effectively prevents American-made television sets from entering the country.

Shortsighted Americans frequently ask:

What's wrong with this? Why shouldn't Americans benefit from the purchase of low priced Japanese television sets.

The answer, of course, is that the Japanese dumping practice is illegal, will cost Americans thousands of jobs, and will be deleterious to the United States in the long run.

The cutrate pricing is intended only to establish the newer Japanese manufacturers in the market and to kill off American competition. When imports monopolize the market, then the importers set the prices as high as the traffic will bear. Should American industry try to reestablish itself, the importers can drop their prices just long enough to starve out any new threat.

We frequently hear the argument that world trade should be absolutely free and unfettered, that each nation should produce what it produces most efficiently and should purchase from other nations the products which can be manufactured most efficiently in the other nations.

Like all pat theories, this one has to be qualified with a lot of "if, ands, and buts."

Under this theory, all labor intensive items would be imported to the United States. The $1.60 per hour minimum wage is 10 times the going wage in many nations of the world.

Theorists also ignore the fate of jobless Americans.

Even if we should buy this theory, it presupposes that there will not only be free but fair trade internationally.

Through dumping a nation can artificially establish itself as the one which can provide a product the cheapest in another nation. When the nation which practices dumping has the market clearly sewed up, then it can raise prices to a profitable level and moves on to steal the market in another nation.

Dumping this way involves the playing of one market against another. Japanese taxpayers and consumers in effect subsidize the exporting of television sets to the United States; once the American market is captured, the Japanese can raise prices here so that Americans subsidize lower prices in other target markets.

This can go on in industry after industry; and if the Japanese can play the game, so can other sophisticated trading nations.

Eventually, of course, there is an awakening. Consumers who thought that they were beneficiaries of some great gift, find that they are victims of a vicious system. This manipulation of the American economy by powerful foreign sources is causing severe repercussions already, and it will get worse unless action is taken quickly.

If America cannot compete in a highly technical field like the manufacturing of television and other electronics equipment, just what can we compete in? Just what industries are there left for the vast number of Americans?

There are several courses of action that can be taken by the United States.

One approach would be a reevaluation of our international trading agreements.

Another course is the one I am suggesting today. It is a reaffirmation of the principles of free but fair trade. It would give American industry the means to fight back against unfair and illegal trade methods being used by foreign manufacturers.

This bill provides an effective remedy for injured industries. More important, it creates a powerful deterrent to violation of fair trade principles.

Mr. President, I am confident that American industry can compete in its own market and in the world market if the game is fairly played.

I send to the desk for appropriate reference a bill that would give antitrust status to the Antidumping Act of 1916.

By Mr. MONDALE:

S. 1477. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, the Departments of Agriculture and Interior released on March 29, 1970, and criteria for the selection and recreational rivers to be added to the national wild and scenic rivers system.

The guidelines adopted by the Secretaries of the two Departments supplement policies set forth in the National Wild and Scenic Rivers Act of 1968, Public Law 90-542, to preserve and protect outstanding freeflowing rivers and immediate adjacent lands. The wild rivers guidelines read:

To provide river-related outdoor recreation opportunities in a closely-adjacent primitive setting. Land access generally is restricted to trails or infrequent roads, and public use and other resource management facilities must harmonize with their surroundings.

As I reviewed these guidelines, I became impressed that the Kettle River, one of Minnesota's fine untouched and beautiful rivers, meets the criteria for the wild rivers classification.

I am, therefore, reintroducing legislation to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Community involvement will be sought in considering this legislation. Interested citizens and the surrounding towns should be consulted on the nature of any program affecting the Kettle River.

Congressman BLATNIK introduced a companion bill in the House last May when I first introduced this measure, and he is reintroducing his bill today.

The Kettle River is located in east-central Minnesota. In a State which is becoming increasingly urbanized, the Kettle Basin is roughly 60 to 75 miles from the Twin Cities and about 50 miles from Duluth. It lies between two major metropolitan areas which generate increasing demand for access to water and outdoor recreation—trails, canoeing, and fishing.

Thus, more than half of the population of Minnesota—over 2 million people—could reach this fine wild, scenic, and recreational river by an hour's drive over a good interstate highway.

During the 1960's, the Minnesota Department of Conservation authorized the Kettle as a canoe route. This designation tells much of the potential of the Kettle for river-related outdoor recreational opportunities in a primitive setting.

The Kettle River is a fascinatingly wild and picturesque river. The constantly changing topography and forest cover provide an ever-changing scene. The river has rapids interspaced with long pools, providing a challenge, as well as a chance for relaxation and quiet reflection, to its visitors.

The glacial geology of the area, as reflected in the river, is also a point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves exist along the river, primarily the result of glacial activity.

The area is rich in history. Remains of the lumbering activity of the 1850's and 1860's; quarrying at Banning and Sandstone; forest fires and the birth of St. Croix State Park add great historical interest to the river corridor.

Wide varieties of wildlife roam the river corridor. Deer, beavers, muskrats, herons, and hawks all make their homes within the river basin.

Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and even trout, mainly in the Pine River and Willow River tributaries, are also fished in the river.

The Kettle River has its headwaters in Carlton County and flows in a generally north to south direction, passing

through Pine County and into the St. Croix River some 53 miles away. It flows through and over several types of surface and subsurface geology.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County, in 1964, included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important, but there is no national forest.

In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres, near Sandstone, was added in 1963. One or more of these parks provide access to the Kettle.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County, in the mid-1960's, contained five hotels, six motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge, although only five may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed campsites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The Gen. C. C. Andrews State Forest abuts on the east side it the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwantan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of and on the river which have not been declared parks, game refuges et cetera.

This description can hardly touch upon the actual beauty of the Kettle. It is a truly magnificent river which deserves the protection of the wild rivers system.

By Mr. HART (for Mr. MAGNUSON) (by request):

S. 1478. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes. Referred to the Committee on Commerce.

Mr. HART. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) I introduce the Administration's Toxic Substances Control Act of 1971 and ask unanimous consent to insert in the RECORD remarks which he would like to accompany the bill, together with the text of the bill and the extensive communication of transmittal.

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

STATEMENT OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Hazardous Substances Act to strengthen federal regulation of toxic chemicals. I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the RECORD at the conclusion of my remarks.

I wish to commend the Administration for sending this proposal to the Congress. By doing so they demonstrate their recognition that further control of toxic substances is necessary to prevent the occurrence of unexpected adverse effects upon man and the environment. Lack of knowledge and control over toxic substances has caused us many problems in the past. Last year the Committee on Commerce, through its Subcommittee on the Environment, followed and investigated closely the disastrous mercury crisis. The Subcommittee learned that had closer scrutiny been given to the uses of mercury many years ago, the current crisis might have been largely avoided. We can only wonder how many other "mercuries" are waiting to be discovered.

Likewise, the current phosphate and NTA problem in detergents is indicative of gaps in our regulatory framework. Control of these substances in our waters must now come from the treatment of wastes or voluntary use restrictions with no direct regulatory control over the substances at the source, i.e., in the manufacture and use of detergents. As most waste treatment facilities are currently incapable of removing substantial quantities of chemicals like phosphates from waste water, it appears that further regulation of these substances is in order.

Mr. President, in sending this bill up, the Administration demonstrates its recognition of the need for what the Senator from Michigan (Mr. HART) and I have called "technology assessment"—a thorough evaluation of second and third order consequences of new technologies prior to their introduction into commercial production. Since the central principle of the Toxic Substances Control Act essentially parallels that of our Commercial Technology Assessment Act, which we plan to reintroduce shortly, there may be some basis for considering these two proposals together in committee. In any case, the Commerce Committee's Subcommittee on the Environment will hold full hearings on the Toxic Substances Control Act in the near future with the hope of reporting the strongest possible legislation. Historically, the Committee has taken the lead in protecting the rights of the consumer and pointing out the dangers of environmental degradation. The provisions of this bill will receive close scrutiny to insure that the final bill is fully adequate to protect the public health and the environment.

S. 1478

A bill the toxic substances control act of 1971

To amend, the Federal Hazardous Substances Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: This Act may be cited as the Toxic Substances Control Act of 1971.

SEC. 2. The Federal Hazardous Substances Act is amended by inserting before Section 1 of such Act the following: "Title I—Hazardous Consumer Products."

SEC. 3. Such Act is further amended by adding after the aforesaid Title I, i.e., after Section 18 of the Act, the following new Title:

"TITLE II—TOXIC SUBSTANCES

"SEC. 201. Policy. Whereas the American people are being exposed to a large number of chemical substances each year; and

Whereas among the many new substances constantly being developed are some which may be a danger to human health or the environment; and

Whereas the effective regulation of interstate commerce in such chemicals necessitates the regulation of transactions in such chemicals in intrastate commerce as well;

Therefore, it is the policy of the United States that new chemical substances should be adequately tested with respect to their safety to man and the environment; and

That adequate authority should exist to restrict the distribution and use of chemicals found to be toxic; and

That such authority over chemicals be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this title to assure that such innovation and commerce does not endanger human health or the environment.

SEC. 202. Definitions.

"(a) 'Administrator' means the Administrator of the Environmental Protection Agency.

"(b) 'Chemical substance' means any organic or inorganic substance of a particular molecular identity or any uncombined chemical radical or element.

"(c) 'Manufacturer' means any person engaged in the production or manufacture of chemical substances for purposes of sale or distribution in commercial quantities, or an importer thereof.

"(d) 'Processor' means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by regulations of the Administrator.

"(e) 'Restrict use or distribution' means to prescribe the amount sold to given types of processors, or to limit the type of processor to whom a substance may be sold, or to prescribe the amount which may be utilized by a given type of processor.

"(f) 'Byproduct' means a chemical substance produced as a direct result of the production, manufacture, or processing of some other chemical substance which is subject to the provisions of this title.

"(g) 'Environment' includes water, air, land, all plants and animals living therein, and the interrelationships which exist among these.

"(h) 'Animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

"(i) 'Protect health and the environment' means protection against any injury to man and protection against any substantial adverse effects on environmental values, taking into account the public interest.

"(j) 'District Court of the United States' includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which Court shall have jurisdiction over actions arising under this title.

"SEC. 203. Restrictions on use or distribution.

PROPOSAL TO ADOPT RESTRICTIONS

"(a) For any chemical substance produced in commercial quantities, after evaluating all information developed by or otherwise provided to or made available to him, and after referring the matter to a committee in

accordance with section 208, the Administrator may publish proposed regulations to:

(1) restrict or prohibit the use or distribution of the chemical substance to the extent necessary to protect health and the environment; and

(2) require that any or all persons engaged in the distribution of the substance so regulated give notification to purchasers of the substance of such restriction in such form or manner as the Administrator deems advisable; and

(3) require such other action as may be necessary to carry out such restrictions including prohibiting or restricting the sale, use, or removal of such substance or product.

OBJECTIONS, NOTICE, HEARING, FINAL ORDER

"(b) (1) On or before the thirtieth day after the day on which the proposed regulations under subsection (a) are made public, any person who will be adversely affected by such regulations if placed in effect may file objections thereto with the Administrator specifying with particularity the provisions of the regulations deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections.

(2) After such request for a public hearing, the Administrator, after due notice, shall upon request by a manufacturer or processor, and may, in his discretion, upon request by any other person adversely affected by such order, hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative.

(3) As soon as practicable after the date for completion of the filing of objections and comments, and the hearing, if any such hearing has been held, the Administrator shall by order act upon such objections, if any, and make public an order promulgating, modifying, or withdrawing the proposed regulations issued under paragraph (a)(1). Such order shall be based only on the evidence of record and shall set forth, as part of the order, detailed findings of fact on which the order imposing restrictions is based and the relationship of such findings to the restrictions imposed. Such order must be based on the Administrator's finding that such regulations are necessary to protect health and the environment and that the proposed action is necessary to carry out the objectives of this title. In making such a finding the Administrator shall consider all relevant factors including: the effects on human health and the environment of the substance or its byproducts; the benefits to be derived from the use of the substance as compared with the risks; the normal circumstances of use; the degree to which release of the substance or byproducts to the general environment is controlled; and the magnitude of exposure of humans and the environment to the substance or its byproducts. The Administrator shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication.

MODIFICATION OR RECESSION

"(c) Manufacturers or processors of a chemical substance affected by final regulations issued pursuant to this section may petition the Administrator for modification or rescission of the regulation. The Administrator may at any time modify or rescind such regulations. Proceedings respecting petitions from manufacturers or processors or respecting modifications or rescissions made by the Administrator shall be held in accordance with the standards and procedures established by this section, except that the Administrator may or may not, in his discretion, provide for a hearing regarding such modifications or rescissions.

JUDICIAL REVIEW

"(d) (1) Any person who will be adversely affected by an order issued under subsection 203(b) or (c) if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record on which he based his order, as provided in section 2112 of Title 28 of the United States Code.

"(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the record before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

"(3) Upon the filing of the petition referred to in subsection (d)(1), the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Administrator refuses to issue, amend, or repeal a regulation and such order is not in accordance with law the court shall by its judgment order the Administrator to take action, with respect to such regulation, in accordance with law. The findings of the Administrator as to the facts shall be sustained if based upon substantial evidence on the record considered as a whole.

"(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Administrator shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 or Title 28 of the United States Code.

"SEC. 204. Imminent hazard.

"(a) An imminent hazard shall be considered to exist when the evidence is sufficient to show that a use or distribution of a chemical substance creates a hazard to human health or the environment (1) that should be corrected immediately to prevent injury to health and (2) that should not be permitted to continue while an administrative hearing or other formal proceeding is being held.

"(b) If the Administrator has reason to believe that an imminent hazard exists he may request the Attorney General to petition an appropriate district court of the United States to restrain the uses or distribution of the chemical substance responsible for the hazard. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of proceedings pursuant to section 203 of this Act. Such proceedings shall be initiated contemporaneously with the request of the Administrator to take action under this subsection. Such proceedings shall be deemed to be initiated when he has referred the matter to a committee under section 208(c).

"(c) The initiation of any proceedings or actions under section 203 shall not prevent the Administrator from initiating action under this section if he has reason to believe that an imminent hazard exists.

"SEC. 205. Testing.

As soon as practicable after enactment of the title and from time to time thereafter, the Administrator shall, after referral to the Toric Substances Board, for various classes and uses of chemical substances, prescribe by regulation standards for test protocols, and for the results to be achieved therefrom, as are necessary to protect health and the environment. He shall afford opportunity for submission of written comments, and upon request of any affected person, a public hearing with respect to any such proposed regulation, and such regulation shall be based upon substantial evidence of record in such proceeding. He may supplement, modify, or withdraw any such regulation in the same manner. Regulations promulgated pursuant to this section shall be applicable only to chemical substances which are first produced in commercial quantities after the effective date of such regulations. The promulgation of regulations as to a particular chemical substance under this section shall not preclude action with respect to such substance under section 203.

"SEC. 206. Reports.

"(a) The Administrator may by regulation require any or all manufacturers of chemical substances to report to him annually or such more frequent times as the Administrator may reasonably require as to any or all of the following:

(1) The names of any or all substances produced by the manufacturer:

(2) The chemical identity and molecular structure of such substances;

(3) The categories of use of each such substance, insofar as they are known to him;

(4) Reasonable estimates of the amounts of each substance produced for each such category of use; and

(5) A description of the byproducts, if any, resulting from the production of such substance, and, insofar as they are known to him, from the use thereof.

"(b) Whenever the Administrator determines that such action is necessary to accomplish the purposes of this title, he may direct manufacturers of a chemical substance to provide, within a specified period of time not to be less than 30 days, the results of any tests of the health or environmental effects of the substance or its byproducts, which have been performed by or at the instance of the manufacturer or such results as are otherwise known to him, and any or all of the items of information listed in subsection (a).

"(c) Whenever the Administrator determines that such action would be productive and desirable to allow him to carry out his responsibilities and authorities under this title, he may by publishing a notice in the Federal Register invite and afford all interested persons an opportunity to provide in writing information respecting the health or environmental effects of the substance or its byproducts.

"SEC. 207. Relationship to other laws.

"(a) This title shall not apply to—

(1) economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and chemical substances used solely in such poisons, provided that if a chemical substance which constitutes such a poison or such an ingredient is or may be used for any purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, this title shall apply to such other uses.

(2) foods, food additives, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, as amended, the Federal Meat Inspection Act, and the Poultry Products Inspection Act, and chemical substances used solely therein, and controlled substances regulated pursuant to the Comprehensive Drug Abuse Prevention and Con-

trol Act of 1970, provided, that if such an item or substance is or may be used for any purpose which is not regulated by such acts this title shall apply to such other uses;

(3) any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(4) the authority of the Secretary of the Department of Transportation to establish rules and regulations for the transportation of hazardous materials.

"(b) To the extent that such activities are subject to regulation by other Federal laws, including the Occupational Health and Safety Act of 1970 and Title I of this Act, the Administrator shall not regulate the use or distribution of a new or existing chemical substance on the basis of any possible hazard to employees in their place of employment, or the hazard directly to consumers resulting from household use of marketed products which contain or might contain the substance. If it appears to the Administrator that any such substance may pose a hazard when transported, or when used on or in food or as a drug or cosmetic, or may be a hazard to employees in their place of employment, or may pose a hazard directly to consumers resulting from household use of marketed products which contain or might contain the substance, he shall transmit any data received from manufacturers or processors relevant to such hazards to the Federal department or agency with authority to take legal action if a hazard is found to exist.

"(c) The Administrator shall coordinate actions taken under this Act with actions taken to enforce the Federal Water Pollution Control Act as amended and the Clean Air Act as amended, and shall, where appropriate, use the authorities contained in those Acts to regulate chemical substances.

"(d) The Administrator shall make every effort to maintain close coordination with the Department of Health, Education, and Welfare and other appropriate Federal agencies in administering the provisions of this title.

"(e) This title shall not be construed as superseding or impairing the provisions of any other law or treaty of the United States.

"SEC. 208. Toxic substances board.

"(a) There shall be established in the Environmental Protection Agency a Toxic Substances Board consisting of a reasonable number of scientifically qualified persons. The Administrator shall appoint as the members of the board the persons nominated to him by the National Academy of Sciences. One of the members may be designated at any time by the Director of the National Academy of Sciences to serve as Chairman of the Board.

"(b) The National Academy of Sciences, in consultation with the Board, shall establish, maintain, and publish a continuing list of qualified scientists, including experts in the areas likely to be covered by this title. Such scientists shall be consultants to the Toxic Substances Board.

"(c) Before proposing any regulations under authority of section 203 or 205 the Administrator shall refer his proposed action and the available evidence to a committee drawn from members of the Board and the list of consultants to the Board. The Administrator shall appoint as the members of the committee the consultants nominated to him by the Board. The committee shall report its views, in writing, to the Administrator, within a reasonable time, not to be less than forty-five days, specified by the Administrator. If the committee fails to report within the specified time, the Administrator may proceed to take action under this title. The report of the committee shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

"(d) The Administrator may, at his discretion, also request the Board to convene a panel to consider other actions proposed to be taken under this Act, including actions proposed to be taken under section 204(b).

"(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

"SEC. 209. Research.

The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions and responsibilities under this title. Such research and monitoring shall not duplicate the efforts of other Federal agencies. To this end, the Administrator is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and to make contracts for such research and monitoring.

"SEC. 210. Administrative inspections and warrants.

"(a)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or premises in which chemical substances are manufactured, processed, or held and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers of employees (hereinafter referred to as "inspectors") designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data;

(C) pricing data;

(D) personnel data, or

(E) research data (other than data relating to the tests described in subsection 206(b)).

"(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of property)—

(1) with the consent of the owner, operator, or agent in charge of such premises;

(2) in situations presenting imminent danger to health or safety;

(3) in any other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking; or

(4) in any other situations where a warrant is not constitutionally required.

"(c) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a)(2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building, identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

"SEC. 211. Exports and imports.

"(a) Notwithstanding any other provision of this title, no substance shall be deemed in violation of this title when intended solely for export to any foreign country except if the Administrator finds that as exported and used the substance, or particular uses of the substance, will produce a significant direct or indirect hazard to human health or the environment in the United States.

"(b) The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it violates any of the provisions of this title. If a substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the

date of notice of such refusal under such regulations as the Secretary of Treasury may prescribe: *Provided,* That the Secretary of Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: *And provided further,* That all charges for storage, cartage, and labor on substances or articles which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"(c) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (b) above.

"SEC. 212. Confidentiality.

"(a) The information obtained from any manufacturer or processor shall be confidential to the extent that it comprises matters referred to in section 552(b)(4) of Title 5 of the United States Code.

"(b) The Administrator may at his own initiative or at the request of a manufacturer or processor issue a protective order respecting the confidentiality of information obtained from a manufacturer or processor pursuant to the provisions of this title, as he may deem appropriate to protect the manufacturer or processor from competitive injury.

"(c) Information deemed to be confidential in accordance with the provisions of subsections (a) or (b) may be disclosed to other Federal officers or employees when necessary to accomplish the purposes of this title except that the provisions of section 1905 of Title 18 of the United States Code shall continue to apply, and such information may be disclosed *in camera* when relevant in any administrative or judicial proceeding under this title. In any such proceeding, the administrative body, the Administrator, or the court shall issue such orders as may be appropriate to protect the confidentiality of the materials designated as such by the foregoing provisions.

"SEC. 213. Prohibited acts.

The following acts and the causing thereof are prohibited—

"(a) The failure to comply with any final regulation or order issued by the Administrator pursuant to this title;

"(b) The failure or refusal to provide information or results of tests as required by section 206 of this title;

"(c) The sale, distribution, or importation into the United States of a chemical substance subject to regulations promulgated under section 205 for which the standards applicable thereto required by such regulations have not been met.

"(d) The knowing or willful failure of any person who purchases or receives a substance and who is required to be given notice of restrictions on use or distribution of such substance pursuant to paragraph 203(a)(2), to comply with such restrictions on use or distribution;

"(e) The failure to perform any other action required under this title.

"SEC. 214. Penalties and remedies.

"(a) Any person willfully violating subsections 213(a), (b), (c) or (d) shall on conviction be fined not more than $25,000 or imprisoned for not more than one year or both.

"(b)(1) Any person violating subsections 213(a), (b), (c) or (d) shall be liable to a civil penalty to the United States of a sum which is not more than $25,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for hearing and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated and any good faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

"(c) The Attorney General or his delegate may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 213 of this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

"SEC. 215. Environmental prediction and assessment.

The Environmental Protection Agency shall, in cooperation with other Federal agencies, develop the necessary personnel and information resources to predict the introduction of new chemical substances into the environment and assesss the environmental consequences of such introduction.

"SEC. 216. Use of Government facilities.

The Administrator may use, by agreement, the personnel, services, and facilities of other Federal departments, agencies, or instrumentalities, whether on a reimbursable or non-reimbursable basis.

"SEC. 217. Health and environmental data.

The Council on Environmental Quality in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate departments or agencies, shall coordinate a study of feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

"SEC. 218. State regulation.

Nothing in this title shall affect the authority of any State or local government to restrict the distribution or use of a chemical substance or impose requirements of tests and test results for a chemical substance except that (1) if the Administrator has published proposed regulations under section 203 with respect to limiting particular uses of a particular substance a State or local government may not thereafter impose restrictions on such uses of such substance other than a total ban on such use or uses; (2) if the Administrator has published proposed regulations under section 205 with respect to tests for particular substances or uses, a State or local government may not impose test protocols or results to be achieved therefrom with respect to such substances and uses for the purposes similar to this title; and (3) if the Administrator has published proposed regulations under section 203 with respect to limiting particular uses of a particular substance or if the Administrator has published proposed regulations under section 205 with respect to tests for particular substances or uses, a State is not preempted from enforcing any restrictions or test protocols and results to be achieved therefrom existing at the time any such proposed regulation was published; provided that if the Administrator issues an order under section 203(b)(3) restricting the use of such substance or withdrawing a proposed regulation restricting a use of such substance, or if the Administrator issues an order under section 205 prescribing tests or withdrawing a proposed regulation for such tests, the State may not enforce any such restrictions, test protocols, or results to be achieved therefrom after the effective date of such order, other than a total ban on such use or uses.

"SEC. 219. Regulations.

The Administrator is authorized to issue such regulations as he may deem appropriate to carry out the purposes of this title and to amend them at any time.

"SEC. 220. Authorization for appropriations.

There is hereby authorized to be appropriated to the Environmental Protection Agency such sums as may be necessary for the purposes and administration of this Act.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., Feb. 10, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith for the consideration of the Congress a draft bill "The Toxic Substances Control Act of 1971." The bill is drafted as a separate title to the Hazardous Substances Act.

The legislative proposal would authorize the Administrator of the Environmental Protection Agency to restrict or prohibit the use or distribution of a chemical substance if necessary to protect health and the environment. The Administrator is also authorized to prescribe standards for tests and results of such tests which must be met before a manufacturer can market a new product. The Administrator is required to consult with an independent board of scientists before proposing action to restrict a substance or before proposing standards for tests.

The provisions of the proposal would provide needed protection to the American public and would greatly aid our efforts to improve environmental quality.

The legislation has been developed in cooperation with the Council on Environmental Quality and other interested agencies.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 1479. A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices; and

S. 1480. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, for myself and the junior Senator from North Dakota (Mr. BURDICK) who graces the Chair of the Presiding Officer at the present time, I introduce for appropriate reference, two bills to amend title 28, United States Code, regarding annuities for widows of Justices of the Supreme Court of the United States. I ask unanimous consent that at the conclusion of my remarks the text of these bills be printed in the RECORD.

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

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, by a quirk in existing law, widows of Supreme Court Justices are required to live on a $5,000 annuity dating back to 1937 and not increased thereafter. During this same time pensions have been provided and upgraded for widows of all Federal judges except members of the highest

court in the Nation. It is to correct this situation that these bills are being introduced today.

On January 14, 1937, a private bill was passed creating a pension of $5,000 per annum for the widow of a President of the United States—S. 591, 75th Congress, first session, Private Law No. 1.

In 1954, pensions were created for the widows of Supreme Court Justices payable at the rate of presidential widows; namely, $5,000 per annum—28 U.S.C. 375.

In 1958, by general law, the pensions of presidential widows were increased from $5,000 to $10,000, but the widows of Supreme Court Justices were not included in the increase. As a result, these widows must live on an amount which was determined in 1937.

The first of the two bills being introduced today would make Supreme Court Justices eligible to participate in the contributory survivors' annuity system that has long been available to all other Federal judges.

The survivorship annuity plan presently in existence for Federal judges provides benefits for surviving widows and dependents equivalent to those then provided the survivors of Members of the Congress. The annual contribution required from a judge who elects to bring himself within the purviews of the plan is a sum equal to 3 percent of his salary. This contribution is to fund survivors' benefits only. Retirement is dealt with separately.

It is proposed by this bill that Justices of the Supreme Court shall hereafter become eligible to participate in the survivorship annuity plan under the same terms and conditions as presently prevail for all other judges of the Federal courts. The bill provides that the option to join in the plan shall be available to presently living Justices of the Supreme Court including those who have retired or resigned, for a period of 6 months after the date of enactment. The bill further provides that a Justice who exercises this option shall thereby irrevocably waive the benefits of the present law providing a $5,000 annual pension to widows of Justices.

This bill reflects the view that it is right and proper that Justices of the Supreme Court should have an opportunity to join in a survivorship annuity program for their survivors and to contribute to the cost thereof in the same manner as other judges of the Federal courts and Members of the Congress.

The second bill being introduced today would increase the annuities of widows of Supreme Court Justices from $5,000 to $10,000 per annum, payable monthly.

It should be emphasized that the annuity provided by this measure would be an alternative to, not in addition to, the benefits provided by the contributory survivorship annuity first discussed. If that proposal is enacted into law, it is expected that present and future Supreme Court Justices will elect to participate in the contributory system, thus irrevocably eliminating their widows from the coverage of 28 U.S.C. 375. It is, therefore, anticipated that the benefits of the present bill would, as a practical matter, be limited to the widows of deceased Justices, who are now receiving the $5,000 annuity. As of today, there were five such widows, all over 75 years of age—Mrs. Felix Frankfurter, Mrs. Robert H. Jackson, Mrs. Sherman Minton, Mrs. Wiley Rutledge, and Mrs. Fred M. Vinson.

This bill is designed, in short, simply to raise to at least a subsistence level the pensions paid to the five living women whose husbands served their country as Justices of the U.S. Supreme Court.

A similar bill was introduced by the late Senator Dirksen in 1963—S. 1686, 88th Congress, first session. The statement he made in introducing that bill 8 years ago appears in the CONGRESSIONAL RECORD, volume 109, part 8, page 10444. His words are even more cogent today:

Mr. DIRKSEN. Mr. President, at times, in the rush of events, those who, because of their age or their situation cannot speak out, are passed by. A case of this type has recently been called to my attention. Nine years ago when we were considering the question of annuities for widows of Supreme Court Justices, we passed a law providing that their annuity should be the same amount as the annuity authorized for the widow of a President of the United States. We did this by incorporating in that law a reference to a statute which had been enacted in 1937 dealing with the annuity of a President's widow.

A few years ago, in 1958, it became apparent to us that an amount of money which might have been adequate for a widow in 1937 was no longer sufficient for her support in 1958, and we therefore provided for an increase in the annuity of a widow of a former President. However, because of a quirk in the law providing for annuities of widows of Supreme Court Justices, which referred by name to the act passed in 1937, these widows were not caught up in the new law which provided for the increase in the annuities to the widows of Presidents. As a result, those fine ladies have been forced to make do on an amount which was determined in 1937 and there is not a one of us who does not know how inadequate such an amount is today.

I have been informed that there is some urgency about this matter because of the circumstances in which several of the widows of Supreme Court Justices now find themselves in their efforts to live in 1963 upon a stipend which was determined in 1937. Therefore, I have introduced a bill to bring these annuities into line with those we provided in 1958, and I hope that this bill will be accorded a most expeditious treatment.

Mr. President, it is time that the survivors of Justices of our highest court be properly provided for and that present injustices be eliminated. It is for this reason that it is hoped that the Judiciary Committee will give these bills prompt and favorable consideration.

EXHIBIT 1

S. 1479

A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 375 of title 28 of the United States Code, as amended, is amended by striking out "in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3)," and inserting in lieu thereof: "of ten thousand dollars."

The amendment made by this Act shall take effect with respect to annuity payments made beginning with the first month beginning after the date of enactment of this Act.

EXHIBIT 2

S. 1480

A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 375 of title 28, United States Code, as amended, is amended by adding at the end thereof the following new subsection:

"(c) If a justice of the United States gives notice in writing to the Director of the Administrative Office of the United States Courts of his desire to become subject to section 376, the widow of such justice shall be ineligible to receive an annuity under this section."

SEC. 2. Section 376 of title 28, United States Code, as amended, is amended by inserting "justice or" prior to the word "judge" wherever that word appears therein, except in section 376(q).

SEC. 3. A justice of the United States, in regular active service on the date of enactment of this Act, or who resigned or retired prior to the date of enactment of this Act and who on that date is receiving salary under section 371, of title 28, United States Code, as amended, shall be entitled within six months after enactment of this Act to make the election authorized by and to receive the benefits of section 376.

SEC. 4. Section 604(a)(7) of title 28, United States Code, as amended, is amended to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of justices and judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business."

SEC. 5. (a) Item 376 on the analysis of chapter 17 of title 28, United States Code, is amended to read as follows:

"376. Annuities to widows and surviving dependent children of justices and judges."

(b) The catchline to section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges."

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN) and myself, I introduce a joint resolution providing for an amendment to the Constitution of the United States under which the term of the office of the President and Vice President would be limited to one term of 6 years only.

I ask unanimous consent that the joint resolution be appropriately referred and that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint

resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

"SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the Office of President, shall be eligible for election as President for a later term.

"SEC. 2. This article shall take effect on the first day of February following its ratification, except that this article shall not affect the duration of the term of Office of President and Vice President in which such day occurs.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. AIKEN. Mr. President, I am pleased to join with Senator MANSFIELD in proposing an amendment to the Constitution limiting the President and Vice President to one 6-year term.

The one-term limitation has worked well in other countries and, in my opinion, it would prove successful in our country.

I hope this Congress will seriously consider this proposed amendment because it is an indisputable fact that no President can give his best to the Nation or maintain our prestige in the world as long as he is constantly being fired upon by those whose principal purpose is to keep him from being reelected.

This amendment would allow a President to devote himself entirely to the problems of the Nation and it would free him from the millstone of partisan politics.

A single term would allow a President to wear at all times his "Presidential hat" and forget for a while that he also owns a "politician's hat."

It is safe to say that, no matter who holds the Office of President, each wants to be the best President we ever had.

In the past, some have been more successful than others.

With the possible execption of President Eisenhower, each President I have served under—two Republicans and four Democrats—was assailed and harassed not only by members of the opposite party, but also by dissatisfied members of his own party.

At times, I have felt the opposition was warranted and contributed to the welfare of all the people.

In other instances, harassment and embarrassment of the President was purely politically motivated and proved costly to the American people.

The fact remains that under our system of government we have only one President at a time and the manner in which he conducts his office determines to a great degree whether the people of the United States are secure or insecure, prosperous or poor, happy or sad.

There is need for loyal opposition, but it should never become so zealous that it weakens the Office of the President and, therefore, weakens the Nation.

No President can expect to have a successful foreign policy if he does not have bipartisan support on the homefront.

No American President can boldly propose far-reaching domestic changes if he is constantly looking back over his shoulder at the opposition, expecting an attack from the rear.

Because our system of government places such great importance and invests so much prestige in the American Presidency, the Congress should consider steps to make the President's job easier without weakening the constitutional responsibility of the Congress.

This Congress should seriously consider the amendment proposed by Senator MANSFIELD and myself.

By Mr. BUCKLEY:

S.J. Res. 78. A joint resolution to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing, and export of narcotic drugs, and for other purposes; referred to the Committee on Foreign Relations.

FOREIGN ASSISTANCE TERMINATION

Mr. BUCKLEY. Mr. President, I introduce legislation which is designed to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing, and traffic in narcotic drugs which are illegally imported into the United States.

Mr. President, the availability of narcotic drugs in the United States continues undiminished, thus debasing, destroying and, in many tragic instances, killing the youth of our Nation. Within the last 8 years, New York City has lost more lives to drug abuse than the entire State of New York has lost in the Vietnam war. In New York City, 100,000 narcotic addicts spend an average of $35 a day on narcotic drugs, or approximately $1.3 billion a year. It is estimated that 98 percent of narcotic addicts support their habit by turning to crime.

I believe that my legislation strikes at the heart of a critical problem that has entered hundreds of thousands of American homes, and that it will greatly strengthen the efforts of the administration to control the illegal traffic in narcotic drugs.

Mr. President, I ask unanimous consent to have the text of my proposed legislation printed at this point in the RECORD.

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

S.J. RES. 78

Joint Resolution To terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing and export of narcotic drugs, and for other purposes

Whereas large portions of narcotic drugs used illegally in the United States are smuggled into the United States from foreign countries;

Whereas the availability of narcotic drugs in the United States continues undiminished, thus debasing, destroying and, in many instances, killing the youth of our Nation;

Whereas New York City has in the past eight years lost more lives to drug abuse than the entire State of New York has lost to the war in Vietnam;

Whereas in New York City 100,000 narcotic addicts spend an average of $35 a day on narcotic drugs, or approximately $1.3 billion a year;

Whereas there are approximately 200,000 heroin addicts in the United States; and

Whereas ninety-eight percent of narcotic addicts support their drug habit by turning to crime: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

1. The President is directed to institute a continuing study of the adequacy of measures being taken by foreign governments to control and eliminate the production, processing, or traffic in narcotic drugs which are illegally imported into the United States.

2. The President shall report to Congress, semi-annually, commencing on August 1, 1971, on the adequacy of such measures, and shall specify which countries have failed to initiate and enforce appropriate measures to control such production, processing, and traffic. Any foreign country which refuses to cooperate with the President in the conducting of such a study, including the refusal to permit United States personnel to conduct inspections within the border of that country and its possessions, shall be conclusively deemed to have failed to take such measures.

3. Subject to the provisions of section 4, below, all further economic assistance furnished by the United States shall be terminated with respect to any foreign country which has failed to enact and enforce such appropriate measures; such termination to take effect no later than ninety days following the President's determination that such country has failed to enact and enforce such measures.

4. If the President determines that such foreign country has thereafter undertaken such measures, or finds that overriding national interests require economic aid to the country, he may ask the Congress to waive the provision of the preceding section, and if Congress concurs, the provision of such section shall not apply to the country, unless the provision of such section would apply further as a result of subsequent reports.

5. The President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to eliminate the production, processing and export of such narcotic drugs.

6. The President is authorized to furnish assistance to any foreign country, on such terms and conditions as he determines necessary and subject to the approval of Congress,

(a) to aid growers of crops producing opium in developing alternate crops;

(b) to provide new employment opportunities in recipient country for those persons in that country who become unemployed as the result of the policy of that country in

eliminating or controlling the production of crops producing opium; and

(c) to strengthen the capability of the recipient country to enforce its laws with respect to the production, processing and export of narcotic drugs.

7. The President is urged to enter into treaty negotiations with foreign countries for the purpose of developing a systematic and uniform international system of enforcement standards and penalties for the control and elimination of the illegal production, processing and trafficking in narcotic drugs.

8. The President is authorized to seek, through the United Nations or any other international organization, the imposition of economic sanctions against any country which fails to take appropriate measures to eliminate the production, processing and export of narcotic drugs.

9. For the purpose of this Joint Resolution—

(a) "narcotic drugs" has the same meaning as given that term under Section 4731 of the Internal Revenue Code of 1954; and

(b) "foreign economic assistance" is defined as any tangible or intangible item provided by the United States government (by means of gift, loan, sale, credit, guaranty, or any other means) for other than military purposes, under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States government of any foreign country.

By Mr. HARTKE:

S.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Referred to the Committee on the Judiciary.

Mr. HARTKE. Mr. President, although it has been 50 years since women in this country achieved political equality with men, the time has not yet come for a complete realization of equality between the sexes.

For most of that half century, a constitutional amendment which would guarantee such full equality has been before the Congress. Introduced first in 1923 and revised in 1943, I am today proud and privileged to introduce the Equal Rights Amendment which first received the support of the Senate Judiciary Committee 28 years ago and which last year received the overwhelming support of the House.

The substance of the Equal Rights Amendment is contained in the following sentence—

Equality of Rights under the law shall not be denied or abridged by the United States on account of sex.

Some maintain that such a constitutional amendment is unnecessary and would represent a "constitutional frill." While the 14th amendment has proved an effective tool for combating discrimination against members of certain groups, notably racial minorities, the Supreme Court has not extended this tool to combat sex discrimination.

That there is a need for the equal rights amendment cannot be disputed.

The most indifferent survey of State and Federal laws reveals a dark, insidious pattern of discrimination.

For example: Laws and practices operating to exclude women from State colleges and universities; dual pay schedules for men and women performing the same jobs; State laws placing restrictions on the legal capacity of married women or on their right to establish a legal domicile; State laws which require married women, but not married men, to go through a formal procedure of obtaining court approval before they may engage in independent business; social security and other social benefits legislation which give greater benefits to one sex than to the other, and areas of family law, military law, and labor law in which women are treated as different from men. Each of these instances of discriminating laws and practices can be abolished one by one, but there is no adequate substitute for a constitutional guarantee against prejudice.

Unfair laws do not create discrimination but merely reflect it. Society and, in this case, men, act out their prejudices by enacting discriminatory laws. The discrimination exists before the law and is reflected in the place which women occupy in our society. In industry and in Government, in the home and in the office, women are paid less, hired last, promoted least, and given the least intellectually demanding work. Statistics as well as statutes reveal the same sad discriminatory pattern, and this is so even though women are now a vital part of the economy. Today 31 million American workingwomen represent 38 percent of the U.S. work force. Despite the growing number of workingwomen and the enactment of various legislation such as the Equal Pay Act and the Civil Rights Act relating specifically to sex discrimination in employment, economic discrimination against women is worsening, not improving.

In 1955 the median salary of full-time year-round workers was $2,719 for women and $4,252 for men. Women were thus receiving only 63.9 percent of what their male counterparts received. In 1968, while the median salary for women workers had increased to $4,457, that of men had reached $7,664. In other words, women in 1968 received only 58.2 percent of what their male counterparts earned.

Even in fields traditionally associated with women, such as teaching, the economic bias persists. The National Education Association found that in 1965–66 the median wage of women who were members of college teaching staffs was less than half that of men on all professional levels.

Women suffer from discrimination not only in the money they receive, but also in the jobs they are offered. There is not only a money gap, but also a professional gap. Few women have been allowed to enter the professions. Only 1 percent of Federal judges are women, only 1 percent of engineers are women. Despite greater education for women and more freedom from household tasks, women's job opportunities have declined. In 1940, women constituted 40 percent of the professional and technical work force, but by 1968 they constituted only 30 percent. Once again, we see that the problem is getting worse, not better.

The equal rights amendment which I propose today has often been reported favorably by the Senate Judiciary Committee, most recently in 1964. It has twice passed the Senate, in 1950 and 1953, and last year had the support of 87 Senators. Because of the discussion during the last session, some have suggested that changes be made in the amendment which will assure its passage. I oppose such changes as being unnecessary.

In 1943, the Senate Judiciary Committee voted to change the enforcement clause of the original proposal to provide—

Congress and the several states shall have the power, within their respective jurisdictions, to enforce this article by appropriate legislation.

The reference to State enforcement was the major change embodied in this revision. In its report, the committee commented on its reasons for opposing the original clause which restricted enforcement to the Federal level—

(1) It envisioned geographic uniformity throughout the United States.

(2) It tended to impair the right of each of the several states to determine for itself its public policy.

(3) It surrendered to the Federal Government the power to enforce the article within the several states by appropriate legislation notwithstanding its effect upon such local statutes as those governing—

(a) The title transfer, and descent of real estate; (b) community property; (c) domicile; (d) public morals, health and welfare; (e) domestic relations; and (f) police power.

Some have contended that the enforcement clause might be interpreted to require some other constitutional basis for implementation. Commenting on this contention, Prof. Norman Dorsen of New York University School of Law, and an eminent expert in the field of constitutional law, made the following statement last year—

I do not believe that the Amendment would be so interpreted. The key question is the intent of the Congress that proposes the Amendment. Here there seems little room for dispute. Surely the proponents in the House and Senate do not intend to limit the power of Congress to enforce its guarantees; if they had they could easily have omitted from the Amendment any reference to additional enforcement power in Congress. Indeed, the sponsors of the Amendment have indicated that they wish Congress to act boldly to eliminate discrimination on account of sex. Accordingly, in my opinion it is highly unlikely that the courts will interpret the language quoted above to lessen the enforcement power of the Congress.

A requirement that the amendment be ratified within 7 years and that, if ratified, it not take effect until 2 years from the date of ratification are similarly ill-founded. Only four of the 25 amendments adopted so far have contained a requirement that they be ratified within 7 years, and none of the adopted amendments has included a stipulation that it not take effect until 2 years following ratification.

For 102 years, the 14 amendments has been available, but in those 102 years the Supreme Court has yet to apply it against sex discrimination. In light of these facts, it is time to find a new method to bring about equality between the sexes. The equal rights amendment I am introducing today affords such a method.

Mr. President, I support this amendment and oppose any substitute to it. There can be no substitute for justice. What women want is equality, nothing more, nothing less. The concept of justice is simple, but its achievement is never easy. It takes hard work, long years, persistent attention, and courage in the face of adversity, but justice is never defeated. I urge the Senate to respond unanimously to this longstanding call to justice.

By Mr. RANDOLPH (for himself, Mr. BOGGS, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. FONG, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. NELSON, Mr. ROTH, Mr. SCHWEIKER, Mr. STEVENS, Mr. STEVENSON, Mr. TOWER, and Mr. TUNNEY):

S.J. Res. 80. A joint resolution expressing the support of the Congress that the United States should convene in 1971 an International Conference on Ocean Dumping. Referred to the Committee on Foreign Relations.

INTERNATIONAL CONFERENCE ON OCEAN DUMPING

Mr. RANDOLPH. Mr. President, in the past the oceans have been regarded as "infinite-sinks" for the disposal of society's wastes. Recent evidence of the degradation of the quality of marine and ocean environments demonstrate the facilities of this past assumption. Intentional and unintentional discharges often produce adverse effects on the marine environment of the entire world.

Emphasis was placed on ocean dumping as an environmental problem in the October 1970, report to the President, prepared by the Council on Environmental Quality.

On February 8, in his program for a better environment, President Nixon proposed legislation governing the dumping or disposal of materials into the oceans, estuaries, or the Great Lakes.

This problem, however, is global in scope. Reliance on routine diplomatic channels for international resolution of this issue is inadequate to meet the challenge. A United Nations' Conference on the Human Environment is planned for June 1972 in Sweden. At that time the United States must be prepared to offer for consideration an international policy governing ocean disposal of materials.

Therefore, I take this opportunity to reintroduce the resolution I introduced on December 8, 1970, expressing the support of the Congress that the United States convene in 1971 an International Conference on Ocean Dumping. Such a gathering could be a valuable preliminary meeting to the United Nations' conference in 1972.

I do not believe we can delay unnecessarily in mobilizing the world's talent and resources in support of this effort to protect the environmental qualities of our world's seas.

By Mr. WILLIAMS:

S.J. Res. 81. A joint resolution to authorize the President to proclaim the last Friday of April 1971 as "National Arbor Day." Referred to the Committee on the Judiciary.

NATIONAL ARBOR DAY

Mr. WILLIAMS. Mr. President, today I introduce, for appropriate reference, a resolution that would authorize the President to proclaim the last Friday in April, 1971, as "National Arbor Day."

When Arbor Day was first originated in 1872 in the State of Nebraska, the purpose was to relieve the problem of a shortage of trees by encouraging each citizen of the State to plant a tree. The project was so successful that other States soon set aside special days for this particular event.

Today, the observing of Arbor Day significantly represents the preserving of our precious gift of nature.

I ask that action be quickly taken on this resolution so that all Americans may observe "National Arbor Day."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 571

At the request of Mr. PEARSON, the Senator from New Mexico (Mr. MONTOYA) and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 743

At the request of Mr. MCGOVERN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 743, a bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday.

S. 967

At the request of Mr. PEARSON, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 967, a bill to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement and for other purposes.

S. 983

At the request of Mr. MANSFIELD, on behalf of Mr. MAGNUSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 983, a bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes.

S. 1018

Mr. FULBRIGHT. Mr. President, I am pleased to join as a cosponsor of S. 1018, introduced by Senator CHURCH, to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system.

It is most regrettable that the nationwide rail system announced by the National Railroad Passenger Corporation—Railpax—completely omits the State of Arkansas, as well as certain other States and major cities.

This legislation (S. 1018) would require that the basic system be extended "to provide adequate intercity rail passenger service to a major population area of each of the contiguous 48 States."

I believe this bill would be consistent with the original purpose of the legislation establishing the National Railroad Passenger Corporation which was to bring about improved railroad passenger service for the American people. However, instead of improved and more attractive and practical rail service, Arkansas is to be left with none at all.

One of the obvious needs in this country is to provide the less-populated areas of the country with the amenities and services which would enable us to ease the pressure on our heavily burdened urban areas.

Arkansas is not one of the most populous States; nonetheless, it is growing and the State has a population of about 2 million, ranking 32d among the 50 States in the 1970 census. There is no reason why this large number of people should be penalized and left without a service that could and should be increasingly important in the future. It is true that some of the State's population will have access to service at Memphis, but there will be no trains to or from any Arkansas city as the Railpax system now stands.

Railpax selected a longer, circuitous route between Chicago and Houston rather than a more direct one that would have gone through St. Louis, Little Rock, and Texarkana.

As the Arkansas Industrial Development Commission stated in a resolution on this subject:

> Arkansas industrial growth and the public need requires adequate, dependable passenger services in first-class passenger equipment from and to Arkansas . . .

We have allowed passenger train service in this country to deteriorate and now have an unbalanced transportation network, with an overemphasis on automobile and plane travel. It is important that we begin to restore this balance, and to make rail service available to people in all the States. I would emphasize that the service must be efficient and reliable, such as that in Western Europe and Japan, where the railroads have continually improved and are an integral part of the transportation systems.

As the final report on the Basic National Rail Passenger System states:

> If rail passenger service is to be a viable element in a national transportation system, it must reverse the severe decline in patronage experienced in recent years. Only major improvements in the quality of service can generate increased demand.

The point is that because of the low-quality, unattractive service which has existed in recent years, many people have turned away from the idea of traveling by train, and will, in effect, have to be reeducated as to the advantages of railroad travel.

Mr. President, the Arkansas Gazette in Little Rock has published an excellent editorial on this subject, particularly in regard to the omission of Arkansas from the Railpax system. I would like to quote

from the Gazette editorial of March 24, entitled "Railpax's Raw Deal":

Routes have been announced for the heralded new system of railroad passenger trains and, lo, Arkansas has the distinction of being the only state in the South regarded as so inconsequential as to be left out entirely.

What's more, in the last bit of irony, Arkansas will apparently lose the last passenger train it has, such as it is, once Missouri Pacific decided to join the new National Railroad Passenger System and thus gain the privilege of terminating its last, wretched little Arkansas run between Texarkana and St. Louis.

Now we are perfectly aware that Railpax spokesmen may be able to overwhelm us in Arkansas with good arguments proving that Arkansas really isn't important in the national transportation scheme, but they might as well save their breath. The fact is that Arkansas is getting absolutely nothing out of the vaunted new arrangement which was supposed to breathe new life into railway passenger service. What we have feared all along is that Railpax has been started too cautiously, with too little resources, to be worth much . . .

The Railpax routes were announced at the same time the Senate was considering further Federal funding for the supersonic transport aircraft. As I pointed out at the time, it is ironic that we could even consider pouring out millions of dollars of public funds for development of this luxurious plane when we cannot even provide railroad passenger service for people in Arkansas and many other sections of the country.

Mr. President, Mr. Lewis Mumford is one of our foremost authorities on architecture, urbanization, and transportation. He was perhaps the first to observe—some 20 years ago—what many other wise men have said since:

If we allow the railroad to disappear, we shall have to reinvent it again.

In an article in the New York Times of March 15, 1971, Mr. Mumford pointed out:

A balanced transportation system . . . calls for a balance of resources and facilities and opportunities in every other part of the economy. Neither speed nor mass demand offers a criterion of social efficiency. Hence such limited technocratic proposals as that for high-speed trains between already overcrowded and underextended urban centers would only add to the present lack of functional balance and purposeful organization viewed in terms of human need. Variety of choices, facilities and destinations, not speed alone, is the mark of an organic transportation system. And, incidentally, this is an important factor of safety when any part of the system breaks down. Even confirmed air travelers appreciate the railroad in foul weather.

Mr. President, I ask unanimous consent that an earlier article by Mr. Mumford entitled "Bring Back the Railroads," which appeared in the New York Times of October 9, 1970, be printed in the RECORD. I think that if we are truly to achieve a viable and worthwhile national rail system, we would do well to keep some of Mr. Mumford's suggestions in mind.

Also, Mr. President, I ask that the resolution passed by the Arkansas Industrial Development Commission on February 17, 1971, and a subsequent telegram to me from the AIDC on March 23, be printed in the RECORD, as well as a telegram from Gov. Dale Bumpers of Arkansas.

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

[From the New York Times, Oct. 9, 1970]

BRING BACK THE RAILROADS

(By Lewis Mumford)

AMENIA, N.Y.—The problems of transportation are still being discussed in such narrow terms that no adequate solution is possible. As long as we attempt piecemeal measures, aimed merely at retaining an already insufficient train schedule, or providing new equipment for a deliberately neglected suburban service, the rate of deterioration will increase. What is needed is nothing less than a new national policy aimed at overcoming the transportation crisis, which is approaching the disaster point.

Though the immediate occasion for this alarm is a local movement to improve the passenger service of the Penn Central in Dutchess and Columbia Counties, this community effort has significance on a national scale: we are in fact the spearhead of a much wider movement. Our case is important for the same reason that the rising protests against the urban devastation wrought by the National Highway program are important. As citizens, we are calling attention to a disastrous breakdown that our political and industrial leaders seem, even at this late date, to be unaware of. Instead of working to prevent a total breakdown, they are obstinately aggravating it.

As late as 1940, this country had the advantage of as many-sided, flexible balanced transportation system. This system, built originally on canal, river, and ocean transportation, was widened on a continental scale first by railroads, then by airlines between the same major cities. In addition, from 1890 on, it was locally served by a fine network of capillaries, which complemented the main arteries: electric trolleys, motor buses, steamers, ferryboats, motor trucks, and increasingly private motor cars.

What has happened since 1940 can be put briefly. Though the railroads made important technical advances in the 1930's with electrification, diesel locomotives, streamlined trains and longer and faster freight trains, most of the improvements were confined to trans-regional or continental routes, while the necessary local services got a minimum of new equipment.

Now the attempt to make planes and motor cars the exclusive mode of the transportation industry has placed a burden on these facilities that they cannot bear. With no alternative routes and no alternative means of transport available, breakdowns through accidents, bad weather, congestion at terminals and other bottlenecks are not merely chronic but have become increasingly serious.

Meanwhile the cheap, efficient Railway Express Service has been dismantled, though it gave door-to-door service for every kind of shipment, from a handbag to a furniture set.

It is time to recognize that exclusive use of the jet plane for long distance travel, even apart from its environmental depredations, has proved it both a costly and extremely inefficient agent of mass transportation: the theoretic speed between airports does not indicate the actual speed through their remote location, plus delays, pile-ups, and unfavorable weather; and the costs of achieving that speed in the way of human wear and tear, of noise and smog, must now be seriously questioned.

As for the motor car, the private traffic poured into the central business areas daily by the subsidized expressways has proved as inefficient as it is extravagant, since a single railroad line can carry ten times more passengers per hour in ordinary service, than an expressway.

But this is not all. The freedom of movement which even the poorest inhabitant enjoyed in the period before 1940, that is before electric urban trolley lines were abandoned and short distance railroad passenger service was curtailed as unprofitable, no longer exists. Today there is no cheap means of transportation except in the old subway lines of big cities; and in many cases no transportation at all: witness the plight of the poor minorities in many cities, unable for lack of a motor car or a bus service to find work in other areas.

Almost twenty years ago, observing this situation, I said: "If we allow the railroad to disappear, we shall have to reinvent it again"—if only to make the highways safe again and prevent the whole country from being paved with concrete.

But while we await the necessary national and regional programs for recreating a balanced, many-sided transportation system, it is vital that a start in the right direction be made with the existing facilities.

Not merely, then, must our leaders provide a program for regional resettlement; but each minor act of renewal or rehabilitation must be directed to this wider end. Already, industry and even corporate business have begun to move back again into the once purely rural areas everywhere.

To facilitate this change the maintenance of adequate, unified public transportation both by railroad and bus is essential. We are not asking for stopgaps; we are demanding that this local improvement be considered seriously as only a first step toward a large-scale, long-term plan still to be formulated.

RESOLUTION

Whereas, Secretary of Transportation John A. Volpe on January 28 designated a basic system of cities between which intercity rail passenger service will be provided by The National Rail Passenger Corporation (Railpax) when it begins operation May 1, 1971, and

Whereas, Chicago, Illinois and Houston, Texas were designated as "End Points" or "City Pairs" via route from Chicago via GM & O RR to St. Louis, Missouri, thence via Missouri Pacific Railroad thru Little Rock and Texarkana, Arkansas to Houston, Texas as one of the routes that could be operated under above so-called Railpax, and

Whereas, Arkansas industrial growth and the public need requires adequate, dependable passenger service in first-class passenger equipment from and to Arkansas, which the Missouri Pacific Railroad Company could provide by its participation under above Railpax operation and meet the intent of Congress all to the end of developing, coordinating, and preserving a national transportation system by rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense.

Now, therefore, be it resolved, that the Arkansas Industrial Development Commission go on record as favoring aforesaid Railpax route between Chicago and Houston that would also serve intermediate Arkansas points via Missouri Pacific Railroad.

Be it further resolved, that a copy of this resolution be forwarded to Mr D. B. Jenks, President, Missouri Pacific Railroad Company, St. Louis, Missouri, respectfully requesting and urging Missouri Pacific Railroad participation in the aforementioned Railpax operations.

LITTLE ROCK, ARK.,
March 23, 1971.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Press release yesterday by the Department

of Transportation designating Railpax circuitous route between Chicago-Houston via Kansas City, Missouri; Wichita, Kansas, Oklahoma City, Fort Worth, Texas in lieu of the fastest service and short line distance routed between Chicago and Houston via St. Louis, Missouri, Little Rock, Texarkana, was a very keen disappointment to the AIDC and citizens of the state of Arkansas. We will continue our efforts to eventually have Arkansas included in so-called "Railpax" system and we respectfully urge your help and support to that end.

DAN ROEBUCK,
Executive Director, Arkansas Industrial Development Commission.

LITTLE ROCK, ARK.

Senator J. W. FULBRIGHT,
Washington, D.C.:

The following telegram sent today "approved Railpax route by the Department of Transportation includes many circuitous routes between major points such as Chicago, Houston, St. Louis, Dallas, Kansas City, New Orleans completely ignores the state of Arkansas we feel a review is in order because of our needs and particularly of direct service between major points with intermediate service in Arkansas."

DALE BUMPERS,
Governor of Arkansas.

S. 1113

At the request of Mr. BAKER, the Senator from Florida (Mr. CHILES), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1113, a bill to provide a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution and other related problems.

S. 1116

At the request of Mr. JACKSON, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1234

At the request of Mr. INOUYE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1228

Mr. ALLOTT. Mr. President, on March 12 I introduced S. 1228 to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

My introductory statement listed Senator BIBLE as a cosponsor.

However, an apparent typographical error on the bill which was submitted resulted in Senator BIBLE's name not appearing on the actual bill.

I ask unanimous consent for a star print corrected to show Senator BIBLE as an original cosponsor.

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

S. 1245

At the request of Mr. MOSS, the Senator from Oregon (Mr. HATFIELD), the Senator from Alaska (Mr. GRAVEL), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1290

At the request of Mr. JAVITS, the Senator from Vermont (Mr. PROUTY) and the Senator from Oklahoma (Mr. BELLMON) were added as cosponsors of S. 1290, a bill to extend the Economic Opportunity Act.

S. 1311

At the request of Mr. PEARSON, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 1311, a bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen, known as the "Newsmen's Privilege Act of 1971."

S. 1335

At the request of Mr. HARTKE, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of S. 1335, a bill to amend the Social Security Act to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1374

At the request of Mr. THURMOND, the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Mr. MATHIAS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1374, a bill to exempt from taxation certain property of the DAR in the District of Columbia.

S. 1379

At the request of Mr. JORDAN of Idaho, the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. GURNEY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1379, the Volunteers in the Forests bill.

S. 1408

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 1408, which has been introduced by Senator MUSKIE, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies: Messrs. MCGOVERN, EAGLETON, PELL, NELSON, and MONDALE.

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

S. 1425

Mr. MOSS. Mr. President, I am happy to join Senators JAVITS and HUGHES in introducing a bill to increase the authorization for the Commission on Marihuana and Drug Abuse from $1 to $4 million. Increasing public concern about the extent of drug use and abuse in America demands a truly authoritative report by this Commission and the additional funds are required if such a report is to be produced.

The Commission recently held its first organizational meeting and Mr. Michael R. Sonnenreich, the executive director, has testified before a House committee:

It was the general consensus of our opinion that within the present one million dollar appropriation authorization it would be difficult to carry out the various essential tasks necessary for fulfilling the Commission's responsibilities to the President, the Congress, and the people.

Mr. Sonnenreich pointed out that the present authorization would allow for the employment of only seven professional staff members to work for all 13 commissioners. This level of funding would also make it impossible for the Commission to hire a representative sampling of all the social, moral, scientific, and legal professions concerned with this subject.

I am particularly concerned that the Presidential Commission on Marihuana and Drug Abuse be given the resources needed to present a truly commanding report to the public. When I introduced the bill in 1969 to establish such a Presidential Commission, and which was incorporated by the Senate into the Drug Abuse Act of 1970, I emphasized the need to study all the questions, legal, social, and medical, arising out of the growing use of marihuana in this country. Since this is the first body of its kind on a national basis, I believe it essential that the American people receive a report which gives them the same breadth of information on this subject as the 1964 Surgeon General's report gave them on tobacco.

S.J. RES. 29

At the request of Mr. MANSFIELD, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S.J. Res. 29, a joint resolution providing for the designation of "National Peace Corps Week"; and

At the request of Mr. SCOTT, the Senator from Hawaii (Mr. FONG) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of Senate Joint Resolution 29.

S.J. RES. 68

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished senior Senator from Delaware (Mr. BOGGS) be added as a cosponsor of Senate Joint Resolution 68, a resolution to restore the citizenship of Gen. Robert E. Lee.

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

SENATE CONCURRENT RESOLUTION 15—SUBMISSION OF A CONCURRENT RESOLUTION ON PRINTING OF CERTAIN HEARINGS

Mr. HRUSKA (for himself and Mr. MCCLELLAN), submitted a concurrent resolution (S. Con. Res. 15) that there be printed for the use of the Senate Committee on the Judiciary additional copies of hearings entitled "Reform of the Federal Criminal Laws, Volume I, Report of the National Commission on Reform of Federal Criminal Laws, which reads as follows, and was referred to the Committee on Rules and Administration:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary five thousand additional copies of Part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary on February 10, 1971, entitled, "Reform of the

Federal Criminal Laws, Vol. I, Report of the National Commission on Reform of Federal Criminal Laws."

SENATE CONCURRENT RESOLUTION 16—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR THE DESIGNATION OF NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia. Mr. President, on behalf of the able senior Senator from Washington (Mr. MAGNUSON) I submit for appropriate reference a concurrent resolution. I ask unanimous consent that the text of the Senate concurrent resolution and statement by the distinguished Senator from Washington (Mr. MAGNUSON) on the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 16), which reads as follows, was referred to the Committee on the Judiciary:

SENATE CONCURRENT RESOLUTION 16

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation designating the eight-day period beginning May 16, 1971, and ending May 23, 1971, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

STATEMENT OF SENATOR MAGNUSON

Mr. President, I submit for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim the time beginning May 16, 1971 and ending May 23, 1971, as "National Halibut Week". In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. President, this will be the seventeenth observance of the special week and also marks the sixteenth anniversary of the founding of the sponsoring organization, the Halibut Fishermen's Wives Association, based in Seattle.

This group deserves such credit for its regular effort, not only during the observance of Halibut Week, but throughout the year toward a better appreciation of this fine fish and fishery.

SENATE RESOLUTION 90—SUBMISSION OF A RESOLUTION RELATING TO THE LEGAL ACCOUNTABILITY OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES UNDER CERTAIN CONDITIONS

Mr. BELLMON. Mr. President, on August 13, 1970, I submitted a resolution relating to the accountability of combat ground soldiers in situations where civilian casualties occur.

Today I am submitting this same sense of the Senate resolution again, on behalf of myself and the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. President, this resolution is brief, and I ask unanimous consent that it be printed in full in the RECORD at this point, together with my remarks accompanying the submission of this resolution last year.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and the resolution and statement will be printed in the RECORD.

The resolution (S. Res. 90), which reads as follows, was referred to the Committee on Armed Services:

Resolved, That it is hereby declared to be the sense of the Senate that whenever civilian casualties occur in connection with any military operation carried out by members of the Armed Forces of the United States pursuant to lawful orders, the law does not hold such United States military personnel individually responsible for such casualties if inflicted incident to direct ground combat with members of an opposing armed force when the United States military personnel were being resisted by hostile fire from such an opposing armed force.

The statement of Mr. BELLMON is as follows:

Mr. President: I am, today, submitting a resolution relating to the accountability of members of the Armed Forces of the United States in combat situations, where they are proceeding under lawful orders. This resolution is the result of a deep feeling of concern which I have, as a result of charges which have been brought against certain members of the American Armed Forces as a result of tragic incidents which have occurred in Southeast Asia.

No reasonable person condones brutality or savagery in either war or peace. Certainly, no reasonable person approves of the injury or death of civilians who are caught up in the path of armed military conflict. Any reasonable person will take precautions, sometimes at personal risk, to avoid such tragic occurrences. As a member of the Marine Corps in World War II, who was involved in intense combat in the Pacific, I have many vivid memories of the plight of civilians. Also, I recall many humanitarian efforts put forth at considerable risk to their own lives by American servicemen to save civilians from harm and to aid those who had been injured by our military action.

Mr. President: I have checked with the Judge Advocate General's office and can find no case during World War II where the American system of justice punished a member of the Armed Services for injuries inflicted on civilians while such member was on a combat assignment and was under fire. The concept of bringing criminal charges against members of the American Armed Services who are performing combat missions under lawful orders, as far as I can determine, is a recent development by our system of military justice. The practice has never been accorded Congressional approval or disapproval and is a serious development so far as the future ability of our armed services to perform their mission is concerned.

For instance, it is not at all uncommon for the pilots or crews of American B–52 bombers to be assigned targets where civilians are known to be present and where civilian injuries and deaths are almost certain to occur. When these bombing attacks are carried out, under order of American Field Commanders, are the pilots of crews of these planes to be criminally charged for the civilian deaths which result from their actions? These bombings take place from thousands of feet in the sky, where the crews are in virtually no personal danger and where they have no personal knowledge of the injury or death to civilians which result from their action.

It is also common for artillery or naval barrages to be ordered in support of American combat operations. On occasions, civilians are injured and killed by such action. When these tragic events occur, are the artillery crews or the commanding officers to be called to account and criminally punished for the civilian injuries and deaths?

Civilian deaths or injuries which occur as a result of bombing strikes, artillery fire, or naval gun fire in South East Asia are impersonal and are inflicted by American servicemen who may face no personal danger during the course of their actions.

The situation as it relates to an American infantryman is considerably different. When infantrymen are ordered into combat zones, their lives are in constant and imminent jeopardy. At any moment they may encounter a booby trap which will inflict mortal injury. At any time their movements may attract small arms, mortar, or artillery fire. In countless cases, apparent non-combatants have taken actions which have caused injury and death to Americans. The Viet Cong are civilians and many members are very young or are women. In fact, it is impossible, under many conditions, to identify friends of foes among the native population.

In spite of the dangers and personal tensions which American infantrymen face in the discharge of their hazardous assignments, members of the Infantry are the only Americans in South Vietnam which have been charged, tried, and sentenced for injury or death of non-combatants.

To me, this policy seems entirely inconsistent and even dangerous to the future ability of this nation to conduct ground military actions where civilians may be involved. Unless our infantrymen can go into battle feeling that their government will support the actions which these men feel are necessary for their own safety, I am of the opinion that the morale of our infantrymen may be totally destroyed.

Mr. President: In my opinion, the policy of this nation toward our ground forces in combat zones must be clarified. This clarification should not and cannot come from military courts of justice in combat zones. This question is of immense importance to the security of our nation and is a proper concern of the United States Senate.

This issue is one which vitally affects the ability of our Nation to provide for its security and to discharge its responsibilities as a leader of the Free World. How long can we expect members of our military services, made up largely of men who were drafted into service, to risk their lives in combat, knowing that actions they take, under orders, may result in long prison sentences?

The question here is whether or not members of the American Armed Services who take action against an enemy while their own lives are in danger should face the ordeal of criminal prosecution.

The Congress provides the funds for the conduct of military operations. I believe it has the responsibility of reviewing rules relating to the administration of justice in connection with these operations.

SENATE RESOLUTION 91—SUBMISSION OF A RESOLUTION CONCERNING THE CONVICTION OF LT. WILLIAM L. CALLEY, JR.

Mr. MOSS. Mr. President, I rise this morning to submit for the Senate's consideration a sense of the Senate resolution relative to the severity of punishment decreed yesterday at Fort Benning, Ga., upon Lt. William L. Calley, Jr., and I ask that the resolution be appropriately referred.

It is my belief, Mr. President, that by finding Lieutenant Calley guilty of the

crime of premeditated murder and then sentencing him to life imprisonment at hard labor, the court-martial was insensitive to the more fundamental and far-reaching questions posed by the crime which was committed at Mylai.

I am a former prosecuting attorney, a former judge, and a former judge advocate, Mr. President, and it is not my practice, normally, to comment upon a tribunal's deliberations even when I strongly disagree with their findings. My general reticence was reinforced in this particular case by the fact that there remain several separate layers of appeal available to Lieutenant Calley in the military court system. Therefore, some may disagree with the timing of this resolution, but I feel it necessary to say, today, in this Chamber, "This judgment is too harsh."

I will not take the time of the Senate this morning to expound at great lengths upon the legal and moral overtones of this case—complications which gave rise to the longest court-martial in American military history. But throughout the many months of this painful process of examination of facts and theories, I have wondered periodically about what could possibly constitute a just and fair verdict. The questions of fact were difficult enough to resolve; but how could this court isolate, then examine, then place in perspective the can of worms labeled "moral implications."

Who was responsible for Lieutenant Calley's actions? The lieutenant himself must bear that burden—that much was clear. But who else shared that responsibility with him? The military had taught him whom to hate, how to fight, when to kill, and had outlined a set of rules of battlefield conduct. The Congress acquiesced in the war's conduct almost without complaint for many months and four American Presidents directed our involvement.

This court-martial proceeding has done more to unite opinion in this country than any other event in the history of this war. I have few illusions about the durability of our fleeting agreement. But it is significant that at this juncture in the conduct of our war of intervention in Indochina, those of us who are demanding that an early date be set to complete withdrawal of American troops feel united with those who maintain the desirability of a final "military solution." Never mind that our thought processes vary. This issue has evoked a vast outpouring of indignation which cuts across normal ideological differences. This sentiment is felt and shared by Members of this body, and so I hope my resolution will strike a responsive chord in this Chamber.

I do not feel that Lieutenant Calley can be absolved from all accountability for his actions at Mylai, but can we justify such a severe sentence upon one combat officer—a young man trained and sent to fight an undeclared, unwinnable war? Can this country escape the painful questions of accountability by collectively decreeing, "Rusty Calley is guilty of premeditated murder and must serve his life at hard labor"?

Lieutenant Calley's conviction and sentence must, under military law, be reviewed at higher command levels where the sentence may be reduced or where the findings may be reduced to a lesser offense or set aside. It would be appropriate to correct this overharsh sentence at the lowest command level possible, but the President is the ultimate military reviewing authority.

As the military authorities and the President ponder their actions in this bizarre case, it is appropriate, in my opinion, for the Senate to go on record as recommending leniency in this matter in which we are so intimately involved. Therefore, I urge my colleagues to support this sense of the Senate resolution.

I ask unanimous consent that the full text of my resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 91), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 91

Resolution expressing the sense of the Senate concerning the conviction of Lt. William L. Calley, Jr., by an Army court martial of premeditated murder at Mylai, and his sentence to prison for life at hard labor

Whereas an Army court martial at Fort Benning, Georgia, has found Lt. William L. Calley, Jr., guilty of premeditated murder of 22 Vietnamese people three years ago at a village called Mylai, and sentenced him to life in prison at hard labor;

Whereas the decision to intervene in what has become a bitter and bloody war in Vietnam originally had the support of the majority of the people in the United States, and has been carried forward by four American Presidents;

Whereas the young men who have fought there or are fighting there now are the products of American military training, and of command philosophy and command decisions emanating from levels far above those at which the fighting is done; and

Whereas Lt. Calley cannot be absolved from all moral accountability for his actions, and some appropriate punishment is justified, but the responsibility for acts growing out of a war transcends the deeds of one combat officer: Now, therefore, be it

Resolved, That it is the sense of the Senate that the life sentence of Lt. William L. Calley, Jr., should be reduced to a lesser term of appropriate duration.

SENATE RESOLUTION 92—SUBMISSION OF A RESOLUTION TO PROVIDE A SET OF THE UNITED STATES CODE ANNOTATED FOR EACH SENATOR

Mr. ERVIN submitted a resolution (S. Res. 92) to provide a set of the United States Code annotated for each Senator; which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 92

Resolved, That (a) subject to subsection (b), the Secretary of the Senate shall procure for and furnish to each Member of the Senate, either one complete set of the current volumes of the United States Code Annotated, and the current pocket parts thereof, published by the West Publishing Company, Saint Paul, Minnesota, and the Edward Thompson Company, Brooklyn, New York, or one complete set of the current volumes of the Federal Code Annotated, and the current pocket parts thereof, published by the Bobbs-Merrill Company, Incorporated, a subsidiary of Howard W. Sams and Company, Incorporated, Indianapolis, Indiana, and New York, New York, as such Member may elect, upon his written application to the Secretary containing his certification that the volumes and pocket parts thereof for which he applies are intended for his personal use exclusively. The complete set of the volumes and pocket parts thereof for which the Member applies shall be furnished on a current basis for the continuous period of his service as Member beginning immediately after his application therefor, irrespective of the number of his terms of office covered by such period of service, and his selection of the set of such volumes and pocket parts may not be changed during such period of service. A Member is entitled to apply for and receive a set of volumes and pocket parts under this authorization after each break in his service as Member.

(b) A Member is not entitled, for the continuous period of his service described in subsection (a), to more than one copy of each of the current volumes, and the current pocket parts thereof, for which he applies under this authorization.

(c) Until otherwise provided by law, there shall be paid out of the contingent fund of the Senate such sums as may be necessary to carry out this authorization.

(d) The Committee on Rules is authorized to prescribe such regulations as may be necessary to carry out this authorization.

SENATE RESOLUTION 93—SUBMISSION OF A RESOLUTION RELATIVE TO EX OFFICIO MEMBERS OF THE COMMITTEE ON APPROPRIATIONS

Mr. PELL (for himself and Mr. JAVITS), submitted a resolution (S. Res. 93) relative to ex officio members of the Committee on Appropriations, which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 93

Resolved, That paragraph 6(a) of Rule XVI of the Standing Rules of the Senate is amended by adding at the end of the table therein the following:

"Committee on Labor and Public Welfare. For the Department of Labor, the Department of Health, Education, and Welfare, the National Science Foundation, the Office of Economic Opportunity, the National Foundation on the Arts and the Humanities, and health and safety in mines."

SENATE RESOLUTION 94—SUBMISSION OF A RESOLUTION ON ALTERNATE EMPLOYMENT OPPORTUNITIES TO THE SST

Mr. BAYH. Mr. President, for some time now I have been greatly troubled by arguments about the job-creating impact of the SST. With the general employment picture still very weak, I for one would not want to take any action that might further aggravate an already serious problem—and an unemployment rate of nearly 6 percent is, indeed, a serious national problem. I do not believe, however, that by voting to stop the SST

the Senate has denied American workers employment opportunities that otherwise would not be available. Currently, there are a number of underfunded public projects, such as urban renewal, urban mass transit, and the construction of waste treatment plants, that are more worthy candidates for Federal tax dollars—more worthy in terms of both employment opportunities and social benefits.

Despite statements by proponents of the plane to the effect that continuing the SST program would produce 150,000 jobs, I have yet to see an adequate explanation of how that figure was arrived at. Only by using the "most favorable case" for every assumption surrounding the SST can we even approximate 150,000 jobs—sometime around 1985, after the production of 500 planes, and then only by using what one leading economist has described as some "dubious and unproven multipliers." Furthermore, many of these jobs are unlikely to be new employment opportunities but the result of displacing workers presently involved in the production of subsonic aircraft.

It seems obvious to me, Mr. President, that a Government investment of $1.3 billion will generate some new jobs—whatever the project. An investment of $1.3 billion in the SST, however, would likely produce less total employment than an equal investment in almost any other project because a substantial portion of the investment is in hardware, not people, and the aerospace industry has an extremely high average wage.

The critical point, both in terms of economic benefits and social costs, is whether we ought to have produced something we do not really need in the hope of creating some additional employment. I think not, particularly since Assistant Secretary of Labor for Manpower, Arnold Weber, has said that—

> The net employment increase from SST production would likely be negligible.

I, too, am deeply concerned about the fate of those workers involved in the present program. When the Federal Government makes a significant change in policy, as in the case of Congress' action on the SST, the Government has a definite moral responsibility to ease the burden on those workers adversely affected by the cancellation and to facilitate their transition into areas where there are employment opportunities. The legislative and executive branches, working in concert, now should consider how future Government contracts and programs can be allocated so as to best ultilize the SST workforce.

Toward that end, Mr. President, I am submitting a sense-of-the Senate resolution expressing the Senate's concern for the fate of the SST workforce and urging the development of programs to provide transitional assistance and for the channeling of Government contracts into affected areas.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 94), which reads as follows, was referred to the Committee on Government Operations:

SENATE RESOLUTION 94

Declaring it to be the sense of the Senate that the Federal Government has a responsibility to those workers affected by the cancellation of the SST

Whereas it was the decision of the Senate to cancel the Federal Government's financial involvement in the development of two prototype SSTs

Whereas the Federal Government, after making a significant and abrupt change in its policy, bears a responsibility for easing the hardships imposed upon those workers presently employed in the SST program

Whereas the Federal Government, in the "Adjustment Assistance" provisions of the Trade Expansion Act of 1962, has established a precedent for compensating American workers who have suffered from governmental policies

Whereas officials of the Model Cities division of the Department of Housing and Urban Development have developed a retraining program to utilize the talents of the growing number of unemployed scientists and engineers

Resolved, That it is the sense of the Senate that in order to evidence its concern for those workers affected by cancellation of the SST program, the legislative and executive branches, working in concert, should immediately consider how future government contracts and programs such as urban mass transit, housing, the construction of waste treatment plants, and other needed public works projects can be allocated so as to utilize the talents of the present SST workforce.

And be it further resolved, that programs be developed to provide adequate transitional assistance to the workers presently employed in the production of the prototypes.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 64

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. BAKER), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Resolution 64, a resolution to urge the President to take necessary measures to prevent heroin from being imported into the United States.

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the distinguished Republican leader (Mr. SCOTT) and the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be added as cosponsors of Senate Resolution 73, amending rule XVI of the Standing Rules of the Senate.

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

Mr. BYRD of West Virginia subsequently said: Mr. President, at the request of the distinguished Senator from Wyoming (Mr. HANSEN), I ask unanimous consent that, at the next printing, the name of Senator HANSEN be added as a cosponsor of Senate Resolution 73, to amend Standing Rule XVI of the Senate.

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

CONTINUATION OF THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENT NO. 30

Mr. BOGGS submitted an amendment, intended to be proposed by him to the bill (S. 397) to extend for 2 additional years the authorization of appropriations contained in the Economic Opportunity Act of 1964, which was ordered to be printed and referred to the Committee on Labor and Public Welfare.

FEDERAL ELECTION REFORM ACT OF 1971—AMENDMENT

AMENDMENT NO. 31

Mr. FANNIN (for himself and Mr. TOWER), submitted an amendment intended to be proposed by them to the bill (S. 956) to revise the Federal election laws, and for other purposes, which was ordered to be printed and referred to the Committee on Commerce, the Committee on Finance, the Committee on Post Office and Civil Service, and the Committee on Rules and Administration, multiply.

ANNOUNCEMENT OF HEARINGS ON "CHEMICALS AND THE FUTURE OF MAN"

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the RECORD be corrected to show the dates scheduled for hearings on "Chemicals and the Future of Man" to be held by the Subcommittee on Executive Reorganization and Government Research, Committee on Government Operations, to be April 6, 7, 20, 21, 22, 26, 27 and 28. The hearing on April 6 and 7 will be held in room 3302, New Senate Office Building, at 10 a.m. Room number and time for the other dates will be announced at a later time.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 10 minutes, with the same limitation.

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

THE CALLEY VERDICT

Mr. EASTLAND. Mr. President, the whole country is aroused by the outcome of the Calley trial.

The emotion throughout this Nation is basic. War itself is not triable in a court of justice. Likewise, certain acts committed under the stress of war are

hard to make justiciable according to civilian standards.

I shall not debate the guilt or innocence or the facts upon which the verdict was based. Let me point out, however, that the incident occurred in wartime and in the dirtiest of all type wars. Such incidents have happened throughout history and all nations have been guilty.

In the cruel circumstances which face men in Vietnam we must be practical. Shall we send an attorney into battle with every platoon leader and an international lawyer along on every bombing mission?

Mr. President, we should face reality. Clearly, executive clemency is called for in this instance. It should be forthcoming immediately to calm the emotions of the country and maintain America's confidence in her Armed Forces.

CHINA REPORT

Mr. DOMINICK. Mr. President, as a member of the Steering Committee of the Committee of One Million Against the Admission of Communist China to the United Nations, I was particularly moved by an article in the January-Februrary edition of the committee magazine, "China Report." The story describes the flight of a young couple from Red China by hiking and finally braving the treacherous currents of Deep Bay in an attempt to swim to Hong Kong. At a time when there is much discussion about recognition of the Communist Chinese Government and its admission to the United Nations, this brief account of the attempts of the young people of that land to escape Communist rule is worthy of attention.

At a time when Americans are being accused by the know-nothings of inflicting death and casualties on alleged innocent North Vietnamese, it is worth while to see how other humans react to Communist rule and the extreme levels they are willing to take to escape from such domination.

A recent article in the Washington News reports on the activities of groups in favor of a one China policy—a Red China policy—and apparently those people either do not know the oppressions from which the Chinese are fleeing or are unmoved by it.

I would hope that this article concerning Lao Ping-hsin and Poon Yuen-ching's despair and attempted escape may awake these groups to the real facts of life on the mainland.

That article reads, in part:

Hong Kong authorities counted 280 such swimmers who arrived safely in a four-week period from mid-October to mid-November, plus 72 bodies of those who did not make it, and it is estimated that for every one who manages to survive the ordeal, ten from the mainland fail. Failure may involve being shot by Peking's patrols, being captured and sent off to prison camps for ten or twenty years (if they are lucky) or drowning.

Mr. President, I ask unanimous consent that the article from "China Report," from which I have just read, and an article from the Washington Daily News of March 30, 1971, be inserted in the RECORD.

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

Lao Ping-hsin could stand it no more. He had been forced to leave school and had been herded off to a rural commune in mainland China's Kwangtung Province as one of the horde of students in Red China pressed into slave labor in the wake of Mao Tse-tung catastrophic "cultural revolution."

What was more, for three years Lao had been in love with Poon Yuen-ching—another of the Communist commune's involuntary student laborers. But under Peking's oppressive rules he would have to wait three more years until she was 25 and he was 30 in order to marry. One of the few ways in which young lovers may find a few moments occasionally to converse beyond the hearing of spies and Peking's Liberation Army patrols is to go swimming. Lao had been a good swimmer in school and now he patiently taught Yuen-ching the art of mastering currents, winds and undertows. In the process, the two decided that for their love to reach the fulfillment of marriage, they must first escape to freedom and find a new life beyond the clutches of tyrants.

By early November, they considered themselves proficient as swimmers although Lao was not in good health after the long, demanding hours of hard labor in the commune's prison-like environment. By careful planning, the two of them slipped out of the village on November 9, 1970, without attracting the attention of guards and became—at the moment—"non-people" under the Chinese Communist system.

Anyone who runs away from a commune is deprived of all further rights to food rations, appeals for leniency and anything short of execution or—at best—long years of imprisonment in concentration camps in the remote and often forbidding regions of the Chinese hinterland.

Ping-hsin and Yuen-ching hid by day and threaded their way by night through the countryside—much of it over tortuous terrain through copses of thorn bushes, around rocks and often on hands and knees through paddy fields.

To reach the coast took nine days but their spirits were lifted as they reached Mount Tangsu overlooking the South China Sea. They hastened down the mountain after dark to a point along Deep Bay where the distance to Hong Kong's "New Territories" is only four miles but across waters known for brutally strong tides that carry many swimmers far out to sea. The Bay is heavily patrolled along the shore and by Communist boats riding its surface in constant search for defectors.

Lao and Miss Poon slipped into the shallows, suffering the immediate agonies of scraping feet and legs on rock crags and oyster bars, then managed to reach the deeper, swift-flowing current undetected and began the long swim to freedom. After two hours, Lao's strength ebbed and he said he could go no further. He urged Yuen-ching to go on alone toward the Lau Fau Shan light in the "New Territories" which is the beacon of hope to those seeking escape from Red China across Deep Bay.

Instead, she held his head above the waves and pulled him through the dark waters across the frequent reefs. Five hours after their swim began, Yuen-ching was spotted by a Hong Kong patrol boat but when they were pulled aboard the craft, Ping-hsin was already dead.

The lacerations of her feet and legs were so severe, Miss Poon had to be hospitalized and could not attend the funeral but she fulfilled a promise to her departed lover. They had vowed that if they reached their goal they would feast on oranges and meat dumplings and Yuen-ching arranged for two oranges and a bowl of the dumplings to be placed at the altar during the funeral service.

This account of love and courage is significant by itself but, even more so, because it is anything but unique. The youth of Red China have been carrying out a mass exodus in a search for freedom for the past six months. Hundreds of such fugitives from the communes of Communism are said to be hiding in the Kwangtung hills this winter awaiting more favorable tides in the spring.

Hong Kong authorities counted 280 such swimmers who arrived safely in a four-week period from mid-October to mid-November, plus 72 bodies of those who did not make it, and it is estimated that for every one who manages to survive the ordeal, ten from the mainland fail. Failure may involve being shot by Peking's patrols, being captured and sent off to prison camps for ten or twenty years (if they are lucky) or drowning.

Successful swimmers have told British newsmen that Chinese Communist militiamen and soldiers frequently shoot to destroy the rubber inner-tubes and balloons which many swimmers use to support their weary arms in the water. In many documented instances, those picked up by Communist patrol boats are bound, hands and feet, and then dropped back into Deep Bay to be dragged to their death over the oyster bars.

In the single month of November, 1970, more Chinese are believed to have attempted the escape by swimming to Hong Kong than all of the East Germans who have ever attempted to scale or penetrate the Berlin Wall since it was erected.

While the world's diplomats impatiently seek to recognize Mao's China, the young people of Red China "have come over a way that with tears has been watered" treading a "path through the blood of the slaughtered" to get away from Peking's Communist "paradise."

[From the Washington Daily News, Mar. 30, 1971]

ONE-CHINA POLICY LOBBY FORMS

(By R. H. Shackford)

One of the U.S. government's recent chief "China watchers" heads a new citizens committee advocating a "one-China policy"—the seating of Communist China in the United Nations as "the sole legitimate representative of China."

The chairman of the committee, which calls itself Citizens to Change U.S. China Policy, is Allen S. Whiting, now professor of political science at the University of Michigan.

From 1962 to 1966, Mr. Whiting was director of the China-watching section of the State Department's Bureau of Intelligence and Research. And from 1966 to 1968 he was U.S. deputy consul general in Hong Kong, seat of the major U.S. China-watching operation.

PLANS OFFICE HERE

The committee, created last week, will set up a office here in May. It endorses resolutions introduced recently in Congress by Sens. George S. McGovern, D-S.D., and Mike Gravel, D-Alaska, each proposing a "one-China policy." It opposes a resolution by Sen. Jacob K. Javits, R-N.Y., that aims at a "two-China" or "one-China, one-Taiwan policy."

In announcing formation of the committee—a rival to the old pro-Chiang Kai-shek Committee of One Million—Mr. Whiting said:

"Denial of China's seat (in the United Nations) to the government of 750 million

people on the mainland of China is immoral, illegal and impolitic, while our trade embargo only serves to islote American businessmen from the China market."

FIVE-POINT PROGRAM

The committee's five-point program calls upon the United States to:

End all trade embargoes and other discriminatory regulations which distinguish China from other communist states.

Recognize that the future of Taiwan cannot properly be decided by the United States, or by the imposition of force by any party.

Withdraw all U.S. military bases and personnel from Taiwan and terminate assistance, direct and indirect, to the military establishment of the Republic of China (Taiwan).

Acknowledge that Communist China is the sole legitimate representative of China in the United Nations and in all other international organizations.

Seek to establish economic, social, cultural and diplomatic relations with Red China on the basis of the principles of equality, mutual respect, and nonintervention in each other's affairs.

Mr. Whiting said the committee's program does not call for renunciation of the American-Taiwan mutual assistance treaty "at this time."

SENATE HEARINGS

Formation of the committee comes on the eve of hearings by the Senate Foreign Relations Committee on the China question. Also near is an administration decision on a new U.S. policy on the China issue at the United Nations.

In addition to Mr. Whiting, the committee's board of directors includes three other former government officials—James C. Thomson, now a Harvard professor and former China watcher for both the State Department and White House ruling the Kennedy-Johnson administrations; John Fincher, now at Johns Hopkins, who was a China specialist as a foreign service officer in Hong Kong and Japan; O. Edmund Clubb, an old China hand on the mainland before the communists took over and who is now retired.

THE LIEUTENANT CALLEY CASE

Mr. TAFT. Mr. President, I would like to make a couple of remarks regarding the Calley case.

One cannot help but feel extremely sorry for the man and for his family, even though the court action taken to date is subject to further extensive review.

The difficulties of the problem relate to the insurgency type of war, its inevitable involvement of civilians, and direct participation by our U.S. forces in the fighting in such a war. These factors should surely be considered in any judgment on the conduct of the military men involved, and every doubt should be resolved in their favor where a question is raised.

Even so, it would appear that principles of law and justice, as well as good military conduct, require a predetermined military code of behavior for men in the military as to others in the military, as to friendly civilians, as to neutrals, as to enemy civilians, and as to enemy military. Such standards must be interpreted, however, to relate the rules of conduct required to the circumstances and pressures, mental and otherwise, of the particular situation.

I would point out in the Calley case that the action to date comprises only a jury verdict or finding of fact as to what Lieutenant Calley did and what his state of mind was. These jury decisions are subject to review as to being properly based upon the evidence submitted, and the courts must apply the principles of law to test any conviction.

Certain similarities to the Nuremberg and Japanese war crimes' trials have been inferred and should be examined. Important differences are apparent. This was not a trial, by the victors of the vanquished, but rather an examination by the military of the conduct of one of its own men. The military code applied was not an ex post facto set of rules as in the war crimes' trial. Nor was this trial one of political figures responsible for overall determination of national policy.

Having said this, I feel that great difficulty still remains in judging the conduct of a man under military orders to determine whether or not he exceeded those orders and violated the military code of justice, and, if so, in determining what should properly be the punishment.

Hopefully, a careful review will determine these questions with justice and wisdom in the Calley case.

THE CONVICTION OF LIEUTENANT CALLEY

Mr. JAVITS. Mr. President, if all other Members of the Senate have completed their statements, I would just like to make a statement for the RECORD that I issued on the conviction of Lieutenant Calley, which apparently has developed a considerable amount of questioning here on the floor. I wish not to have my own statement just issued, but, if the debate is going to take place here on the subject, to have my views on record.

The court-martial conviction of Lieutenant Calley for the events of Mylai raises even broader questions. First, it is tragic, indeed, that our effort in Vietnam—which began in such highmindedness—should be marred in the world's consciousness by the barbarism which occurred at Mylai. Second, the conviction of Lieutenant Calley cannot be regarded as a condemnation of the conduct of our fighting men in Vietnam; rather, it should be regarded as a declaration of the national conscience that brutality against unarmed civilians by any U.S. troops will not be permitted, regardless of provocation. It is certainly incumbent upon the Army to bring to trial all those who share in any responsibility for what the jury found to be so horrendous a crime. The best way to avoid further brutalization of our soldiers, which seems to be associated with guerrilla wars like Vietnam, is to end that war and thus to end what it is doing to our young fighting men like Lieutenant Calley.

I do wish to express, at the same time, the fact that the Army itself has taken a historic position in going forward with the trial and in the nature of the jury. I believe it is typical in our country that, having proceeded according to law, justice will ultimately be done.

I appreciate the feelings of many of my colleagues, but I make this statement only because I think we ought to raise our sights. In the final analysis, I do not think it will be found that any injustice has been done to Lieutenant Calley in the way it finally works out. I do believe we need to learn from it that we simply have got to get out of Vietnam and, second, that this is a historic break with the past. Rather than hurt the morale of American troops, my feeling is we are helping them immeasurably in the knowledge that, regardless of where they serve, our Army and the U.S. Government are capable of this kind of self-examination and self-determination.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. One minute.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, immediately following the recognition of the majority leader and the minority leader under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR JOINT REFERENCE OF A BILL

Mr. BYRD of West Virginia. I ask unanimous consent that S. 1437, a bill to amend the Airport and Airway Development and Revenue Act of 1970, be jointly referred to the Committee on Finance and the Committee on Commerce.

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

ORDER FOR CHANGE OF REFERENCE—S. 967 AND S. 1911

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Government Operations be discharged from its present consideration of S. 967 and S. 1191, bills designed to promote transition from a wartime to peacetime economy and that these bills be re-referred to the Committee on Commerce, with the proviso that if either bill is reported to the Senate it shall be referred to the Committee on Government Operations for a period of 45 days.

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

ADDITIONAL STATEMENTS

RAILPAX

Mr. MANSFIELD. Mr. President, in connection with the announced Railpax plan and the discussions being had on it in the Senate, I ask unanimous consent to have printed in the RECORD an excellent editorial published in the Missoulian of Friday, March 26, 1971.

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

RAILPAX: FIGHT BACK

In the days since the Railpax decision was announced Monday some of the facts have been sent out to back the decision, but not many.

Broadcast news on Monday night, for example, had the curious item that Missoula was bypassed partly because a stop here would require an hour's switching in the freight yard, which would tack 30 minutes onto the train's running time. Switching? Freight yard? How's that?

A day later, in a publicity packet which naturally arrived after the announcement, a little light was shed. A southern route Railpax-run train would have used the Milwaukee Road tracks between Missoula and Spokane, it said.

No reason why was given. Would the freight yard switching have been within the Milwaukee Road yards, or would the train have had to switch from Burlington Northern tracks across the river to the Milwaukee Road tracks? No answers were provided to that.

No answers were given about why the BN tracks between Missoula and Spokane weren't evidently, thought to be adequate, although those tracks carry Missoula's present passenger trains. The Milwaukee Road tracks between Missoula and Spokane are 29 miles shorter. But is cutting 29 miles really more efficient if it causes a 60-minute delay? No answers were given for that either.

Southern Montana was cut from service and northern Montana was included, said the publicity, because the south has much better air and road transportation while the northern points "have little other transportation available to them" than the railroad. That's true, and evidently offset the value that the southern route has much the greater population and potential ridership.

What all this boils down to is this:

1. Railpax is interested solely in connecting major population centers and in running trains between them as rapidly as possible.

2. Providing passenger train service to people living outside major population centers is a matter of no consequence to Railpax, unless the people happen to live along the route. If Seattle didn't exist, Montana would have no passenger train service at all, north or south.

3. At no point were the people being left high and dry—and their needs—consulted or considered.

What still baffles us is the economics of this thing. Speaking in Missoula on May 29, 1968, the then-president of the Northern Pacific (and now head of the Burlington Northern), Louis W. Menk, said the Mainstreeter lost $2.1 million during 1967, the NP lost $5.8 million in its total passenger operations.

Look at that figure $2.1 million. It is, when one considers the vast payments the U.S. government makes on transportation, purely peanuts.

It costs about $1 million to build one mile of interstate highway.

Assuming that the Mainstreeter's losses have gone up since then, it still would make economic sense to have the federal government pick up the losses, and perhaps spend more money to promote and upgrade passenger train service, than it would to utterly abolish ALL passenger train service and then turn around and have to dump millions more into highways and airports to take care of the rising needs there.

If Railpax means the abolition of our passenger train service, the result will be the loss of service PLUS greater expense in terms of the money we will have to spend.

Railpax, however, does not necessarily mean loss of all passenger train service on May 1. The Burlington Northern does not HAVE to quit southern Montana service. The BN can keep operating passenger trains here if it wants. It has made clear it doesn't want to, but the fact is that it can if it so decided.

We commend to the attention of the state and local governments through which the BN travels the matter of taxes. If the BN decides to terminate its trains, it obviously will be cutting the services it provides.

There is no reason the communities adversely affected could not, then, reconsider any past tax favoritism they have shown the BN in appreciation of the services the BN has rendered.

In short, get tough. The public stands to get gypped by all this, and there is no reason it shouldn't fight back furiously with every weapon it has. Taxes are about the best weapon a local community has to fight with.

BROADCAST JOURNALISM BY CBS

Mr. SCOTT. Mr. President, the Washington Post's lead editorial on Tuesday, March 30, and the letter to the Post editor by CBS News President Richard S. Salent make interesting reading.

I urge Senators to read both items, since much has been said, written, aired, and defended on the subject of broadcast journalism by CBS.

I ask unanimous consent, that the editorial and the letter to the editor be printed in the RECORD.

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

CBS REPLIES TO EDITORIAL ON PENTAGON DOCUMENTARY

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page—and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business, with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher or our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as yours stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that bal-

ance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,
President, CBS News.

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hebert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

"Roger Mudd: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit. I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

"Mr. Henkin: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

"Mr. Mudd: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

"Mr. Henkin: No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

MONTANA VERSUS SIBERIA

Mr. MANSFIELD. Mr. President, there has been a lot of loose talk in the papers recently which in effect equates the State of Montana with Siberia. The implications in these press stories are without substance and entirely unwarranted. Apart from a few superficial—very superficial—climatic similarities, there is no basis for comparison.

The whole business began when an agent of the Federal Bureau of Investigation became involved in an unfortunate situation in his agency. He was offered the choice of premature termination of service or assignment in Butte, Mont. He elected the former alternative over the latter. His unhappy—and from my viewpoint misguided—choice was reportedly made on the basis of a general opinion that Butte is the "purgatory" for FBI agents not in good standing. Whatever the situation involving this particular agent, the published reports on the reason for his resignation have caused reverberations up and down the Rocky Mountain States.

In Boulder, Colo., the students at the University of Colorado rose up and declared in an article in their campus newspaper, the Colorado Daily, that people ought to send shipments of warm clothing to FBI agents who had been "exiled" to Butte. The article, which was subsequently reprinted in the Montana Standard, urged public appeals to the United Nations, to the President, to Congress and to the Governor of Montana seeking relief and assistance for the "political prisoners." The Coloradans counseled words of encouragement to the exiles and said that "with any luck they should be free by the time spring arrives in Butte next August."

Before any extreme remedies are invoked, Mr. President, it should be noted that there are two sides to this story, as there are to most. The other side of this one comes to me in the form of a letter from Leonard E. Pratt, a lamp salesman who says he was "exiled" to Butte some time ago by the General Electric

Co. Mr. Pratt writes that he lives outside of town on a little. 20-acre ranch that he picked up for less than $25,000. In his spare time, he says he is forced to play golf at the new million dollar public country club, camp in Yellowstone Park, fish in various blue-ribbon trout streams, hunt big game in the fall, and ski on uncrowded slopes in the winter for half the price that prevails in other parts of the country. Mr. Pratt reports that he does find time to work and that his business is good; it has to be, he says, because his boss is always threatening to banish him to New York, Los Angeles, or even Washington, D.C.

Mr. Pratt's testimony prompts us, Mr. President, to see Butte, Mont., in better perspective.

Mr. President, I have had some hesitation about placing such material as Mr. Pratt's letter in the RECORD because I realize that it may well lead to a massive lineup of FBI agents and other Federal employees wishing to apply for exile to Montana. On reflection, and in fairness to my State and to the prospective exiles, I could do no less than to make this information a matter of public record. Persons wishing to explore the possibility of exile are invited to contact any Member of the Montana congressional delegation. I assure them that their applications will not be treated with utmost confidence, but I promise that they will receive a warm welcome as soon as they set foot in the Treasure State—the land of the bitterroot and flathead, the big horn and the blackfoot. They might even feel that they have come home at last.

I ask unanimous consent to have printed in the RECORD an article published in the Montana Standard, March 17, 1971, and a letter from Leonard E. Pratt.

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

FREE THE FBI IN BUTTE

According to an article in the Boulder Daily Camera Jan. 19, an agent of the FBI was fired for writing a letter critical of its director, J. Edgar Hoover. The agent could have avoided this fate had he chosen to accept a transfer to Butte, Mont., which was described as "a purgatory for agents who have incurred Hoover's displeasure."

Now I think we have reached rock bottom when FBI agents are held as political prisoners in Butte, Mont., on the whim of J. Edgar Hoover. How can we possibly condemn the Russians for exiling writers to Siberia when American police are being shipped to a climate, environment and topography which is even worse?

To end this outrage I advocate the following:

Write your congressman. Remind him that the United States has signed the Geneva Convention, and that American captives in Butte, Mont., have the same rights as American captives in Hanoi, North Vietnam.

Write the President of the United States. Ask him what federal law authorizes an exile policy. Ask him to bring the boys home from Butte and Saigon.

Write the Secretary General of the United Nations and request an observer group be sent to Montana. Ask him to arrange safe passage and immunity from arrest for all FBI agents who wish to leave that state.

Write the governor of Montana and ask him how many tractors or how much strip mining equipment he will take in exchange for the FBI agents.

Don't bother to write J. Edgar Hoover directly. Since he will be reading all mail in the first four categories there is no point in burdening him down with any more work.

In the interim before public pressure leads to reform write directly to the FBI agents in Butte, Mont., and tell them you sympathize with their plight. Send warm clothes and old copies of the Colorado Daily. Newspapers make excellent insulation and are greatly appreciated at 40 below zero. Once last winter it got to 40 below zero in Butte, Mont. . . .

When you write tell the FBI men we have not forgotten them. Tell them to keep stiff upper lip and that with any luck they should be free by the time spring arrives in Butte next August.

BUTTE, MONT.

Due to the recent adverse publicity of J. Edgar Hoover, "banning" a FBI agent to Butte, Montana, as a disciplinary action: I thought you might be interested in knowing what it is like to be banned to Butte, Montana as a G.E. employee.

I admit that old Butte is not much to look at, but the new homes and business are as up to date and modern as any town of its size. I don't have the opportunity to live in Butte, but I am inclined to like the wide open spaces so I live on a little ranch 26 miles from Butte. I have a nice home, horses, dogs, cats, and 20 acres for my five kids to run on, all for under $25,000. Since my home is not located in Butte I am considered a non-resident by the new $1,000,000 plus country club, and it cost me $50.00 to join and $9.00 a month to play golf on the best 18 hole golf course in the state.

When I am not golfing in the summer I can be camping around Yellowstone or Glacier Park on the weekends or along any of the many blue ribbon trout streams such as the Gallitan, Madison, or Big Hole Rivers.

When fall rolls around I am "banned" to hunting deer, elk and moose, by jeep, horseback or backpacking. If the big game hunting is a little slow I might have to take up my shotgun and bird dog and take off to the pheasant and duck hunting grounds less than a hundred miles away.

But what about those cold snowy winters you hear so much about in Montana? They are snowy all right and there are a lot of disappointed skiers and snowmobilers if it isn't. It is real hard on a fellow to have to ski from November to April on beautiful, well equipped, uncrowded ski slopes, for only $5 a day in tow fees. You may wonder if a fellow has any time to work with all of the recreation available. Well these Montanan's have been good to me up here and I have finished either first or second in sales in my district for the last three years. My boss's threat each year is, "If you don't do good this year I am going to have to ban you to New York, Washington D.C., Cleveland, or Los Angeles."

LEONARD E. PRATT,
General Electric Lamp Sales Dept.

THE VERDICT IN THE CALLEY COURT-MARTIAL

Mr. TALMADGE. Mr. President, in all my years in the Senate, I do not recall such an intense expression of public outrage as that produced by the verdict in the court-martial of Lieutenant Calley at Fort Benning, Ga.

My offices in Washington and Atlanta have been literally deluged by telegrams and telephone calls from all over Georgia. I know of no better way to describe their attitude than extreme outrage. In just the past 2 days, I have received 600 telegrams, almost the same number of telephone calls, and now letters are beginning to pour in.

I plan to forward these communications, after I have answered them, to the White House to let the President know of the outpouring of outrage from Georgians that is being expressed about the Calley case.

I understand that other Senators also are receiving many hundreds of protests, and, in my judgment, I believe the President should know how deeply Americans are concerned about this matter.

RAILPAX

Mr. JORDAN of Idaho. Mr. President, on May 1 of this year the State of Idaho will be left with virtually no rail passenger service. It is my understanding that the Union Pacific Railroad Co. has joined the Railpax system and intends to cease operations on both the east-west route through Southern Idaho and the north-south route from Butte, Mont., to Salt Lake City, Utah.

This termination of rail passenger service will be a severe blow to the economic and social well-being of the people of my State. Despite the decline in the quality of service on the trains in recent years, many people have relied upon them for transportation. The all weather capability of the railroads is of particular importance to Idaho because of the severe winter weather which we sometimes have. After May 1, Idahoans will no longer be able to rely upon the trains, however, as an alternate means of transportation in inclement weather.

The city of Portland route from Portland to Chicago via Boise has been of great economic and social value to the citizens of Idaho as well as to other east-west travelers. This route generally parallels the Oregon Trail which opened up the Pacific Northwest to settlement in the last century. It has been of importance as a rail route in more recent years.

The Salt Lake City-Butte line has also been valuable to the people of my State. In denying a petition for discontinuance of service by Union Pacific last year, the Interstate Commerce Commission stated that the trains on this line "provide the last remaining direct rail passenger service between Butte and Ogden and the last direct through rail passenger service between Butte and Salt Lake City traversing an area which, though sparsely populated, has evidenced a marked degree of reliance on rail transportation primarily because of the peculiarities of its terrain and climatic conditions."

Members of the Idaho congressional delegation had prevailed upon the ICC to deny the petition to discontinue service between Butte and Salt Lake City on the ground that legislation was then pending to set up a National Rail Passenger Corporation. It was hoped that Railpax, if enacted, would continue this vital service.

Unfortunately, the Secretary of Transportation did not designate either the

east-west route or the north-south route as a part of the basic national rail passenger system. With the exception of a stop at Sandpoint, Idaho, in the northernmost part of the State, therefore, Idahoans will not have access to rail transportation.

In response to this dire situation my colleague from Idaho (Mr. CHURCH) introduced S. 1018 on February 26, 1971. Enactment of this legislation would carry out the intent of Congress, as outlined in the Rail Passenger Service Act, that the need for expeditious intercity rail passenger service within and between "all regions of the continental United States" be taken into account in designating the Railpax System. It would require that the System be expanded to provide adequate intercity rail passenger service to a major population area of each of the contiguous 48 States which did not have any large population area provided with intercity rail passenger service by the Basic System as already designated.

I am hopeful that Congress will act quickly on this legislation so that rail passenger service in Idaho will not become a thing of the past.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorial from the Idaho State Legislature urging rail service for Idaho.

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

SENATE JOINT MEMORIAL NO. 106 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL TO THE HONORABLE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF TRANSPORTATION, PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the people of the state of Idaho are separated and sometimes isolated by the mountainous terrain and severe climatic conditions and depend upon the passenger rail system as a vital link for communication and transportation within the borders of the state and among the neighboring states; and

Whereas, loss of passenger rail service within Idaho, and between Idaho and her neighbors would have a harsh impact upon the Idaho employee and upon the economic health of Idaho in general; and

Whereas, the state of Idaho, which includes various sites of growing tourist and recreational attraction, depends upon a convenient transportation system for the continued expansion of these recreational resources; and

Whereas, the final plan for the basic national rail passenger system, which has been presented, fails to provide a single point of service to the state of Idaho and her citizens, and therefore does not recognize the needs of people located within the area stretching from the Wyoming border on the east to the Oregon and Washington borders on the west, and from Utah and Nevada on the south to Montana and Canada on the north.

Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States to take the action necessary to insure that the people of the state of Idaho may participate in and benefit from the basic national rail passenger system and shall not suffer disadvantage therefrom by including the southern Idaho east-west and north-south routes under the system.

Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Transportation, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and the Senators and Representatives representing this state in the Congress of the United States.

I hereby certify that this is a true and correct copy of Senate Joint Memorial No. 106 that was passed by the Forty-first Legislative session of the State of Idaho.

Attest:

ARTHUR WILSON,
Secretary of the Senate.

MISSOURI PRISONERS OF WAR DAY

Mr. SYMINGTON. Mr. President, during the week of March 21 Americans came together in a National Week of Concern for Prisoners of War/Missing in Action. As said at that time, the concern of Americans for the treatment accorded prisoners of war in North Vietnam would not stop when that week came to a close. It will continue until our Nation succeeds in obtaining the release of our American servicemen.

In that connection, I call to the attention of the Senate that the Governor of the State of Missouri has designated April 28 as Prisoners of War Day in Missouri and urged all citizens to reaffirm their support of these valiant men.

I ask unanimous consent that the Governor's proclamation be printed in the RECORD.

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

STATE OF MISSOURI

Whereas, the National P.O.W. Day Committee has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, this amounts to a call for humane treatment of these prisoners of war if not for their direct release; and

Whereas, we must show more concern for the plight of American prisoners of war:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim April 28, 1971, as

PRISONERS OF WAR DAY

in Missouri, and urge all citizens to reaffirm their support of these valiant men.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 2nd day of March, 1971.

WARREN E. HEARNES,
Governor.

Attest:

JAMES KIRKPATRICK,
Secretary of State.

THE STATUS OF FORESTRY KNOWLEDGE

Mr. PACKWOOD. Mr. President, last week in Gainesville, Fla., the 15th congress of the International Union of Forestry Research Organizations met and reviewed in depth the status of forestry knowledge and the need for additional research. On Tuesday, March 23, Mr. Edward Cliff, Chief of the U.S. Forest Service, shared some of the findings of the IUFRO meeting with those attending the annual Society of Foresters meeting in Washington.

Chief Cliff went into some detail in discussing the information contained in some of the papers presented at the IUFRO meeting, I believe the information should be made available to Senators who are interested in what is going on in forestry research on the international scale.

Mr. President, I ask unanimous consent that the text of Chief Cliff's speech be printed in the RECORD.

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

EARTH RESOURCES AND RESEARCH FOR PROTECTION, MANAGEMENT AND USE OF FORESTS [1]

It is fortuitous that this meeting of the Washington Section of the Society of American Foresters follows the fifteenth Congress of the International Union of Forestry Research Organizations (IUFRO). Last week in Gainesville, Florida, 681 leading scientists in forestry and related fields from 59 countries plumbed the depths and charted the outermost boundaries of forestry knowledge I decided to use the 12 plenary session papers as the basis for this keynote address.

How many times we heard it said of a person who lacks vision that he can not see the forest for the trees? The forester has prided himself for his vision of the forest as a complex system of living things and their related environment. But now we find that even this view of the forest may be too restricted.

The purpose of our meeting today is to ask this group of foresters to step back a bit further than they normally do in their day-to-day work and take a look at the world's resources. When I say step back I mean not just short steps, but as far as one must step to view the world as a whole. Socrates, about 500 B.C., suggested "that man must rise above this earth to the top of the atmosphere and beyond for only thus will he fully understand the world in which he lives." From the vantage points of space, we can see earth resources not in the sense of individual trees or forests or vegetation, but rather in the sense of an interrelated whole.

What are the earth resources brought into focus by this view? Earth is made up of the land masses, the water bodies, the envelope of air surrounding the planet, and the minerals, oil and gas lying within the crust.

Besides its physical resources, earth has biological resources, the many forms of plant and animal life that occupy the biosphere. Earth's resources also include those modified by man: his habitations, his transportation systems, and his impacts on the biological and physical attributes of the earth.

Modern society, which is steadily increas-

[1] Keynote address by Edward P. Cliff, Chief, Forest Service, to the Society of American Foresters, Washington, D.C. Section, March 23, 1971.

ing in density, mobility, and complexity, has generated major problems in the utilization of earth's resources. Perhaps the principal element of the world's social equation is man's efforts and effectiveness in understanding his environment and in utilizing natural resources to satisfy his needs and desires. Too often in the past, man has used natural resources without understanding the place of these resources in the total environment and the impact of his actions upon this environment. From the new perspective of earth resources we, as foresters, should take a hard look to see how forestry can best contribute to the material needs of mankind and to the enhancement of environmental quality.

My address today could be taken directly from the keynote address to the IUFRO Congress. Dr. E. Martin Worthington, in his "Forestry Research and the Environment of Man," talked directly toward a better understanding of earth resources. Dr. Worthington, who is scientific director of the International Biological Program (IBP), truly has a perspective on the world's resources.

Dr. Worthington looks at forestry as having basically two different and contrasting values: One is protection, and the other is production. Both are interpreted very broadly. Under protection he includes concern for soil, water supplies, amenities, sport, wildlife, ecosystems, rare species, and gene pools. Production is also broad, but by no means is it limited to timber. It includes the great variety of forest products, animal as well as plant, and there are aesthetic and amenity products.

As we consider earth resources, the IBP, like other international scientific programs, has a close relation to nearly all resources. One of IBP's greatest contributions is the attention that it has drawn to changes, both natural and manmade, taking place in the environment. Many of these affect Forestry and Forestry Research. For not only do forests cover almost one-third of the surface of the continents, but they influence the other two-thirds and the atmosphere as well. Dr. Worthington stresses that the quality of our future decisions depends upon learning more about how natural systems operate and the impacts of alternative systems for development and exploitation on them. For example, only through a full ecosystem and analysis can we appreciate the effects of air pollution.

The effects of air pollutants do not stop after they have been registered upon the sensitive membranes of humans or upon the susceptible tissues of plants or animals. Rather, the pollutants are deposited in the ecosystem and can have other significant effects. The soil itself may be seriously polluted, such as by the increasing acidity resulting from sulphur brought down from the atmosphere by rain. The acidity alone may not be the problem, for the sulphur may destroy nitrogen fixing bacteria that are essential for plant growth.

The "implication of remote sensors for forestry research practice" was told by Professor Hildebrandt of Germany and R C. Heller, a Forest Service scientist working at Berkeley, California. They point out that first aerial photos were taken for forestry purposes in Germany and Canada more than 50 years ago. Since that time we have developed a complex system of using black and white photography from aircraft for purposes of mapping, forest inventory, and forest management. Entirely new forestry applications now are available in areas of mapping, inventory, protection, engineering, soils, wildlife, and range management.

Remote sensing gives us a chance to inventory and understand the resources of earth in a way that was not possible a few decades ago. Rapid advances in research have improved this tool to the point where machines "see" things that man himself cannot see with his limited visual abilities.

Heat sensors detect and map the location of forest fires, geothermal areas, and individual grazing animals. Side-looking radar divests the land of its cloak of vegetation and exposes every ridge and rill. Cameras with unique films and filters show that sick trees have higher temperatures than their healthy neighbors.

Intensive culture of forests is the topic of discussion in most of the developed countries in the world. To achieve the rapid growth of selected genetic varieties, foresters may apply a full array of intensive management practices: fertilization, frequent intermediate cuttings, continuous cropping, and a high degree of mechanization. Effects of these practices on insect and disease populations are often unknown or poorly understood.

Dr. Keith R. Shea, a Forest Service scientist at Corvallis, Oregon, showed how intensive cultural practices can influence the susceptibility of forests to destructive insets and diseases. If we thought we had troubles with insects and diseases before intensive forestry, our troubles will be multiplied under intensive forest culture. To keep up with these pests, we will need improved ways for predicting, diagnosing, detecting, and evaluating pest outbreaks. Safer pesticides and more effective methods of application must be developed. But, for long-run controls on these destructive agents, we will need to give more attention to the breeding of the resistant varieties, to the development of biological controls through parasites and predators. Most important, we need to develop cultural practices that keep pests in check. One interesting sidelight of the recent progress in disease research has been the development of varieties that are either highly resistant or highly susceptible to pollutants. The susceptible varieties will serve as excellent monitors for the presence and abundance of pollutants, whereas the resistant varieties can be used to create forest stands where pollution now precludes their growth and development.

The industrial age was followed in the early part of this century by the age of technology. The explosive growth of man's activities and technologies led to the present era of concern, the earth age. Such a process of dynamic change was brought home to me by a paper on "Changes in Goals of Forestry Management in the Industrial Age." This paper by Professor Hauser of Switzerland outlined the modification and changes that industry and technology have brought to our living space and environmental conjunctions. Under the pressures of accelerating demand, forests have been utilized, exploited, and even completely destroyed. We in the United States have been concerned about protecting forest landscapes for only a decade or so. In Europe this concern for the appearance of forests has been prevalent for more than two hundred years. Virtually all of our forest protection laws were enacted during the lifetime of people within this room. In Europe the first protective measures, those against avalanches in Alpine countries, date back to the Middle Ages. While we are proud of our strides toward multiple use and sustained yield in the last three decades, foresters in Europe had attained laws with respect to the general welfare and recreational functions of the forest before this century.

However, in the older countries of Europe, as in this country, new problems are posed by the rapid developments of technology and industry and the concentration and mobility of human population. Under these conditions the protective and welfare functions of the forests appear under new light. Environmental forestry, a term given to this concept, gets away from the concept of forests as merely productive entities and moves toward the concept of the forests as a environment for the use, enjoyment, and protection of man, his activities, and his enjoyment of life.

I was surprised to learn from a talk presented by Professor Tamm of Sweden of the great progress in recent years in building mathematical models for forest stands that expressed their growth and development in quantitative physiological terms. The state of the art is such that models have been developed which describe the important processes in tree activity over limited periods of time. Of course, the big goal has not yet been obtained. That is to develop a model that satisfactorily integrates the action of all climatic, edaphic, and biotic factors on a forest tree in its natural environment.

One major thrust of the International Biological Program has been to develop such models that show how forests function. IBP also is collecting information on the productivity of terrestrial ecosystems. From this worldwide effort, we should be able to compare the productivities of forests in a number of different ecological conditions with an aim toward manipulating their productivity for a number of outputs. Our scientists are looking more and more at the way forests respond to uses other than wood production. They are beginning to understand how forests should be arranged and managed for recreational purposes or for wildlife production and visibility. Where human impact is heavy, they are studying the ways forests withstand human wearing and air pollution.

Professor Wareing, of the University College of Wales in the United Kingdom, presented a most interesting analysis of the factors that affect the yield in the individual tree. As you might expect, the key to tree productivity is the rate of dry matter production. It is most influenced by these five factors:

(1) Photosynthetic rate, (2) development of the crown, (3) growth habit, (4) duration of the growing period, and (5) the decline in growth rate with aging. Significant differences with respect to all of these factors occur among species, among provenances, and among individual trees.

This, of course, is the reason that certain species, races, or varieties have unusually high productivity. When our physiologists and tree breeders know how these things fit together, they will be able to produce for us tree varieties that literally jump out of the ground and produce extraordinary yields of high-quality products. The impact of such research on forestry over the next 30 years will be of the same magnitude as the impact that crop breeding has had on agriculture since the 1920's.

The earth forests are great consumers, storehouses, and producers of energy. These energy relationships are the basis for the influence of forest environment. Professor Baumgartner, of the Meteorological Institute of Forestry at Munich, Germany, has created a model that shows how the sources of power are related to production and transpiration within forest stands. The simple fact that evaporation of 1 gram of water requires 600 calories can be related to the water exchanges of trees, water balance of river systems, and the influence of trees on climate.

Forests are characterized by relatively low surface temperatures in summer and relatively high surface temperatures in winter. Thus, they are heat sinks which absorb the heat of summer and heat sources to help ameliorate the severe climate of winter. Forests also surpass all other land surfaces in aerodynamic roughness. That is, they produce more turbulence and vertical mixing of the air that flows through and over them

than does any other natural surface. The result is that forests can have a major role in cleaning the air of pollutants and in dampening the transmission of undesirable noise.

Having recently seen mechanized timber harvesting in the South, I was surprised to hear Dr. Silversides, of the Department of Fisheries and Forestry in Canada, comment that "Agriculture is at least 140 years ahead of silviculture in terms of mechanization." Of course, he was relating to the fact that in highly developed countries even the most difficult crops such as tomatoes, lettuce, or cherries now are harvested by mechanical devices. He went on to say, "Those crops, the harvesting of which cannot be mechanized, will cease to be of economic importance." Accepting the general truth of these statements, we can see that forestry operations must be mechanized if the forest resources of the earth are to produce commensurately with other resources. Only in the last few decades have we seen significant advances in mechanization of logging. Skyline logging systems, balloon logging, mechanical harvesters, all are developments that will have to be repeated and improved upon if the harvesting of forests is to remain an economic venture in the light of constantly increasing costs and scarcity of labor.

Another theme that emerged from the IUFRO Congress is the need for better information, more rapid retrieval of information, and information of value to many disciplines. "Information systems in forestry" was the subject of a thought-provoking paper by Dr. Schrader of the Center for Documentation at Reinbek, Germany. He stressed the possibilities of applying computers for storage and retrieval of the information contained in forestry literature. The flood of technical information in forestry is overwhelming those who must assimilate and use it in decision-making processes. Unfortunately, systems for handling and retrieving information are lagging far behind the systems for generating information. Here is an area where forestry must change its priorities.

Forestry must give more emphasis to finding ways to retrieve and use the information that has already been generated. One of the first steps in solving the informational problem is to develop a common language.

To this end, the Multilingual Forestry Terminology Project has directed its efforts, and the first outcome is the recently released English Forestry Terminology. This book, now available from the Society of American Foresters, gives English terms and their definitions and equivalents in usage throughout the English-speaking world.

It is rather amusing to learn that when the British speak of "beating up," they are not speaking of an aggressive act to another human, rather they are talking about replanting. Extension of this terminology project to other languages and expansion to include more terms are keys to developing a common language. The impact of this new terminology may be substantial changes in the vocabulary of foresters and scientists to provide for simple, common meaning in language.

In closing, I return to Dr. Worthington. He left his audience at Gainesville with three points that I would like to generalize for you in the context of our topic today:

1. Think out clearly the objectives before embarking on any project that involves a major resource, for the project is apt to become more and more expensive in money and manpower. In other words, we must ask the right question at the beginning in order to obtain the right answer most efficiently.

2. Consider the forest as a whole—its vegetation, its fauna, its soil, its water regimes—as an ecosystem of energy flow and biological productivity, of which mankind is a part.

3. Focus new attention on changes in the forest environment, both natural and man-made, monitored to assess these effects and to determine their influence in order to develop a partnership between man and nature that considers all of earth's resources.

THE TWO-PARTY SYSTEM

Mr. ERVIN. Mr. President, our system of government has worked in part because of what we call, for a lack of a better name, the two-party system. The two-party system has worked in a practical manner because of loyalty of countless thousands of people throughout the country to the political party of their choice.

Augustus Vernon Peeler, a lifelong resident of my county in North Carolina, was one of those numerous Americans who have made the two-party system work. When he passed away a short time ago, my hometown newspaper, the Morganton News Herald, carried an editorial commenting on his long time service to the Democratic Party at the precinct level. This editorial is entitled "Passing of Political Era" and is worthy of preservation as a fine memorial to one of the thousands of Americans throughout our land who have made the two-party system work and thus made our system of government function properly.

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

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

PASSING OF POLITICAL ERA

Augustus Vernon Peeler is dead, and with him passed an era in Burke County politics.

Gus Peeler held a place that was unique in that politics was more than just a hobby with him. It was almost a way of life. It happened that he was a Democrat, but he has had his counterparts in the Republican camp in the past. But they and other Democrats of like nature are either dead or removed from the active scene by age.

Gus Peeler was a resident of Lower Fork Township (residing on Route 1, Connelly Springs), and his precinct was Lower Fork No. 2. His political interest must have developed at an early age, for he has been Democratic precinct chairman for as far back as the current generation of officeholders and candidates can remember.

His unique quality was that he was one of those rare precinct chairmen who could deliver their precinct for a given candidate. In big city circles he might have been called "ward boss". If Gus Peeler became sold on a candidate, particularly in a nominating primary, then that candidate would receive an almost unanimous vote at the precinct.

Stories about him abound. One tells how a supporter for a candidate for a major state office convinced "Mr. Gus" that this man was the right one, but because there was another able candidate in the race he advised him to allow the other man to make a fair showing in his precinct. That night the votes were counted. Candidate No. 1 received over 200 votes and his opponent, who was due to get a "fair showing," received 2.

Gus Peeler wasn't after the money that's spent on political campaigns. The impression is that he was probably less demanding of cash to oil up his precinct machinery than most other workers.

His role as old-fashioned precinct chairman didn't hinge on money. His party's forces in his precinct were gently disciplined when necessary, and they didn't consider that theirs were "controlled votes." He bought their vote but it was bought by friendship, persuasion and personal favors which in these parts are called "accommodations." People voted the way Mr. Peeler wanted them to because they liked him and appreciated what he as a friend had done for them, including never deliberately leading them astray in the way they cast their vote. They liked him and trusted him.

When ill health disabled him some time ago, friends installed for him a telephone—a luxury he had never before enjoyed—so that he could still keep in touch with the outside world. And they quietly raised funds to help him defray what for him were heavy medical expenses, including a continuing supply of essential oxygen. These were other ways in which friendship was expressed.

The name of this unassuming man was perpetuated when a road in his township was named the Gus Peeler Road and it is so marked.

Gus Peeler served for years as registrar or judge of elections held in his precinct and he knew the electorate, both Democrats and Republicans. One election night he telephoned his precinct returns to The News Herald office five minutes or more before the polls were scheduled to close. The surprised tabulator asked, "Mr. Gus, does your clock say 6:30? Is it time to close the polls?" His reply: "It's about that time, and everybody down here who's going to vote has already voted." Both sides had trained their followers to vote before the last minute, and by agreement, knowing that all the votes were in, election officials had counted the ballots. It was the first precinct to report that night—before the polls were legally closed.

In this day of growing political sophistication, the sun has set on the era of the chairman or leader or boss who can deliver the vote of his precinct. Most voters try to avoid like the plague having it appear that theirs are controlled votes. Even if they are influenced by friendship or favors or just downright neighborliness, they refuse to admit it, preferring instead to display an I'll-make-up-my-own-mind attitude. Usually that's accompanied by a vote-for-the-man-and-not-the-party stance that is often the theme of the minority party, which, in Burke County, can change in the matter of a few years.

All of this raises a serious question as to the effect of the so-called enlightened new day for the electorate on the two-party system. It must be credited to the Gus Peelers of both sides that the two-party system became strong. It has been acclaimed as the best of the political systems to be found, preferable to the multiplicity of splinter groups found in some countries where candidates can be elected without getting anything near a majority of the votes.

Gus Peeler and his kind of both parties contributed to the strength that comes from having a hard and substantial core of voters who can be depended on to unite to give substance to the support a party nominee can expect. The independent voter—an important figure in the political picture—has always been free to vote for the candidates of his choice in his own party or the other party or he may choose to be unaligned. The floating or independent voters have held the balance of power in any election, tipping the scales between the two parties with their built-in, almost-automatic support accounted for by Gus Peeler and his counterparts, who fueled the party machinery for the two-party system.

With the passing of the paternalistic, friendly and befriending precinct chairman

(or boss or leader) and the growing reluctance of many people to be identified as a "party member," a weakening of the two-party system seems inevitable. Add to that the tendency of candidates to run not as party nominees but as individuals campaigning on their own, seeking to build a personal image through advertising (including histrionics through the medium of electronics). A further minimizing of party roles thus seems to be taking place which weakens the two-party system still more.

The two-party system is worth saving because the alternative is unthinkable. And while thoughtful students of political history are looking around for ways to save it, let the affiliated and unaffiliated remember the solid contribution which the Gus Peelers of both parties made to their day and age through the promotion of "party regularity."

IMPROVEMENT OF HIGHER EDUCATION PROGRAMS

Mr. PACKWOOD. Mr. President, the Senate Labor and Public Welfare Committee will soon be taking up legislation to amend our higher education programs, and I am looking forward to this opportunity with great anticipation. As our college students face more and more difficult financial problems, and as institutions of higher education attempt to solve their multifaceted problems, we shall be called upon to provide better answers than we have had in the past and with improved mechanisms for assisting institutions of higher education and students seeking postsecondary education.

The American Association of State Colleges and Universities and the National Association of State Universities and Land Grant Colleges have recently issued a joint statement entitled "Recommendations for National Action Affecting Higher Education." This statement sets forth the policy recommendations of these two distinguished associations. Their recommendations range from student assistance, institutional assistance, institutional responsibility, research, and diversification of postsecondary educational opportunity.

In view of our upcoming debate on higher education amendments, I believe all Senators will find these recommendations very instructive. I ask unanimous consent that they be printed in the RECORD.

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

RECOMMENDATIONS FOR NATIONAL ACTION AFFECTING HIGHER EDUCATION

INTRODUCTION

The higher education system in America today faces a financial crisis which must be acknowledged and met. In the last decade, student enrollments have increased at an unprecedented rate. Research and training programs have been expanded to meet national needs. The physical and human resources of colleges and universities have been burdened to meet these new and heavy commitments. At the same time, costs have risen sharply while economic decline has reduced the capability of public and private support for higher education to meet them. Most of our institutions would face grave problems if they were simply to maintain the present level of operations.

But the present level of operations is not good enough. There are young people—perhaps a million of them in a college generation—who would not get post-secondary education at that level of operations. They are precluded from further education by poverty. We share the determination of the President and other Americans that these young people should *not* be barred from equal educational opportunity simply by lack of money. We support Federal assistance programs which will provide opportunity for them. At the same time, it would be irresponsible for us not to say bluntly that there must be buildings to house them and teachers to teach them if they are to be educated further. Every additional student who goes to college brings additional cost with him. Very few institutions charge tuition high enough to cover the cost of instruction, not to mention essential construction costs. Success in meeting the national goal of larger enrollments could mean financial disaster for the higher education system.

It is time to face frankly the fact that it is not possible to provide equal educational opportunity to American young people without paying the cost—not just the tuition and maintenance cost to the students but also the cost of educating them. We urge the Congress and the Executive to recognize the inseparable relationship of these costs by assisting all institutions, public and private, to do the education job, while they maintain vital programs to aid students.

1. STUDENT ASSISTANCE

We commend the President of the United States for the commitment he made, in his education message to Congress early in 1970, to use the resources of the Federal government to make sure that no young person who can benefit from post-secondary education will be denied the opporunity. We share that commitment without reservation. Our role in national life, as public institutions of higher education, has been to provide education free or at low tuition to as many students as possible. Our society is very far, however, from extending the opportunity of further education to all young people who need and want it. The realization of that goal will require a commitment of national resources far beyond anything the government has so far been willing to make.

But there are good programs in law now which should be extended and improved.

For the *low-income student*, a substantial package of assistance can be put together by:

Maintaining the National Defense Education Act student loan program to insure access to low-interest loans for needy students.

Maintaining the integrity of the Educational Opportunity Grants program. Young people from very low-income families often are intimidated by the prospect of a heavy debt burden. Outright grants are indispensable.

Maintaining the work-study program, with the Federal level of contributions established at 90 per cent as a minimum.

For the *middle-income student*, the *Guaranteed Student Loan program* should be maintained with an adequate flow of funds for legitimate educational needs. We accept the assurances of the Administration and the banking community that this will require a secondary-market arrangement of some kind, so we support the establishment of the *National Student Loan Association.*

We are disturbed by the continuing trend of the Administration to eliminate grants and direct loans from Federal programs in favor of guaranteed loans from the private market, perhaps with interest subsidies. Our institutions do not need the Federal guarantee, while many private institutions find interest so high and repayment periods so short they cannot profit from the guarantee. We understand why interest subsidies are preferred to grants or direct loans: they reflect a smaller expenditure *in the budget for a particular year.* But inasmuch as they increase arithmetically each year, they not only cost more in the long run but also represent an ever-expanding element of inflexibility in the budget, threatening all social programs and providing the government with a dangerous stake in inflation.

We oppose:

Tax credits for tuition and fees.

A general Federal scholarship plan.

Proposals such as the *contingent loan repayment plan or any other based on the philosophy that students should pay an increasing proportion of the cost of higher education by long-term borrowing.* The inevitable result of any such scheme is tuition increases to the point of the full cost of instruction, with a repudiation by society of its own responsibility for and gain from the expansion of human resources through higher education.

II. INSTITUTIONAL AID

A commitment to educating massive numbers of new students is meaningless if it does not include the responsibility to provide the housing, classrooms, laboratories, and faculty necessary to do the job. Colleges and universities have absorbed an additional 1.5 million students since 1965. The instructions in NASULGC had to turn away nearly 90,000 qualified students in the Fall of 1970. Many AASCU institutions have had the same experience. Therefore, it is unrealistic to assume that existing facilities and teaching resources could take care of an additional million students, say, in five years. It is true that there are vacancies in private institutions, but not approaching the numbers mentioned here.

Sooner or later, the Federal government will have to undertake an adequate program of institutional aid. A model for such assistance is the land-grant teaching assistance program which provides unfettered money for institutions designated as land-grant colleges. Unfortunately, both the Executive and the Congress moved in the wrong direction in 1970—the President's budget eliminated the funds for this program; Congress restored them but at an amount below the authorization for the first time in more than a half century. What is needed is to expand the concept of operational aid to *all* institutions, public and private, not eliminate the small step that has been taken in the right direction.

Our institutions have commended and strongly supported the efforts of Representatives George P. Miller and Emilio Q. Daddario to pass their National Institutional Grants program bill (H.R. 11542, 91st Congress), which was overwhelmingly approved by the House Committee on Science and Astronautics in 1970. We commend Representative Albert Quie and Senator Peter Dominick for introducing identical institutional aid bills in their respective houses in the 91st Congress (H.R. 1622, S. 3817) and we strongly support these measures as well.

We will support any bill with a reasonable formula for institutional aid, relying on further legislation to correct inequities as experience reveals them.

There are categorical programs which are broad enough to furnish a kind of institutional aid. Among these we recommend:

Funding of both the undergraduate and graduate academic facilities grants programs and expansion of the loan program to authorized levels.

Expansion of the College Housing Loan Program as a supplement to, but not a substitute for, the direct loan program.

Continuation and expansion of aid to de-

veloping colleges, particularly as the program aids institutions with heavy enrollments of students from minority groups.

III. RESEARCH

Research is one of the requisite functions of a university. It adds to the basic knowledge which helps to make a nation strong and the life of its people safe and satisfying. The Federal government has played a huge role in the research efforts of our institutions, which have responded and will continue to respond to national needs. But serious dislocations occur when universities commit their own resources to Federal programs which then are phased out, leaving universities to support staff and facilities as best they can. Feast-or-famine practices in appropriations encourage new ventures, then destroy long-established and highly productive programs.

We believe the Federal government must bring stability to its research, training, and developmental assistance programs with a slow but dependable expansion in funding, in real dollars.

In regard to specific programs, we recommend:

Prompt action to restore the deep reductions made last year in *long-established fellowship programs* (such as those of Title IV of the National Defense Education Act) and to provide adequate funding for new programs (such as those of the Education Professions Development Act).

Expanded support for basic research, which is fundamental to the nation's progress.

Elimination of cost-sharing requirements, and implementation of the policy of *full reimbursement of indirect costs.*

Continuation and expansion of short-term institutional development grants, initiated by the National Science Foundation and the U.S. Public Health Service.

Increased support of the National Foundation for the Arts and Humanities, with emphisis on support of institutional programs while continuing individual grants.

Emphasis in the health fields on adequate funding of existing programs which are now of a comprehensive nature.

Strengthening and broadening the computer facilities programs, with stress on cooperative arrangements among institutions.

IV. ACADEMIC RESPONSIBILITIES

The two Associations are firmly committed to the maintenance of freedom of inquiry, study, and expression in the academic community. Maintenance of these freedoms, and the ability to respond to the many legitimate requests for change in institutional programs and arrangements to meet the needs of the time, are threatened by destructive resort to force and violence.

It is the responsibility of the academic community and, where necessary, of local civil authorities to deal with disruptive activities if they occur and to assess penalties appropriate to the offense. College and university administrators are the managers of their respective academic enterprises and should be allowed and expected to run them responsibility. *Federal legislation imposing severe and mandatory penalties on those who happen to be recipients of Federal financial assistance will further neither our own ability to discharge our responsibilities nor the objectives of its sponsors.* We believe that this is understood by both the Executive and Congress and we are grateful that both have, in the main, exercised restraint in the face of provocations to intervene. We, in our turn, who have the most to lose, have improved our capability to deal with disruption, which was a new dimension for us, and to bring students to bear more constructively in the lives of our institutions.

But a new element has been added in the form of criminal terrorism. *We are not responsible for terrorism and we cannot deal with it when it occurs on campus, any more than urban courthouses are bombed or policemen murdered.* This is a problem for the whole society and its government, and especially for the law-enforcing agencies of government. *We will give them our full cooperation and support.*

In regard to specific policies directed at academic life, we recommend:

The Establishment of the National Foundation for Higher Education, which was recommended by the President, *to support innovative, and exemplary programs to improve the quality of higher education.* We do not believe it should be an operating agency, nor do we thing its project grants should replace existing programs.

The inclusion of all institutions which offer post-secondary and technical programs in Federal programs aimed at strengthening these areas. Awards of grants should be determined solely by an institution's capabilities in meeting a program's objectives. Funds in these programs should not be diverted to objectives of strengthening different types of institutions, however instrinsically worthy these objectives may be.

Legislation to authorize *special assistance to cover the institutional cost of the ROTC program,* whose primary purpose is to produce regular and reserve officers for the Armed Services.

V. EXTENDING THE RESOURCES OF HIGHER EDUCATION BEYOND THE CAMPUS

The institutions which are members of our two Associations have never believed that relatively young students on finite campuses were our sole concern. Far from it. We have been leaders for more than a century in extending the range of educational offerings from the strictly classical to professions which had to be invented, in the process expanding enormously the productive capability of our people. Through problem-solving extension programs we have created a variety of instructional arrangements which we have taken to people of all ages with differing needs wherever they lived in our respective states. We have played a strong role in taking American expertise to peoples of other nations all over the world.

We recognize that the need for the mobility and adaptability of public higher education is more crucial now than ever before. There are disadvantaged students who need to be taught close to home, successful adults who need continuing education in order to cope with a rapidly changing world, urban problems to be identified and solved. We want to meet the challenges posed by these needs.

A. Extension and Continuing Education.

We recommend:

Substantially increased funding for the *Community Services and Continuing Education Act* (Title I of the Higher Education Act) and of other Federal programs designed to enable colleges and universities to offer their resources in the service of society as a whole. These include the Public Broadcasting Act, Regional Medical Programs Act, Law Enforcement Educational Assistance Act, Smith-Lever Act (Cooperative Extension Service), and various programs of the Department of Housing and Urban Development.

B. Natural Resources and Environment.

We support:

Federal programs designed to *improve the quality of the natural environment and insure wise use of our natural resources.* We urge greater involvement of colleges and universities in educational and research programs in this area.

We recommend:

Full funding of Titles I and II of the *Water Resources Research Act.*

Continuing emphasis, in administration of the *Sea Grant Colleges and Program Act,* on the importance of broad, flexible institutional awards.

Greater *coordination among Federal agencies* responsible for air and water pollution programs.

C. International Programs.

We recommend:

The exertion of leadership and support by the Administration and the Congress to assure a *truly international dimension* in American higher education, and maximum effective participation by colleges and universities in *international educational and cultural exchange and in technical assistance.*

Action to *clarify the roles* of various Federal agencies in international programs.

Provision of *funding for such program* on a continuing, predictable basis..

D. Manpower Programs.

We recommend:

Passage by the Congress of *comprehensive manpower legislation* now before it with appropriations capable of implementing the objectives of the legislation.

In education programs, *more attention to the imbalance in available manpower* in different disciplines and freeing funds to retain and upgrade educational personnel to respond to real national needs.

The devotion by the Administration of support for the expansion of programs in all phases of *allied health services* to encourage more people to enter these professions.

THE PRISONER-OF-WAR ISSUE

Mr. FULBRIGHT. Mr. President, the administration's most recent statements on the prisoner-of-war issue have not received the attention which they deserve. In recent weeks both the President and the Secretary of Defense have said that American troops will remain in Vietnam as long as American prisoners remain in North Vietnam. This formulation, of course, raises a critical question: Would the administration set a definite withdrawal date if this would bring about the release of the prisoners? This is a question which the families of some prisoners are now asking themselves as evidenced by a recent column written by Stephen S. Rosenfeld and published in the Washington Post. I ask unanimous consent that Mr. Rosenfeld's column be printed in the RECORD.

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

"I WAS BITTER INSIDE"—NIXON'S POW POLICY CONTESTED BY WIVES

(By Stephen S. Rosenfeld)

The wives of five POWs who worshipped at the White House last Sunday said the President told them, "This is one thing we can't deviate on. As long as we have prisoners there, we'll have men there." Obviously, Mr. Nixon was trying to assure doubting wives, and other worriers in the Pentagon and elsewhere, that in pursuing troop withdrawals he is not breaking faith with the 1500-odd Americans counted as prisoners or MIAs (missing in action) in the various parts of Indochina; not abandoning them.

At the same time, it is of human interest, and perhaps of political importance, that some POW wives now formulate the problem in a very different way from the President. They say, in effect: As long as we have men there, we'll have prisoners there. They conclude that the United States should withdraw all its forces from Vietnam, if only to bring their husbands home.

Many Americans might agree that Mr. Nixon should set a timetable and leave Vietnam—and not only to retrieve POWs. But the President insists he will consider complete withdrawal only "as part of a settle-

ment." Sympathetic as he is to the suffering of prisoners and their families, he has nonetheless steadily rejected the Hanoi-Vietcong offer to open "discussions leading to release" of POWs as soon as the United States says when it will leave. Instead, he has termed the POW issue "humanitarian" and sought to avoid paying any political price for return of the men.

That his policy is now challenged openly by some POW wives and, according to them, questioned quietly by others, is a sobering index of the impact of the war. For it has been an American tradition that families of military men—certainly families of career men, who are numerous among the POWs—accept without public complaint or political argument the duty assigned the men. In this case, the duty assigned to hundreds of Americans is to sit in captivity and thereby to project Mr. Nixon's determination to get the kind of political settlement he wants in South Vietnam. It is not so surprising, considering the internal divisions on the war and the hardships imposed on the POWs wives, that some of them no longer go along.

The particular vehicle which has carried them into the political arena is the "proportional repatriation" proposal launched by Representatives Leggett and Riegle. They would have the United States set a withdrawal date and negotiate a step-by-step agreement: total withdrawal for total prisoner release. Politically, the key divergence from official policy is that this proposal does not demand—as a quid pro quo for withdrawal—that the other side accept a South Vietnamese political arrangement approved by the United States. Humanely, the key divergence is that it offers hope for the return of the prisoners.

Mrs. James Mulligan of Virginia Beach, whose Navy pilot husband was shot down five years ago and she has six sons, appeared with six other wives to endorse "proportional repatriation" when it was unveiled here last month. Later she stirred the National League of Families of American Prisoners and Missing in Southeast Asia into circulating the proposal to its members.

(The League is currently polling its members on political questions for the first time, its board chairman, Carol North of Wellfleet, Mass., reported this week. She said that the group's need to stay non-political to protect its tax-exempt status, and its further need to maintain unity—"we reflect the divisions in the country"—had kept it from pronouncing on political questions.)

Mrs. Mulligan, speaking in a telephone interview, explained her own new political activity this way: "This conflict has been political since the Tonkin Gulf resolution. It's a war run by politicians, not military men. President Nixon is trying to justify the loss of 44,000 lives. I wish him well but I doubt he can do it. The American soldier is not receiving from his government the loyalty he gives to his government. I don't feel the Leggett proposal is the answer but it's a vehicle to show the administration and Congress how mistaken is the view that the families are in accord with the administration.

In December, 1969, said Mrs. Mulligan, she went with a wives' group to the White House: "I faced the President. I told him my husband had been interned four-five years. 'You must do something,' I said. I was shocked to find myself asking my government for help. I don't want to be used any more: not by Hanoi, not by the liaison committee (the anti-war group Hanoi has used as a mail funnel), not by my own government. We live in a very political country, and that is what I am going to do."

Mrs. James McDaniel of Greensboro, N.C., wife of an Air Force navigator shot down in 1966 and mother of two, also endorsed "proportional repatriation." She said, "I don't see what the President is doing. I want him to come out and tell me. Does he think those men are expendable? If he's playing politics and waiting until '72, then I'm really fed up.

"You say you're not going into politics. We tried to separate politics from humanitarianism. We said 'write Hanoi, write Hanoi'—it's helped make people more aware. But Hanoi owes them nothing, only not to be cruel to them. Our government has the responsibility, and we've got to put pressure on it. I'm not superhuman. My husband's not superhuman. I kept quiet so long, I was bitter inside."

How many of the wives these women speak for won't be known until the League completes its survey. But they are not the only group which wants the President to set a withdrawal timetable. The Gallup poll reported last week it has asked its national sample if it would support a congressional proposal to bring home all U.S. troops by the end of 1971, and 73 percent—up from 55 per cent last September—said yes.

SENATOR HATFIELD'S STATEMENT ON THE UNITED NATIONS

Mr. PEARSON. Mr. President, last December, the distinguished senior Senator from Oregon (Mr. HATFIELD) submitted a statement as testimony before the President's Commission on the United Nations. It was a very broad review of U.N. activity during its 25 years of existence. I think it would be to the advantage of all Senators to note this statement. I ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY BEFORE THE PRESIDENT'S COMMISSION ON THE UNITED NATIONS BY SENATOR MARK O. HATFIELD

Mr. Chairman, I think it particularly appropriate to have a review of the role of the United Nations on its silver anniversary. And I appreciate the opportunity to submit testimony to your Commission.

During the last quarter-century the peoples of the world have become increasingly aware of their interdependence. It is important for us to recognize that this interdependence extends to the United States—our policies are greatly determined by Moscow and Peking and their policies greatly determined by Washington. For we are all members of a truly world community, and this should be constantly kept in mind. If we could wave a magic wand and compress the world's 3 billion people into a small town of 1,000 people, 57 would be citizens of the United States—the remainder of the world would be represented by 943. About 329 in the town would be classified as Christians, and 641 would not be so classified. About 67 would be Protestants and some 176 would be Roman Catholics. At least 13 towns-people would be practicing Communists and 354 others would be in Communist-controlled countries. White people would total 315, with 685 non-white.

The 57 United States citizens would have an average life expectancy of 70.5 years—the other 943 would have a life expectancy of 57 years. The 57 United States citizens would have 15 times as many possessions per person as the rest of the people and produce 14% of the town's food supply while eating 20% above the maximum food requirements. Inasmuch as most of the 943 non-United States citizens in the town would be hungry, the disparity in the food supply might understandably lead to some ill feeling among the townspeople. The lowest income group among the 57 United States citizens would be much better off than the average of the rest of the town. One-half of the 1,000 people would never have heard of Jesus Christ and what He taught. On the other hand, more than one-half would be hearing about Karl Marx, Lenin, Stalin, and Khrushchev. It is with this perspective that I think we should look at and evaluate the United Nations.

Twenty-five years ago in the aftermath of World War II and in the face of the unknown prospects of the Cold War and the nuclear age, the United Nations was created. Its purpose was to help build world peace which entailed a two-fold role: first, the prevention of war and, second, the peaceful settlement of disputes after they had begun. The United Nations has done a highly commendable job in helping eradicate some of the basic causes of human misery—and war, consequently—through such agencies as the United Nations International Children's Emergency Fund (UNICEF), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the Commission on Narcotic Drugs, the United Nations Special Fund, the Economic Commission for Europe (ECE), the Economic Commission for Latin America (ECLA), and Economic Commission for Africa (ECA), the Economic Social Council, and numerous conferences and other commissions and agencies. I firmly support their continued efforts.

There have been, however, events occurring and situations created that were unforeseen at the inception of the United Nations which have reached global proportions and which the United Nations can and should help confront. For instance, as early as 1961, Iran had suggested an International Volunteer Service Corps. The organization would be analogous to the United Peace Corps, but it would be international in its membership and in its perspective. I am pleased to note there have been significant steps within the United Nations to make the International Volunteer Service Corps a reality, and that it is with the support of the United States.

The environment has become an issue of world concern, pollution not being the exclusive problem of the technologically developed countries. The United Nations has rightfully focused its attention on this issue and has planned a Conference on Problems of the Human Environment to be held in Stockholm, Sweden in 1972. Yet, it is important that we and the other countries of the world do as much as possible to cope with this problem within our own countries and on an international basis, not merely waiting to see what comes out of the 1972 conference.

World opinion plays a major role in shaping foreign policy. This is true, I believe, irrespective of the form of government of a particular country. The United Nations has been a forum in which world opinion can be expressed but there have been evidences that even this function could be facilitated—without transgressing the internal policies of the respective countries involved. Through the United Nations, the International Court of Justice should be given authority to try cases even where one of the parties refuses to participate in the proceedings or to adhere to the Court's findings. This would not make the Court's decision binding, but it would still have a significant effect on world opinion and help focus that opinion on specific issues.

Crucial to solving any conflict is engaging the parties to a dispute, or potential dispute, in a dialogue. There are, however, numerous groups which do not have representation in the United Nations. To be consistent with the founding principles of this world body, the goal of universal membership should be stressed as greatly as possible. Furthermore, as the Commission to Study the Organization of Peace has suggested, all independent states with a population over 1 million should be eligible for membership. And all independent states with a population below

1 million should be eligible for associate membership with more limited rights and obligations. Special effort should be made to bring into the United Nations both parts of divided states, such as Germany, Korea, and Vietnam.

If the United Nations is to be effective, it needs to have accurate and up-to-date information. In 1971, the International Telecommunication Union (ITU) World Administrative Radio Conference will be held. This group is responsible for the allocation of frequency bands for satellite broadcasting, and consequently, will be of great import to the future of the international relations. Instantaneous contact throughout the world is needed in order to maintain peace, and this cannot be accomplished by using any system based, as now, on terrestrial shortwave radio. It is of the utmost importance that the United Nations improve its communications network by working through the ITU Conference not only for the primary purpose of helping abate conflict but for the benefits that can be gained from satellite use for navigation, Earth survey, meteorology, and other scientific and educational purposes. The United Nations Development Program, in conjunction with the World Bank have already expressed an interest in this area, and it must be noted that a multi-national focus of this communication network should be stressed rather than have one or two nations or ideological groups in control. The United Nations should have access to satellite broadcasting and television channels so that it would insure that United Nations discussions and actions would be known to all peoples of the world without interference from any government. UNESCO and other specialized agencies should aid in the transmittal of international, cultural, and artistic events through satellite communication as well.

Perhaps the most obvious area of need within the United Nations is its lack of machinery for peaceful settlement of disputes. The resolution of disputes such as those occurring in the Middle East, Cyprus and the Congo have all been of an ad hoc nature. The Security Council is now meeting on a monthly basis to discuss world problems rather than only in times of crisis and is a good step, but more needs to be done. The General Assembly's Peace Keeping Committee has been meeting for nearly two years and should, hopefully, come forth this year with concrete proposals. Our experience in the Middle East and the problems such United Nations efforts as the United Nations Relief and Works Agency (UNRWA) has confronted exemplify the need for improved peace keeping mechanisms. UNRWA has done an admirable job, but because of the short-sided, if not blind, policies of various countries, not least of all the United States, the Middle East with two traditionally peaceful and peace-loving peoples have become a quagmire of tragedy and despair. The role of UNRWA should be fully supported to meet its present budget deficits and the United Nations should press for compliance with its earlier resolutions, particularly of November 22, 1967.

Vital to the continued functioning of the United Nations, let alone any increase in its potency, is its budgetary needs. The more that the United Nations can be depended upon to maintain international security the less we will tend to look upon ourselves as the world's policemen—and the less it will cost us in human lives and money. Consequently, the United States should devote at least 1% of its Gross National Product to foreign aid, particularly focusing on the United Nations and other multi-national efforts. Today, the United States is giving the United Nations less than it spends in three days in Vietnam. On a per capita basis the annual cost for each United States citizen for the United Nations is $1.22, in contrast to the $83.25 each of us is spending for Vietnam, or the 64c out of every $1.00 in our budget that goes to paying for past, present and future wars.

Our challenge is no longer the control of our environment, but the control of ourselves. It is with each of us as human beings and in our ability to deal with one another that the hopes for peace in the world rest. It may seem initially ironic, but with the growing interdependence between individuals, peoples and nations, there is proportionate increase in the need for individual responsibility toward ourselves and each other. We are beginning to realize that world peace is only possible through shared responsibility—between nations and individuals—and that only through actions consistent with this realization will peace be more than a pipedream.

POWER AND PUBLIC RESPONSIBILITY

Mr. METCALF. Mr. President, the distinguished Senator from South Dakota (Mr. McGOVERN) recently addressed the Midwest Electric Consumers Association. He discussed some of the fundamental problems of our national energy supply system, including environmental disputes, the withholding of natural gas from markets, inadequate research expenditures by utilities which instead invest heavily in advertising and sales promotion, and the failure to build a sorely needed national grid system. He urged revision of the Department of the Interior's leasing policy, Federal exploration for natural gas reserves and a hard look at the basic organization of our entire power supply system.

Senator McGOVERN's forceful and thoughtful presentation points up methods of asserting responsible leadership in an area where both government and industry have faltered.

I ask unanimous consent that his speech be printed in the RECORD.

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

POWER AND PUBLIC RESPONSIBILITY

(By Senator GEORGE McGOVERN)

Events of this past summer should leave no one unconvinced that this country is facing an energy crisis of drastic proportions.

The most obvious evidence was supplied by more than 50 major blackouts in which electricity was cut off from consumers, and by hundreds of brownouts in which voltage was cut back.

But those troublesome events properly focused new attention on the entire energy industry and on its capacity to meet the exploding power needs of the American people.

We found that major private electric utilities have reserve generating capacity of 10 percent and less, instead of the desired 20 percent.

We found that there is a shortage, either genuine or manufactured by the industry, in deliveries of natural gas to customers.

We found that oil for fuel is available in sharply reduced quantities, and at ridiculously increased prices.

We found that more coal is being consumed than is being extracted from mines, and that prices are escalating sharply.

We found that electric utilities appear unable to provide added generating facilities to meet consumer demands without intolerable additions to environmental pollution.

The United States has a trillion dollar economy. Our technology is unparalleled. We have huge reserves of coal and lignite and enormous untapped reservoirs oil and gas. We have, despite its imperfections, attained the best energy distribution system any place on the globe.

But we have nevertheless blundered into a power and fuel emergency which threatens to damage each American citizen.

The consumer has accepted blackouts with good humor, and brownouts with surprising good grace. He will be less patient when the freezeouts begin. Yet they and other painful consequences are on their way unless government and industry supply inspired leadership to efforts to meet the power needs of both today and decades hence.

The crisis is recognized almost universally. There are apparently still some dimmed eyes, else how explain this summer's fifth straight House vote against the Dickey-Lincoln School Project for the Northeast, on the same day that Capitol corridors were darkened because of power shortages all along the Eastern seaboard. But most responsible observers now see the difficulty.

There is, however, no unanimity in explanations why the crisis has developed.

II

With the physical comfort and well-being of all of its citizens at stake; with the health of the entire economy dependent upon reliable supplies of energy at reasonable cost, it is almost impossible to believe that there isn't a Federal agency that can provide a logical and credible explanation for the development of the present emergency. Nonetheless, that appears to be the case.

You will recall that this past summer the Secretary of the Interior appointed an Industry Advisory Committee to provide him with information on the national energy situation—after an expected 18 months of study. Not even the White House saw that as a reassuring answer to a national emergency, so a Cabinet level team was appointed.

Meanwhile, private industry spokesmen have developed their own rationales, largely self-serving.

The electric utilities blame the conservationists, the manufacturers, organized labor, and the various regulatory agencies.

The coal companies place the principal blame upon the electric utilities for ordering nuclear fueled generating plants. They fault the railroads for shortages of hopper-bottom cars, and they fault the Congress for what they regard as excessively restrictive mine health and safety legislation and pollution controls.

Natural gas suppliers, with remarkable unanimity, place the responsibility on the Federal Power Commission. Natural gas would be available for everyone, they suggest, if only rates were higher.

The oil companies attribute the shortage of residual fuel oils to political disturbances in the Middle East, to tanker shortages, and to higher than anticipated demand. They are particularly fond of noting the interruption of the Trans-Arabian pipeline in Syria.

These pleadings may have mixed merit. It is at least as instructive to look elsewhere, for more disinterested analysis.

It is intriguing to note, for example, that the acute energy emergency has developed just at the time when oil and gas companies have been acquiring coal companies, thus depleting interfuel competition from that source. Only two of the ten largest coal companies are now independently owned, and the other eight produce 42 percent of the industry's present production. Simultaneously, oil companies have acquired vast uranium holdings, producing 14 percent of the domestic uranium in 1969 and controlling 45 percent of the known reserves on January first of this year.

Where natural gas is concerned, we have evidence of seriously questionable tactics by

producers. *Business Week* reported on August first, and I quote:

"The major oil companies, which control most of the natural gas supplies in the U.S. have made it clear that they are not interested in increasing gas production until it becomes more profitable than other investments they can make, but that could mean a 60 percent increase in present ceiling prices that producers can charge for natural gas."

In short, the shortage of gas is a holdout for higher prices.

Certainly any analysis of the roots of today's grim picture must include some attention to the fragmented and confused voice of government, particularly as it has influenced the growth of new energy sources.

In 1963 Jersey Central Power and Light released the economic analysis which led to that company's decision to go atomic at Oyster Creek. Spokesmen for the Atomic Energy Commission had, for years, been offering confident projections that coal would lose the electric power market to nuclear generation in just a few years. Without a similar public voice speaking for and promoting fossil fuels, investments in new coal mines and coal transport equipment were sharply curtailed.

Now, with the breeder-reactor still acting as the most successful moving target in human experience—staying twenty years away regardless of the passage of time—we find that we have ignored fossil fuels at our peril.

Research priorities reflect a similar pattern. Except for the civilian power reactor program which is primarily Federally financed, the electric utilities, the manufacturers and government agencies have all been niggardly in the financial support devoted to discovery of new concepts and techniques.

Joseph Swidler, former chairman of the Federal Power Commission and now head of New York's Public Service Commission, testified before a Senate Subcommittee recently that:

"The amounts that the utilities spend on research are negligible, and this is understandable because of the nature of the industry. It is broken up into 3,000, over 3,000, separate institutions or entities in four different segments. They do not have laboratories or research facilities of their own.

"The manufacturers are interested primarily in research with an early commercial payout, and the government thus far has stined in its research in the energy field. Research, as you know, is one of the first things to be cut in any budget crunch."

Senator Lee Metcalf, who is rightfully regarded as the leading Congressional expert in the utility field, drew this explicit picture last January:

"The 212 major electric utilities account for one-eighth of all the investment in this country. They took in $19.4 billion in 1968. They netted 15.4 cents on the dollar, after paying all expenses, including taxes and interest. Yet, almost one-fourth—51 companies to be exact—did not, according to their own reports, spend a cent on research and development in 1968, either within the company or through support of research and development by others."

Senator Metcalf reported further that on the average, investor-owned utilities spent just slightly more than 2 mills per revenue dollar on research and development in 1968. They spent eight times as much on advertising and other sales expenses.

That is the private utilities. During the 1970 fiscal year the Federal government spent roughly $367 million dollars on research in the energy field. But 84 percent of the total went for atomic energy, leaving just a tiny balance for research on the fuels which will continue to be the prime energy source for at least the next two decades and beyond.

III

It is not my purpose here to attempt a complete tabulation of the reasons for the current crisis. I do submit, however, that our first order of business in the short term must be to ascertain all the facts and to make certain the inconveniences, discomforts and economic penalties suffered by the American consumer are held to a minimum. We must be especially determined to see that the consumer is not forced to pay the bill for management's mistakes, and to assure that we are not flim-flammed into changing the rules of the game by unjustfiied producers' strikes.

We need to know much more, for example, about the maneuverings and negotiations between the Administration and the oil companies, which led to the decision to continue the oil quota system during and in spite of this emergency and in spite of the recommendations of the Cabinet level group. That single decision, according to Senator Phil Hart, will cost the American consumer some 7 billion dollars a year.

If the President has entertained illusions that the big energy companies are going to deal fairly, equitably and responsibly with the consuming public during the current period of shortages, he ought to read the "Inflation Alerts" prepared by his own Council of Economic Advisors. Fuel oil prices increased at an annual rate of 48 percent during the first half of 1970, and bituminous coal prices went up 56 percent during the same priod. Now the second report tells us that the price of residual fuel oil has risen 25 percent more in three months. Bituminous coal rose 10 percent in a single 30 day period.

Normal market pressures have not been allowed to prevail, says the Council, because of "dircet actions to curtail production." Meanwhile we read news reports every day about public and private agencies that cannot secure fuels for purposes that are vital to the public health and safety.

Hopefully it is still possible for firm and prompt Presidential action to minimize the short term adverse effects of a crisis that should have received executive attention and action long before the problem became so desperate.

While we deal with the present crisis on an emergency basis, however, we should devote equal attention to programs that will safeguard the nation's energy supply in the longer term, and that will do so in ways which are consistent with our interest in keeping an attracitve and wholesome environment.

IV

It is an enormous undertaking.

Since 1965, overall energy consumption in the United States has grown at a rate of five percent each year. Electric power consumption is up to a 9 percent growth rate nationwide. Output must be doubled every ten years. Right now we simply do not know how that goal can be accomplished in the foreseeable future, at least not without rendering many parts of this country virtually uninhabitable.

The most prudent and responsible first step would be the adoption of Senator Jennings Randolph's important bill, S. 4092, to establish a Commission on Fuels and Energy. I have been impressed by this organization's testimony on behalf of that legislation. I agree with you that the Commission represents a splendid opportunity to identify, in the words of the bill:

"Those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of our environment."

I would hope and expect that such a Commission would address itself to the complicated and critical questions of energy and environment with a full willingness to question old institutions and to explore new and potentially better techniques.

V

Along with the Commission, there are a number of specific policy decisions which deserve the earliest possible attention.

It is a travesty that this nation has no national grid system to interlink power-short areas with potential sources of surplus supply elsewhere. The issue was highlighted last summer when Basin Electric Power Cooperative in North Dakota offered power to Consolidated Edison, which did not have enough power to meet consumer demands in New York. Con Ed had to reject the offer because the interconnections were too small to handle the load. The same thing happened during the 1965 New York blackout, when a sizeable block of power offered by the Tennessee Valley Authority could not get through.

References to the national grid were dropped in Administration circles shortly after Secretary Hickel endorsed it last summer. With his departure, we are left with no commitment at all. We need to get moving now on this essential project.

VI

As I have suggested earlier, we also need desperately to expand research on means to employ fossel fuels more cleanly and efficiently. At this moment, for example, we should be placing especially high priority on MHD, or Magneto-Hydrodynamics. MHD can use lower grade coals than are feasible in conventional thermal plants. It is a means of using fossil fuels much more efficiently. It uses less water and pollutes less. Considering its promise, the $400,000 requested by the President for MHD research was grossly inadequate. So is the $600,000 supplied by the Congress. We need to support this work at the highest level at which funds can be effectively used.

Similarly, we should be doing more about fuel cells, super conductors, underground transmission, and the conversion of lignite and coal to gas and petroleum products.

And we should be both supporting elsewhere and demanding from the industry maximum research efforts to develop the best possible techniques for pollution abatement and control. If the American people are someday forced to choose between adequate energy supplies and a healthy environment, it will not be because the two cannot coexist. They will have been let down by government and held up by industry.

I have no way to judge whether the dollar amounts we have devoted to research on atomic power generation are too high or too low. I do know, however, that the present five to one advantage it has over fossil fuel research is unconscionable. It should be remedied in short order.

VII

Where the availability and costs of fuels are concerned we should be moving on at least three fronts.

First, although I would defer to Senator Phil Hart's conclusions, based on his investigations in the Antitrust and Monopoly Subcommittee, it seems to me that the Justice Department's Antitrust and Monopoly Division should have the trend toward concentration of fuels ownership under constant and intensive scrutiny. There are few areas where monopoly control has greater potential for damaging the public interest. I welcome the current investigations by the Federal Trade Commission.

Second, while the country struggles with a claimed gas shortage, huge deposits on Federal lands and submerger lands under Federal control await exploration and development.

Initially, the Department of Interior's leasing policy should be reviewed and re-

vised. Certainly gas bearing land should be leased on a schedule based on the Nation's energy needs, and not on the Treasury's demands for cash to fill budgetary objectives. And we should make certain those policies make participation by smaller companies both feasible and attractive.

Beyond this, I believe we have reached the time, and we surely have accumulated the reasons, to plan for *Federal* exploration of those deposits, both to increase supplies and to test the companies' contention that prices are too low. The yardstick of public ownership and control has been immensely valuable in the electric utility field. We need a yardstick in the natural gas industry as well.

Third, any discussion of future energy supplies, particularly for the western half of the country, must heed the tremendous concentrations of lignite and sub-bituminous coal concentrated in the High Plains States.

Almost a third of the nation's coal reserves are located in Montana and Wyoming. With the extensive lignite reserves of the two Dakotas, nearly two-thirds of our reserves of low sulphur coal are found in the western states.

In January of this year, former Interior Assistant Secretary Ken Holum, a citizen of my state, released his study concluding that electric power produced at mine-mouth generating stations on those coal fields could be economically attractive in Chicago, St. Louis, Dallas, Seattle and Portland. A report released more recently by the Missouri Basin Systems Group comes to essentially the same conclusion.

While they have been acquiring coal companies, the major oil companies and their coal subsidiaries have begun an aggressive campaign of coal land leasing in Montana and Wyoming. It is coupled with an equally aggressive effort to acquire water rights on or near the coal fields.

Senator Metcalf, after questioning Assistant Interior Secretary James Smith, learned this summer that all of the available water from Big Horn reservoir has been placed under contract. Secretary Smith justified that and other commitments in the following terms:

"The size of such investment, which only a few large companies are capable of underwriting, may precipitate charges that those interests are monopolizing the water. However, in view of the several energy companies already holding option contracts and in the light of the potential water supplies that can be developed in the Upper Missouri Basin, we believe that this is not likely. Rather, the problem is more apt to be one of *capital accumulation essential to full utilization of the latent coal resources in your state.*" (emphasis added)

Secretary Smith is correct up to a point. Development of those resources will require large amounts of capital.

But he is dead wrong in concluding so quickly that this alone justifies delivery of these resources into the hands of wealthy and powerful private energy companies. Since 1902 and the creation of the Bureau of Reclamation, this country has operated under the premise that water is a public resource to be developed with public funds for the benefit of the consuming public. The worsening energy crisis should reinforce that philosophy, not retard it. The consuming public deserves more from Federal executives than the almost automatic commitment of public resources—coal and water under public lands under Federal control—to private companies, mainly because those companies are already so rich and powerful that they can generate large amounts of capital.

If the challenge is capital accumulation, we should be considering the potential advantages of separating generation and transmission from distribution and establishing generation as a public task. TVA has served its area well. Do we need a similar organization to develop these coal fields in a manner that will satisfy the national needs for electric power, gas and liquid petroleum products? Are there alternatives that might serve the public interest as well? Secretary Smith's letter suggests that the Nixon Administration hasn't even recognized that the opportunity exists.

VIII

Finally, it is time we took a hard look at the basic organization of our entire power supply system.

Years ago, Leland Olds, a distinguished former Chairman of the Federal Power Commission, advanced what he came to call the "giant power concept."

Olds correctly identified the rapid emergence of "economies of scale." He was committed, as well, to what we call the "pluralistic electric system."

The essence of his proposal was that generation and transmission should be separated from distribution in the electric power industry. Under his concept, separate generation and transmission organizations would provide bulk electric power to local utilities that would continue to be responsible for distribution and marketing.

The idea has never received thorough and objective evaluation. Private electric utility management has rejected it out of hand, as they seem to reject all new ideas.

But today it is more attractive than ever before.

The National Power Survey included among its findings a conclusion that we can expect great savings from integrated planning, construction and operation of generation and transmission facilities on a regional basis. Subsequent experience, however, has suggested that there is little hope that such arrangements can be made under existing patterns of ownership and control. It could be accomplished, almost by definition, through the giant power concept.

These economies of scale also apply to pollution control techniques. Again by definition, a number of small plants will create more total pollution than a few large ones, at any given level of anti-pollution technology. And large enterprise can incorporate the latest technology at the lowest cost per unit of power.

The giant power concept would be a decisive step toward the national power grid which we need so badly. By definition here, too, it would establish regional grids covering the entire country. From that point it would be a short step to interconnection of regions, allowing transmission of surplus power to any part of the country which might experience temporary shortages.

Further, the concept would facilitate meaningful regulation and control in the public interest. It would place generation and transmission under Federal regulation, while leaving distribution largely under the jurisdiction of the several states.

Since atomic power is efficient only in large plants, it would advance in a practical way our interest in using that alternative source of energy as our reserves of fossil fuels go down.

For all of these reasons, I believe the pioneering and farsighted concept of Leland Olds should be well on its way toward incorporation into national power policy.

We have some encouraging signs that it is. A recent report for the New England Regional Commission, which includes the governors of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island and a Federal appointee, the best hope of meeting the region's power needs for the next twenty years would be creation of a single bulk power supply agency with full responsibility for power development—including the sole authority to construct all area generating and transmission facilities and the right to acquire all existing plants and lines. George Cabot Lodge of the Harvard School of Business, has reached a similar conclusion for the Northeast, identifying a new regional power agency as the potential answer to that area's bulk power supply problems.

In the early Thirties, when existing institutions had failed, a new application of cooperative principles, initiated by an imaginative and concerned national administration, led to the electrification of rural America. The rural electric program is one of the country's great success stories. Significantly, where REA cooperatives have been permitted to develop their own sources of supply, bulk power supplies are adequate.

Existing institutions—primarily the investor-owned utilities upon whom we must depend for 85 percent of this nation's power supply—are failing again. They are failing not only to offer the opportunity that abundant, low-cost energy can bring; they are failing as well to meet even the minimum requirements that are essential to public health, safety and convenience.

It is time we asserted the same kind of leadership we saw in the 1930's this time for consumers in all parts of the country.

I recognize that such proposals can be expected to bring screams of outrage from private energy companies. While they have been less than dependable in supplying power, they can always be counted upon to protest loudly against proposals which might interfere with their conception of "free enterprise."

In response, let me quote briefly from a speech by the late Dr. Paul J. Raver, then superintendent of Seattle's Department of Lighting, before the 1960 conference of the American Public Power Association. He pointed out that:

"The electric business is public business—because the power industry itself is public business, whether it is owned and operated by a public agency or a private agency."

Why is this so?

It is so because electricity is essential to public health, life and economic survival and because this commodity is sold under monopoly conditions. When these two factors, necessity and monopoly, are predominant, we have a 'business affected with a public interest' and the business itself is public and not private.

At bottom, I suspect that a goodly portion of energy predicament today has grown out of our inability to recognize that basic fact, and out of the failure of public policy to reflect it.

Henceforth we need a new definition of values in the energy field.

We may well determine that it is in the public interest to retain the involvement of private capital, private management, and the profit motive in our energy system.

But whatever our conclusion on that score, we must never permit it to overrule the purposes of this immensely important "public business"—to make energy available to the American people in the amounts they need, at the lowest possible cost, in the cleanest possible way, and with the greatest possible assurances of reliable service.

From now on we can afford to let no secondary interest deter from those transcendent goals.

ASSESSMENT OF THE SOUTH VIETNAMESE OPERATIONS IN LAOS

Mr. ALLOTT. Mr. President, the Christian Science Monitor of Tuesday, March 30, contains a sensitive and revealing article relevant to our assessment of the South Vietnamese operations in Laos.

The author of the article, Mr. Daniel Southerland, has talked with some of the real veterans of the South Vietnamese army.

Mr. President, so that all Senators can profit from this article, I ask unanimous consent that it be printed in the RECORD.

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

"WORSE THAN DIEN BIEN PHU"

(By Daniel Southerland)

DONG HA, VIETNAM.—In a run-down cafe sat three men in camouflage uniforms with red berets stuck in their pockets. They must have been among the most experienced of the men who fought in Laos.

The three paratroopers, all in their late 30's, first fought together with the French at Dien Bien Phu 17 years ago. They were captured there by the Viet Minh and later released. They have seen the worst of the war over the past two decades, and such experience is sobering. Unlike some of the younger paratroopers who were now celebrating their return from Laos with wild abandon, these three veterans sat quietly discussing their Laos experience over a meal of rice and bits of beef at a fly-covered table. They had returned to Vietnam just the day before, after fighting their way out of fire-support base A Loui.

The three saw that the Americans sitting near them were newsmen and invited the two Americans to share their meal with them. They wanted to talk about what they had seen in Laos. Whatever the rest of the world might think, these three men believed the South Vietnamese forces came out on top there.

WINNING SIDE THIS TIME?

"The idea was to get into the enemy's house and tear it up, and that's what we did," said one man, a sergeant, who added that it was hard to explain just how happy he felt to be alive after six weeks in Laos.

Was there any way to compare what they had gone through in Laos with Dien Bien Phu, one of the newsmen asked.

"Laos was worse than Dien Bien Phu," said a dark-skinned veteran of the Indo-China war. He was a Cambodian, from the Mekong Delta, but he spoke fluent Vietnamese. He was a warrant officer and had been in the Army 19 years.

"The enemy shelling was worse in Laos than it was at Dien Bien Phu," he said. "And our supply problems were worse in Laos than at Dien Bien Phu."

But the important difference between Dien Bien Phu and Laos, he said, was that he felt he was on the winning side this time. Not all his fellow paratroopers would agree. Perhaps the warrant officer was trying to put the best face on what had been at most an inconclusive campaign in Laos. But the two newsmen felt he meant what he said.

"There were problems in Laos, and it was less than a perfect victory," the warrant officer acknowledged.

"We found a lot of caches everywhere we looked, but it seemed that the enemy had had time to disperse the big caches," he said. "It seemed he had had advance warning that we were coming. What we found was less than what we had found in Cambodia."

"There was also a language problem in dealing with the American planes supporting us," he said.

"Because of the language problem, we couldn't get the air support right where we wanted it," he said. "If we had been able to get it right where we wanted it, we could have had not just a victory, but a perfect victory.

"We normally like to be in a situation where one man on our side takes out 10 on their side," he said. "That's the way it worked out. But the way they were massing against us, if we'd had stronger air support, we'd have gotten even more of them."

The thing which appeared to disturb these three the most about the compaign was their failure, because the shelling was so heavy, to recover the bodies of some of their comrades.

"Never before in battle have we failed to get the bodies of our men back," said the sergeant. "Only in Laos did it happen."

"It did not happen with many of our men," he said. "But a few is too many."

PEACE MOTIVES QUESTIONED

The sergeant said he was in favor of sending to Laos all the students in Saigon who are opposed to the U.S.-backed Saigon government and its war policy.

"Those students who say they are for peace, but who could be more for peace than we are?" he said. "We have more to gain than anyone if there is peace.

"The students can enjoy their motorbikes and their night clubs in Saigon while we fight to protect them," he said.

"We are so poor that our own children and wives have to work to help our families," the sergeant said.

With apparent embarrassment, one of the 20-year veterans said his wife works for American soldiers to supplement the family income.

"A soldier's family is very poor," declared one of the other paratroopers.

A pair of youthful-looking paratroopers swung by on the road outside the cafe with their arms slung around each other's shoulders. One clutched a guitar.

VETERANS AGAINST GREENHORNS

"You can tell the young, inexperienced soldiers," said one of the veteran paratroopers, age 37.

"When they come back from the field, they get drunk and tear up the town.

"When we come back, we discuss our experiences and then we go to bed and get some sleep," he said.

Weren't they getting terribly tired of the war? Would they go back to Laos again if ordered to do so?

The sergeant tugged at the front of his uniform with both hands.

"When we put on this uniform, we're ready to do anything our commanders order us to do," he said proudly.

The others nodded approval.

SERMON ABOUT THE WAR IN INDOCHINA

Mr. FULBRIGHT. Mr. President, in the Los Angeles Times of March 21, reprinted a sermon by the Reverend George F. Regas, rector of Pasadena's All Saints Episcopal Church. The Reverend Mr. Regas' summary is one of the most penetrating and eloquent statements about the war in Indochina and our country's tragic and continuing involvement in it that I have ever seen. I wish every American could hear the powerful message of this sermon. I commend it to Senators and ask unanimous consent that it be printed in the RECORD.

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

"MR. PRESIDENT, THE JURY IS IN"

In a nationwide televised press conference March 4, President Nixon addressed himself to the extension of the Indochina war into Laos and Cambodia by South Vietnamese troops and American air power and called on the American people to stand behind him "while the jury is still out." He asked the people "not to harken to the drumbeat of television commentary which takes a pessimistic view of the war."

I respectfully say that the President is wrong. The jury is not still out. They rendered their verdict long ago and a majority of the country is pessimistic and conscience-sick about the Indochina war.

The jury has spoken in almost every corner of the globe and called the Vietnam war a colossal misadventure. Gunnar Myrdal, in his monumental study of Southeast Asia, "Asian Drama," points out that we got into Vietnam originally because we sensed that communism would fill the power vacuum left by French withdrawal, and that we believed we could show the Vietnamese a better way than communism. We claimed to be the defenders of freedom, honoring our commitment to support a free nation against aggression from within and without. That is a generous interpretation of our involvement.

But now, as we look at what our presence has in fact accomplished over this last decade, as we consider—

The bombed-out and devastated villages,

The millions of refugees (nearly one-third of the population of Vietnam, Laos and Cambodia),

The staggering number of civilian casualties,

The use of vicious and undiscriminating antipersonnel weapons,

The devastation of crops and fields,

The political corruption and America's part in sustaining a regime the people would never support,

The forfeiture of political freedom for dissenting views in South Vietnam, looking at the monstrous results, many of us find it impossible to justify this kind of suffering and destruction in the name of democratic principles. Are the Vietnamese really better off dead than Red? And who made Americans the gods that should decide their fate?

Oh, the physical destruction and suffering of Vietnam! But there is also the death of the spirit and the erosion of conscience in this land of ours. Something has happened to America because of Vietnam, and our basic decency as a people can no longer be taken for granted.

Mr. President, the jury is in. The cost is too great; the suffering among the peoples of three of the poorest nations in the world and the continued loss of American lives can't possibly be justified.

Many experts from every part of the political spectrum admit we should not be in that war. Right, left, centrist; many agree. It isn't a partisan jury, sir.

Yet the war goes on. Death continues to reign and we are given assurance that an expansion of the war is really a deescalation and a way to hasten the withdrawal of our troops. Seeing what we've done to Vietnam looking straight at that ravaged land, we say bombing of Cambodia and Laos is necessary to protect freedom and safeguard Southeast Asia from communism.

The jury is in! We won't listen to the same phony rhetoric America has heard for a decade from its leaders at every stage of this country's long, misguided plunge into the Southeast Asia morass. The contradiction between what is being said and what is being done has reached the point of sustained insult to the intelligence of the American people.

Surely the jury is in! Vietnam is a colossal mistake and a tragic commentary on America's belief in sacredness of every person in the sight of God and his right to self-determination.

Mr. President, if we are silent, it is not because we are waiting for the jury's return. It is only because the scandal of Vietnam no

longer scandalizes us. We've heard the body-count so frequently, watched the television's reports of the suffering so long, and allowed the political rhetoric to mesmerize us that now we are numbed, anesthetized and silent.

And that is not a mark of patriotism but of spiritual death—moral decay. How devastatingly cogent are those words of Jesus: "What does it profit a man if he gains the whole world and loses his own soul?"

I saw a poster recently that seared my conscience:

"Dear Mom and Dad; Your silence is killing me. (In Vietnam, at home, on campus)"

In profound love for my country and with respect for my President—I say we must protest the war?

In the name of all that is holy, all that is honorable, all that is decent all that is noble, we must say, "Stop the war now!" No longer will we concur with a continuation of such massive violence. We must find ways to speak for the Christian church could make a stunning contribution to the world it it could say the right words.

Pastor Martin Niemoller's confession carries warning for us all:

"In Germany, the Nazis came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews and I did not speak up because I was not a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I was a Protestant so I didn't speak up. Then they came for me . . . By that time there was no one to speak up for anyone."

This parish must speak up and protest the war—our very souls depends on it. We are not at liberty to stick with safe and manageable subjects while the world convulses with violence and slaughter. And if the unity of this parish depends upon silence in the face of an extension of the war then it is a church whose unity is spurious to begin with. Our oneness lies in a faithful obedience to the Jesus of love and mercy, not in a tacit agreement to keep everyone on board while waiting for a conflict-free consensus before raising our voice.

I ask you now to center your mind and heart on four aspects of my protest:

1—The war has ravaged Vietnam mercilessly and eroded the conscience of America.

It isn't necessary to visit Indochina to appreciate the horror of the war. The bare statistics will suffice. The tonnage of bombardment is now approaching three times the total bombs used by the American military in all theaters in World War II.

There are 53,544 American soldiers dead; 120,563 Saigon government soldiers dead; 697,342 N.L.F. and North Vietnamese soldiers dead; South Vietnamese casualties estimated at over 1 million; North Vietnamese as probably more.

In Cambodia, after only a few months of war, there are an estimated 1 million refugees out of a population of 6 million.

I won't go on into the endless horrors and atrocities caused by both sides. If only each of you would read just one book on the Vietnam war—any book—and realize all of this suffering comes from a war which the majority of Americans feel is a tragic error for our country.

And I grieve for all of us who have been brutalized and numbed by this war. I have found reading the news reports of Lt. Calley's trial for his part in the My Lai massacre a staggering experience.

"I was ordered to go in there and destroy the enemy. That was my job that day . . . I did not sit down and think in terms of men, women and children. They were all classified the same, and that was the classification that we dealt with—just as enemy soldiers.

"I felt then, and I still do, that I acted as I was directed and I carried out the orders . . .

"Our job was to destroy everyone and everything in the villages. . .

"I never sat down to analyze it; men, women and children. They were enemy and just people . . . . "

I grieve for Lt. Calley because of what this war has done to his humanity. How could he say he never thought about it; just followed orders? I grieve for what war has done to us all. In Calley's painful story, it is war that stands revealed as the true monster. What that war is doing to many William Calleys growing up in America is immeasurable.

In Houston, on Oct. 27, 1967, Capt. Eddie Rickenbacker said that ". . . peace demonstrators are a bunch of bums. The U.S. should bomb the ports, dams and population of North Vietnam. That's what airplanes are for. You're not fighting human beings over there—you're fighting two-legged animals. The people are just slaves. That's all war is for is to kill and win, to destroy, to defeat the population of your enemy."

Surely, the words of Jesus shout to America: What does it profit a nation if it gains the whole world for democracy and loses its own soul? God have mercy on us for what the war is doing to the soul of a nation; for in many ways it is inflicting its dehumanizing shrapnel into all of our hearts.

The blind distortion of national priorities has produced deep estrangement and polarization in American society. How can we accept passively a society that now spends nearly 70% of its tax dollars on wars and their aftermath and the preparation for future wars? A committee report to Congress estimated the cost of the Vietnam war, if it ended in 1970, would be $350 billion. And the poor, hungry and oppressed around the globe cry out for a chance to live.

One should understand why some of our citizens are so morally outraged at such a gross distortion of priorities. The case of the Berrigan brothers is an example. I know both Berrigan brothers personally and yet I am uncertain of their guilt in Hoover's conspiracy charges. We must await the trial.

However, their actions of pouring homemade napalm on draft records at Catonsville, though grotesque to some and unacceptable to others, did one thing. Robert McAfee Brown of Stanford University says it dramatized, in unforgettable fashion, the grotesque moral priorities that have been erected in America and what has happened to the collective conscience of our nation: We are outraged when paper is burned at draft boards, and we are not outraged when children are burned in the villages of Vietnam.

That statement is oversimplified, but it can't be dismissed without it tearing at your conscience.

Yet in spite of all this, Mr. Nixon says he will place no restraints on further bombing, except to rule out the use of nuclear weapons; that we will not be defeated in Indochina; and that he wouldn't speculate on whether South Vietnamese would invade North Vietnam on their own!

The verdict is in! Will you remain silent?

2—If the church attempts to follow Jesus, it will raise its voice in moral outrage.

I am fully aware that I could be wrong in urging this parish to protest the war. I speak to you humbly acknowledging how often I have failed in my own discipleship.

There are no easy solutions and there are no neat black and white distinctions on the morality of war. If we make the mistake of thinking there is all black on one side of the issue and all white on the other, we will be wrong nine out of 10 times. I intend to reach out and put my arms around all who strongly disagree with this sermon, for we can live together in Christian love.

Yet we cannot allow this to immobilize us. The integrity of the church's message depends on raising our voice against a war no one wants being allowed to destroy our soul.

The Christian faith says the jury is in. We don't need to see how the devastation of Laos and Cambodia is going to affect the war; we believe that life is sacred everywhere. Everyone bears in his body the image of his membership in the human family and the image of the living God. How many Vietnamese is one American worth? One, five, forty, a thousand?

The Vietnam war is a sin against the human family; its dehumanization has left its scar on us all that will remain for years. The brutality of Indochina is reflected by the callousness in the streets of America. When life is cheap anywhere, it is cheap everywhere.

If this parish remains silent in the face of all that continues to brutalize us, what is there, then, to validate our Christian way of life?

When the great author, Albert Camus, was asked to address a Roman Catholic order, he told them bluntly that they were not practicing what they preached. Listen to him!

"What the world expects of Christians is that Christians should speak out, loud and clear, and that they should voice their condemnation in such a way that never a doubt, never the slightest doubt, could rise in the heart of the simplest man . . . that they should get away from abstraction and confront the bloodstained face history has taken on today."

3—What can American do if it is not to lose its soul?

First. America must repent. I think Sen. Fulbright was wrong when he said the great society of America has become a sick society. Eric Fromm says that this is another way of excusing ourselves since sickness is something that happens to one involuntarily and for which one cannot be held accountable. Fromm asserts that American society is not sick but immoral. Our sickness is really sin. I believe he is right.

What is called for isn't guilt but repentance. So long as we try to justify the horrors perpetuated in Indochina, so long as we continue to talk about saving face and keeping our honor, so long as we figure the cost of the war is a little too much and perhaps it was a mistake to get in so deep—the soul of the nation will continue to be eroded and within the grip of death.

There is one way left that leads to new life—repentance. The word of God judges this nation; and it can bring healing, too. What a rebirth could come to the greatest, most powerful nation in the history of the world if she said: "I was wrong! God have mercy!" The death of pride would be the rebirth of integrity.

Second, we should protect the lives of our soldiers but we must come home immediately. Let the President set a clear timetable of withdrawal. We will leave Southeast Asia and if the Thieu-Ky regime can't stand on its own, then let it fall. Integrity won't allow us to keep the Thieu-Ky government in power through American guns and dollars.

We know that government is corrupt and ruthlessly suppresses political dissent. When the political oppression of South Vietnam was mentioned recently, the response of one of our ambassadors was, "We do not condone it."

Billions of American dollars put that government in power and sustain it. If we came home the Vietnamese themselves might find a way to bring peace to that tragic land.

Third, we must pay the price for peace. Everyone wants peace—but so seldom have we been willing to use the great reservoirs of this nation for healing. "And nation shall not lift up sword against nation, neither shall they learn war any more." To have that

vision and pay the cost of its fulfillment—what a great moment that would be in the history of civilization.

4—The church should mobilize its resources to end the war.

In a recent "Peanuts" cartoon, the setting is a baseball game. Charlie Brown is about to pitch when his teammate, Lucy, suggests that he aim to hit the batter. Charlie reacts violently: "It wouldn't be right . . ."

There follows a long discussion with all Charlie's teammates joining in. Everything under the sun comes into the debate: "What about the children's crusade? Was that moral? What about those awful movie ads you see nowadays? Define morality . . ." Finally, in despair, Charlie Brown says, "We never win any ball games, but we sure have some interesting discussions!"

We've talked enough. I call upon this great parish of All Saints to take a step larger than we ever thought we would. I ask for a massive mobilization of the parish by establishing a "Peace Operation Center."

The protests of young radicals have made their mark but fallen short of any major reformation of the war system. My hope is to radicalize the Establishment—myself included—and take middle America and give its goodwill and desire to build a world of peace clearer focus and more effective power.

America is searching its conscience; the church is struggling for its soul, the integrity of its message and the courage of its convictions. We must not back away from this challenge.

This parish is small against the magnitude of the problem; yet I believe profoundly in the power of just a few who have caught the vision of a peaceful world.

I am confident that there are thousands in Pasadena and Los Angeles today willing to contribute their lives to the healing of the world. One of the high marks of the '60s was the response given to the Peace Corps.

The late President Kennedy proposed a corps organized to bring light and knowledge to the underdeveloped nations of the world. Hardly had the announcement of the Peace Corps come from the lips of President Kennedy than there were four times the number of volunteers as could be sent.

Find all the faults you wish with the Peace Corps; but it still means this: Americans have a hunger to do something with hope and heart and love in it, something more than animal. We shall seek to provide the channel.

TESTIMONY OF SENATOR SPONG ON FOUR MILE RUN FUNDS

Mr. SPONG. Mr. President, it is regrettable that the impoundment of appropriated funds for the Four Mile Run flood control project in northern Virginia stands to hinder progress on this urgently needed project in fiscal 1972 as well as in 1971.

I discussed the history of the floods in the Arlandria community, and the effect of the impoundment of appropriated funds, at a hearing on Thursday, March 25, 1971, before the Separation of Powers Subcommittee of the Senate Judiciary Committee. I ask unanimous consent that my testimony on this matter be printed in the RECORD.

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

Mr. Chairman, it is a privilege to appear before you and the Judiciary Subcommittee on Separation of Powers. Your hearings on the presidential impoundment of appropriated funds are especially relevant to the citizens of the Arlandria community of Northern Virginia.

They have been directly affected by the freezing of $175,000 appropriated in Fiscal 1971 for preconstruction planning on a flood control project at Four Mile Run. They don't understand how or why this could happen when there is unanimous agreement that the project is urgently needed and should be built. In my judgment, Mr. Chairman, this is a classic example of why citizens come to believe that government is unresponsive to their needs.

Mr. Chairman, it would be helpful to the Subcommittee's understanding of the situation if I briefly reviewed the history of the flooding, and of my efforts to expedite Congressional action on the authorization and appropriations.

The modern history of damaging floods begins in the early 1940's. The first evidence of property damage occurred in about 1942. It was confined mostly to streets, although there was some minor basement flooding.

Representatives of the U.S. Corps of Engineers testified before the Senate Public Works Subcommittee on Rivers and Harbors in September, 1969, that there had been five major floods since 1963. On the basis of 1969 prices, the Corps estimated damage from the five floods at $8,140,000. The most severe of these occurred on July 22, 1969, when approximately 520 dwelling units and 78 places of business were inundated. The Corps estimated damage from that flood at $4,315,000. Eleven days later another flood caused damage estimated at $700,000.

The alarming thing, Mr. Chairman, is that the frequency and severity of the floods is steadily increasing, even though there has been an almost complete prohibition against construction in the Arlandria area since 1964.

There have been six flood watches in the Arlandria community since the 1969 floods. In a flood watch, police and fire units are sent into the area. They use lights, sirens, and loudspeakers to warn the people that the water is rising and that they may have to evacuate their homes.

Four of the six developed into actual evacuations involving up to 50 persons. Officials of the City of Alexandria informed my office late yesterday that the period of evacuation on these four occasions has varied from one to two hours. The most recent flood watch occurred on February 13 of this year.

As far as I have been able to determine, there has been only one fatality directly caused by flooding. That occurred in 1963. However, the Corps of Engineers observes at several places in its report on the project that additional fatalities could have occurred had floods come during the night.

Frankly, at the time of the 1969 hearings before the Rivers and Harbors Subcommittee, I didn't realize how much time would be required to complete the procedural steps involved in projects of this kind. It wasn't until June 25, 1970, that the project report was formally transmitted to Congress.

That very day, the Senate Public Works Committee, at my request, authorized the project pursuant to the provisions of Section 201(a) of the Flood Control Act of 1965. Section 201 permits the Senate and House Public Works Committees to authorize flood control projects having a federal cost of less than $10 million. Nineteen days later the House Committee adopted a similar resolution.

I might add, Mr. Chairman, that this was the first project ever to be authorized under the 1965 statute.

Anticipating favorable action on the authorization, I testified on May 18, 1970 before the Public Works Subcommittee of the Senate Appropriations Committee in support of an appropriation of $175,000 for preconstruction planning on the Four Mile Run project in Fiscal 1971.

I was elated when the Appropriations Committee included the funds I had requested in the bill reported to the Senate. The House accepted the Senate amendment, and the bill was signed by the President on October 7, 1970.

News accounts of the President's action made reference to the possibility that some of the funds in the bill would be impounded, so in a letter dated October 9, 1970, to Mr. George P. Shultz, Director of the Office of Management and Budget, I expressed the hope that funds for the project would be released for expenditure, and that the money would not be placed in a budgetary reserve status. On the same date I asked the Corps of Engineers to begin the work as expeditiously as possible, and to advise me if the money was placed in budgetary reserve.

The Office of Management and Budget advised in a letter dated November 17, 1970, that no decision had been made regarding the $175,000 added by Congress. I was told that OMB was aware of the problems occasioned by flooding along Four Mile Run, and that my views in support of the project would be given careful consideration.

On November 30, 1970, the Corps of Engineers informed me that the money had been placed in budgetary reserve "without prejudice to the later release of such funds after the President (had) an opportunity to review the entire fiscal situation for Fiscal Year 1971, and its relationship to the budget for Fiscal Year 1972."

In a letter dated December 2, 1970, I advised the Office of Management and Budget of the information provided by the Corps of Engineers, and expressed the hope that the money appropriated for Fiscal 1971 would be released at the earliest possible time. On the same day I advised the Corps of Engineers that it would be reassuring to the citizens of Arlandria if funds for the project were included in the Corps' budget request for Fiscal 1972.

Unfortunately, no funds were included for Four Mile Run in the Administration's budget request for Fiscal 1972. I expressed my dismay over the omission in letters dated February 1, 1971, to the Office of Management and Budget and the Corps of Engineers. In my letter to OMB, I asked again that funds appropriated for Fiscal 1971 be released for expenditure. I told OMB that the urgency of the project had been recognized by Congress, and that delays served only to further endanger life and property in the Arlandria community.

Mr. Shultz responded in a letter dated March 9, 1971, that the $175,000 would not be released until after July 1, 1971. This, of course, is the beginning of Fiscal 1972. This news was so disturbing, Mr. Chairman, that in my acknowledgement to Mr. Shultz I expressed the hope that the floods could be scheduled on a fiscal year basis.

Meanwhile, in a letter dated February 5 to the Corps of Engineers, I requested an estimate of its expenditure capability for the Four Mile Run project for Fiscal 1972 on the assumption that OMB would release the Fiscal 1971 appropriation. I also asked to be advised whether the Corps of Engineers had included any funds for the project in the Fiscal 1972 budget request it submitted to higher authority.

I received the response of the Corps on Tuesday of this week. I was told that the Corps could utilize an additional $300,000 in Fiscal 1972 if the $175,000 in budgetary reserve were released next month.

However, if the funds in budgetary reserve are not released until July, 1971—and OMB has told me the funds would not be released until after that date—then the Corps could use only an additional $100,000 for the Four Mile Run project.

This means, Mr. Chairman, that the people of Alexandria not only have lost the year they thought they had gained through the appropriation of $175,000 in Fiscal 1971, they stand to lose more ground in Fiscal 1972. I cannot request the Appropriations Committee to recommend funding at the level of $300,000 in Fiscal 1972 when the Corps of Engineers says it can utilize only an additional $100,000 for that year.

Of course there is always the possibility that any additional appropriation for Fiscal 1972 will be impounded. The Fiscal 1971 money was frozen because it was not a part of the Administration's budget request, and as I have related earlier in my testimony, there is no money in the Fiscal 1972 budget request for this project. Incidentally, Mr. Chairman, the Corps has advised that information concerning its budget recommendations to the Office of Management and Budget are not permitted to be released. I therefore am unable to advise what priority the Corps of Engineers gave the project.

The total cost of the project is estimated at $16,635,000, of which $9,926,000 is to come from federal funds. I have been assured by both the City of Alexandria and the County of Arlington that they are prepared to provide their share of the cost.

It seems clear that the authority of Congress to determine priorities has been effectively frustrated in this particular case. The Senate and House Public Works Committees recognized the urgent need for the project when they set a precedent by authorizing construction pursuant to Section 201(a) of the Flood Control Act of 1965. The Congress recognized the need by appropriating the $175,000 recommended by the Senate and House Appropriations Committees.

It is regrettable that the Office of Management and Budget has not adhered to the intent of Congress on this project.

ABE RIBICOFF—A DREAM REALIZED

Mr. McINTYRE. Mr. President, I speak today in praise of the distinguished Senator from Connecticut (Mr. RIBICOFF).

Not long ago, he introduced a bill to establish a Connecticut Historic Riverway on the lower portion of the Connecticut River. The bill was the culmination of more than 3 years of painstaking work and keen understanding. I congratulate Senator RIBICOFF and thank him for his unique contribution to the preservation of a truly precious natural resource.

A brief outline of the history of this project should be instructive to Senators. I should like to emphasise that S. 36 represents a truly unique process in intergovernmental relations. The bill is designed to implement many suggestions of the Bureau of Outdoor Recreation's report, New England Heritage. It does. Yet it does something more: it incorporates the suggestions, objections, and alternative proposals of most of the public bodies in the area affected and those of private citizens' groups as well.

Senator RIBICOFF was the driving force behind this concept from its inception. As a responsible and imaginative legislator, he foresaw that a massive Federal project could not be imposed on the citizens of the lower Connecticut Valley. Like the people of my own State of New Hampshire, these residents have a strong background of independant judgment and commonsense.

Rather than see this project mired in controversy and delayed by jurisdictional questions, the Senator wisely decided to eliminate these factors before authorizing legislation was introduced.

He made copies of the proposed bill available to all interested parties and solicited their sugestions and analyses. What ensued over the next 2 years was a substantial revision of the bill encompassing the suggestions of interested parties in the area. The result is a workable bill which Senator RIBICOFF has indicated to me as being superior to the original proposal.

Because of his single-minded dedication and his willingness to listen to those affected by the proposal, the Senator is now assured of wide public support and cooperation for the proposal in the area affected; and wide support for passage of authorizing legislation in the Senate.

I commend Senator RIBICOFF for his unique accomplishment. Thanks to his vision, the residents of the lower Connecticut Valley are assured of stable growth and the preservation of a natural resource that may be the last of its kind in the Northeast. Senator RIBICOFF deserves our gratitude. He has shown the way.

I ask unanimous consent that an address by Senator RIBICOFF be printed in the RECORD. It is a highly sensitive analysis of the legislation presented by Senator RIBICOFF to the Connecticut River Estuary Planning Agency's Citizen's Workshop in Deep River, Connecticut, on February 20, 1971.

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

STATEMENT BY SENATOR RIBICOFF

The future of the Connecticut River valley concerns all of us here today and is directly related to the fate of the Connecticut Historic Riverway Bill presently pending in Congress.

We all know the valley as a beautiful place. We all know it as a unique example of Connecticut's natural and historical past. And we all know that action must be taken immediately if this beauty and uniqueness is to be preserved for future generations.

Situated in the center of historic New England and surrounded by the great urban sprawl of industrial America, the Connecticut River valley provides an unmatched array of the vital natural resources which are fast disappearing in our modern society.

But how long can we maintain the beauty and tranquility of the area?

The relative isolation that has protected this area is rapidly disappearing. The completion of Connecticut Route 9, a major limited access highway, has put the river valley within easy driving distance for the residents of Hartford, New Britain and other cities to the north. The Connecticut Thruway and Interstate 95 have brought vast industrial development potential to the quiet villages and towns of the area.

We are at a critical stage in the development of this region and important decisions must be made by you and your representatives. If we act now and act positively, we can save much of the beauty of the land and the lifestyle of the residents. If we fail to take the necessary steps, the Connecticut River valley as we know it, will soon disappear.

Signs of deterioration are already present. The industrialization around us is spreading inward. Land subdivisions along the shoreline threaten remaining open space access to the river. Marinas are taking up many of the coves and inlets. Development is even taking place on the tidal wetlands which support the ecological balance of the estuary.

We will never be able to stop residential and commercial development completely. However, with careful and imaginative planning, we can control this development and not only protect the natural and human resources of the area, but at the same time contribute to a healthy economy.

Many feel that this can be done on an individual town by town or neighborhood by neighborhood basis. This simply is not true. Some land owners will inevitably yield to the lure of fat profits and sell to an industrial or residential developer.

The protection of this area must be coordinated on all fronts—local, state and federal—if we are to succeed. The Estuary Planning Agency, representing most of the towns in this area, already provides the vehicle for planning and development at the local level.

But state and local authorities cannot succeed without assistance at the Federal level.

The role of the Federal government should not be to solve the problem of each individual river, lake, city or town in this country. Rather it should establish a basic national policy which state and local authorities can implement with the help of Federal financing.

We must ensure that we preserve the right of state and local authorities to tailor this national policy to the needs and desires of their constituents.

Too often in the past, the Federal government rode roughshod over the sensitivities and interests of local citizens when it thought it was acting in the public interest.

The proposed Connecticut Historic Riverway is a perfect example of what can be done to balance national, state and local needs. The Riverway proposal makes it clear that it is in the national interest to preserve the Connecticut River just as it is in the national interest to preserve the Redwoods or the Everglades for future generations.

At the same time, the Riverway proposal makes clear that no Federal juggernaut will be allowed to sweep through the valley followed by escapees from the big cities with their multicolored trailers and tents.

The reason this is not going to happen is that we in the river valley have created a system of Federal, state and local cooperation which exists nowhere else in the United States.

I am sure all of you here remember how the Connecticut Historic Riverway evolved. It all began in 1965 when Secretary of the Interior Stewart Udall joined many of us for a trip up the River.

My purpose in arranging the boat ride was to demonstrate and dramatize for the Secretary and all others concerned, the need and the potential for a national preserve along the Connecticut River valley. We did just that. Stu Udall returned to the Nation's Capital convinced that the need and the potential existed and he promised me his support.

I had already introduced legislation directing the Interior Department to conduct a feasibility study for the preservation of the whole Connecticut River corridor. With the backing of Secretary Udall and later President Johnson, the bill became law and the study began.

The Bureau of Outdoor Recreation talked to residents, state and local officials, and held public meetings from Long Island Sound to the Canadian border. Population and growth projections were developed. Land use studies were analyzed.

In September of 1968 the Bureau released their report entitled *New England Heritage*. The report enthusiastically endorsed the concept of a park stating that the need for protection and enhancement of the out-

standing natural resources of the Connecticut River valley was a matter of regional and national concern. The report was greeted with unanimous and eager support.

In April of 1969, I introduced S. 1805 which would create the four state, 56,700 acre Connecticut River National Recreation Area. In the bill I proposed a revolutionary concept of citizen participation. For the first time in anyone's memory, the local citizenry who were to be affected by the development, were not only going to be heard from, but were going to have a say in the decision making.

The bill was referred to the Interior Committee's Subcommittee on Parks and Recreation, chaired by my friend, Senator Alan Bible of Nevada. A westerner, Alan comes from the part of America which has plenty of land and wide open spaces and an abundance of magnificent public parks. He knows better than anyone else the value of Federal preserves and the necessity of acting immediatly to protect our natural heritage. When I spoke to him he was somewhat surprised to learn that here in the industrial northeast there was still a stretch of river which had not yet been ruined.

Because of the immediate interest he showed and because Alan's support was essential to the passage of the bill, I invited him to join me on another boat ride up the River.

Just as in 1965 with Stu Udall, Senator Bible was moved by the beauty of the riverway. He came away from that voyage with three vital impressions.

First, the riverway was worth saving.

Second, those most concerned with the development of the lower river valley had come to realize that the stretch of riverway between Haddam and Old Saybrook simply could not sustain intensive recreational development and still remain close to its natural state. We all agreed that such recreational development was not in the national interest. In order for the Park to serve its purpose for us and for future generations, the emphasis had to be on preservation rather than recreation.

Third, Alan's conversations with state and local officials convinced him that a unique experiment in intergovernmental relations was developing and should be given a chance. For the first time, he said, local officials and concerned citizens were able to voice their opinions, their fears and their hopes before the plan was actually implemented.

Of course, not everyone agreed at the Federal level. We all remember the Park Service's plans for vast recreational development. This was a textbook example of a Federal agency attempting to fulfill national needs without respecting or contemplating the needs of the local residents.

Fortunately, these plans have been rejected and the life style of the residents and the serenity of the river valley will be maintained.

Once back in Washington, I introduced a new bill which would create in Connecticut the Connecticut Historic Riverway. At the hearings on this measure, the Advisory Committee unanimously supported this new proposal. They said, "We do not know of any case where a major piece of Federal parks legislation has been written with this great concern for the opinions and knowledge of those in the affected areas. As citizens of this democracy, we wish to endorse not only the legislation itself, but the cooperative effort that went into its drafting."

Signing this report were:

Theodore Bampton, Director, Board of Fisheries and Games;

Warren Billings, First Selectman, Haddam;

Robert Blair, First Selectman, Chester;

Merle Bugbee, First Selectman, Old Lyme;

Richard Burnham, First Selectman, East Hampton;

Geoffrey Colegrove, Director, Midstate Regional Planning Agency;

Merritt Comstock, Representative, 71st District, Essex;

Gregory Curtis, County Administrative Agent;

F. Kelso Davis, First Selectman, Essex;

Mrs. Taber deForest of Chester;

Raymond Dzialo, Representative, 74th District, Middletown;

Joseph Gill, Commissioner, Department of Agriculture and Natural Resources;

Stanley Greimann, Planning Director, Connecticut River Estuary Regional Planning Agency;

John Hibbard, Secretary, Connecticut Forest and Park Association;

Jesse Johnston, First Selectman, Old Saybrook;

George Joy, First Selectman, Deep River;

Erwin Kelsey, Chairman, Middlesex County Soil and Water Conservation District;

Irving Levowitz, First Selectman, East Haddam;

Donald Mathews, Director, Park and Forest Commission;

John Mazer, First Selectman, Lyme;

Thomas Mondani, Representative, 73rd District, Moodus;

William Moore, Senator, 20th District, Lyme;

William O'Neill, Representative, 52nd District, East Hampton;

Carl Otte, Open Spaces Coordinator, State Department of Agriculture and Natural Resources;

John Pickett, Senator, 33rd District, Middletown;

Julian Rosenberg, Connecticut Valley Action Committee;

Anthony Sbona, Mayor of Middletown;

Dr. Karl Schaefer, Lyme;

John Tiffany II, Representative, 70th District, Old Lyme.

The Advisory Committee and its report made an impact on all the members of Senator Bible's Subcommittee. The Subcommittee's report to the full Senate said, "the national interest is better served by emphasizing the historic and scenic values of the lower Connecticut River over intensive recreational development. Accordingly, Federal administration and development of the riverway will be circumscribed to respect the existing beauty and tranquility of the area."

With this support, the Riverway was approved by the full Senate in October of last year. Senate passage was a victory for the concept—a new one in Federal park legislation—that the local people, through their advisory committee, should play a vital role in deciding how their Riverway is to be administered and developed. Unfortunately, the House of Representatives did not take any action before adjourning.

I have reintroduced the bill this Congress and hope for quick passage. It will then go again to the House which already has a number of similar measures pending. The Connecticut Congressional delegation has introduced two almost identical bills.

Once the Senate has approved the bill, it will be up to my colleagues in the House to steer the bill through to final passage. Any difference which might occur can be settled at Conference. The important thing is to pass this legislation and then get to the next step—appropriations.

When established, the Riverway will encompass 23,500 acres along the River from Haddam to Old Saybrook. The Secretary of the Interior will be allowed to acquire up to 5,000 acres.

The Park Service estimates that only 4,100 acres will be needed. Of that, all but 169 are unimproved. The estimated cost will be $18.2 million.

The major portion of the Riverway—17,500 acres, will be in a conservation zone. This means that the land will remain in present hands and property rights will be unaffected. It can be bought and sold as long as the local zoning ordinances meet standards approved by the Secretary and the Advisory Committee.

Similar zones have been established with great success in the Cape Cod and Fire Island Seashores. In fact, a recent review of the Cape Cod program showed that property values in the zone increased dramatically.

Preliminary development plans and cost figures have been prepared by the Interior Department to assist the Congress. These plans and figures are not, of course, final or untouchable. The permanent arrangements will be worked out with the Advisory Committee—the men and women most familiar with the area's ecological and human needs.

To minimize the flow of vehicular traffic on our small roads, the Park Service plans two parking areas—in Old Saybrook and in Tylerville. Visitors would pay for parking and then board small shuttle buses which would take them through the park. If this scheme is successful, no new roads need to be built and the present roads won't be burdened by traffic.

Group camping grounds are planned for Poplar Hill and Hamburg Hill. These will be small areas set aside for groups, such as Boy Scouts and Y.M. and Y.W.C.A.'s who have reserved the space in advance. Individual or transient camping will not be allowed.

In addition, two small environmental study buildings will be built in these same areas where visitors such as school children can learn about the history and ecology of the Riverway.

Decisions on matters such as the optimum number of visitors the Riverway can accommodate and how vehicles should be routed will be made by the Advisory Committee together with the Secretary's representative.

Because this is a first, the role of the Secretary and the Advisory Committee has been carefully delineated. As the bill says: "The Secretary shall administer and protect the Riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state as possible. No development or plan for the convenience of visitors shall be undertaken in the Riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles the preservation of the physiographic conditions now prevailing or with the preservation of such historic sights and structures as the Secretary may designate."

And before he makes these decisions, he is obligated under my Senate bill to consult with the Committee with respect to all matters relating to the development and administration of the Riverway.

If this new and revolutionary approach to a national park is successful, and I am sure that it will be, we may have changed the whole style of national parks. If the Federal, state and local authorities can continue to work together, we may see more and more Senators and Congressmen introducing legislation to preserve and protect their local natural resources. And each of them will be able to say that their plan is modeled after our successful experiment here in Southern Connecticut.

INTERNATIONAL CONFERENCE ON OCEAN DUMPING

Mr. ROTH. Mr. President, the resolution introduced by the Senator from West Virginia, calling for an expression of support by the Congress for the convening by the United States of an International Conference on Ocean Dumping deserves the close attention of all Senators. I am particularly pleased to add my name as a cosponsor to this important and timely effort. I have long felt that international agreement on action to preserve and protect the oceans is an indispensable companion to efforts by individual nations in this critical area of the human environment.

Recognition of the need for this dual

approach to achieve marine protection is evident in the President's February 8 message to the Congress transmitting the first annual report on the state of the Nation's environment. In that message, President Nixon called for the establishment of a national policy banning the unregulated dumping of waste materials into the oceans, and for legislation to regulate such dumping. He also directed the Secretary of State to begin the pursuit of international initiatives directed toward the control of ocean dumping.

These recommendations by the President follow the excellent report by the Council on Environmental Quality of last October, which suggested not only the development of a national policy on ocean dumping, but also that the United States take the initiative to achieve international cooperation on this problem. Since the beginning of the 92d Congress, at least 55 bills have been introduced to implement, in one way or another, the recommendations by the Council and by the President. At least two of these proposals—H.R. 4723 and S. 1238—are specifically directed at the problem, and call for regulation by the Environmental Protection Agency. The resolution introduced by the Senator from West Virginia (Mr. RANDOLPH) responds to the need for international cooperation, to supplement the national effort proposed in these bills.

Mr. President, the Council on Environmental Quality report Ocean Dumping: A National Policy, which President Nixon transmitted to the Congress last October prompted me to write him at that time, not only to applaud his action, but to suggest that the United States convene an international conference to deal with this problem.

While I realize that marine pollution will be an important area for discussion at the forthcoming United Nations Conference on the Human Environment in 1972, it seems to me that an international conference on ocean dumping this year could accomplish two important objectives. First, it would provide a forum before which interested nations could work toward agreement on some urgently-needed controls at this time. Such a forum would not detract from the important objectives of the 1972 Conference; it would, as a matter of fact, by reaching agreement on fundamental issues this year, actually improve the work of the Stockholm Conference. Secondly, agreements reached at a 1971 international conference would be important to the 92d Congress in its deliberations on a national policy on ocean dumping. It seems quite possible to me that such agreements as could be reached in the international arena this year would have an important bearing on actions which the Congress might need to take to bring about a desired national policy on ocean dumping.

These were my thoughts, Mr. President, when I wrote to President Nixon last fall. I should like at this time to include in the RECORD a copy of my letter to the President, as well as a copy of his gracious reply.

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

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 13, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your recent message to the Congress transmitting the conclusions and recommendations of the Council on Environmental Quality with respect to the dumping of waste materials into the oceans, was a most welcome and timely one. I was heartened to read the note of urgency in your statement outlining the serious threat of ocean pollution, and in your promise to submit specific proposals in the next Congress to implement the Council's recommendations. I want to assure you that I, along with other members of Congress, appreciate this energetic approach to the solution of a problem which daily grows more serious.

My own State of Delaware regards its long stretches of ocean front not only as a particularly beautiful part of nature's beauty, but as a priceless and productive resource entrusted to our care for the benefit of all Americans who choose to visit us. That Delaware jealously guards this thrust is demonstrated, I believe, by the State's efforts to protect and preserve its valuable estuarine areas, and through its Shoreline Plan, to save its ocean front for the benefit and enjoyment of all.

But Delaware's efforts cannot entirely protect its beaches from the effects of ocean dumping; they are perforce limited. It is for this reason that we look with great hope to the leadership you have displayed in bringing the matter of ocean dumping to the Nation's Legislature.

While it is true that the United States can and should observe strict regulation with respect to ocean dumping, I am sure you will agree, Mr. President, that the problem calls upon us to act in close concert with other nations. Your submission to the Congress in May of conventions designed to prevent oil spill damages, as well as your thoughtful statement of United States policy with respect to the oceans, are telling evidences of your commitment to move this effort forward.

My deep concern for this problem moves me to suggest, Mr. President, that you consider the possibility of calling upon other nations in the very near future to convene an international conference to deal with this matter. I believe it is of such momentous importance as to warrant an international conference at which it could receive maximum attention. It seems to me that the exclusive attention which such an international conference could afford would be more productive of positive results than would be the case if we relied on a general conference such as the United Nation's Conference on the Human Environment scheduled for 1972.

In thinking of organization for a separate conference on ocean dumping, it occurred to me that the North Atlantic is probably the focus of the problem, for it is in the surrounding Atlantic Community that a high percentage of the world's trade is conducted, and where a significant part of the earth's resources is consumed. I believe that the solution of the problem in this relatively limited area of the oceans would be more feasible than attempts which were to encompass all of the earth's oceans. If one views the problem of ocean dumping as the final stage of resource exploitation, then it would appear that the responsibility lies, to a great degree, with those Atlantic Community Nations. Those nations are ably served by the North Atlantic Treaty Organization, whose Committee on Challenges of Modern Society has already begun very important work on improvement of environmental quality. It seems to me that the Committee on Challenges of Modern Society might be seriously considered as a prime mover in the problem of ocean dumping.

Again, Mr. President, I want to thank you for your interest and leadership in this critical problem, and to assure you of my cooperation in seeking its solution.

Sincerely,

WILLIAM V. ROTH, Jr.,
Member of Congress.

THE WHITE HOUSE,
Washington, November 5, 1970.

DEAR BILL: Your support for our proposals to the Congress on the subject of ocean dumping is greatly appreciated, and I want to thank you for your October 13 letter. As you have pointed out, the problem of the disposal of wastes in the oceans is international in character and will require international action for its solution. It is my hope that the legislation which I will propose to the Congress early next year will provide to other maritime nations an example of constructive effort to regulate ocean dumping.

While the North Atlantic may well constitute the most critical area at the present time, effective international cooperation to meet this problem should be extended to other ocean zones as well. Japan, for example, has become acutely conscious of the need to control pollution of her coastal waters. During a recent visit to Tokyo, Russell Train, Chairman of the Council on Environmental Quality, found that our proposals for a new national policy on ocean dumping are of great interest there, and it is evident that this represents one of the most promising areas for environmental collaboration between the United States and Japan.

As I am sure you know, the Committee on the Challenges of Modern Society is actively engaged in developing a cooperative program in the field of oil spills on the high seas. While the control of general disposal of ocean wastes seems primarily to be a regulatory matter, the reduction of oil pollution by tankers is largely a technological problem to which CCMS is especially well suited to make significant contributions.

You may be sure that we will be exploring these matters with our friends in the North Atlantic region, and we will also be developing appropriate opportunities for broader international cooperation in the protection of the marine environment.

With warm regards,

Sincerely,

RICHARD M. NIXON,
President.

Mr. ROTH. Mr. President, most Senators are aware that there is already underway a considerable effort at the international level to study and to improve the marine environment. But this is an effort that is scattered among a wide variety of organizations, and its dimensions are thus difficult to comprehend. For this reason, I believe that Senators would be interested in an excerpt from a recent report entitled U.S. Priority Interests in the Environmental Activities of Committee on International Affairs. This excerpt outlines the major problems of the marine environment, and briefly described the activities of major international organizations in this field. I ask unanimous consent that it be printed in the RECORD.

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

DETERIORATION OF THE MARINE ENVIRONMENT
THE NEED FOR INTERNATIONAL COOPERATION

The need for international cooperation in preventing and correcting adverse effects on the oceans and on marine resources stems

primarily from the fact that the high seas, like the atmosphere, function as a commons which is used in various ways and in various degrees by all nations. In addition, the effects of the oceans on weather and climate reinforce the need for cooperative action in this area of environmental affairs.

Many types of ocean pollution problems affect, in the first instance, coastal waters rather than the high seas. This applies, for example, to the disposal of industrial wastes and sewage from urban communities, insecticides and fertilizers from land run-off, seepage of petroleum from offshore drilling, and, in general, to all cases in which pollutants enter the ocean via rivers or by dumping in territorial waters. It also applies to pollutants that accumulate in the marine foodchain since many species of fish and other marine biota tend to inhabit the relatively shallow areas of the ocean. Nevertheless, coastal waters are interrelated with the rest of the ocean in obvious ways and, from an environmental point of view, even the distinction between fresh and salt water may not serve a useful purpose. Pollution in estuaries can be considered from the standpoint of causal linkages with the originating sources upstream (see Section 6), the acute effects in the estuarine area itself, or the direct and indirect effects of pollutants as they move out to the open sea and are carried away by ocean currents.

While the oceans function as a commons, the control of pollution in marine areas which are under the national jurisdiction of coastal states impinges upon the right of a nation to dispose of its own waste products in the territory it claims. International agreements are needed insofar as this right is restricted on the grounds that pollution of the territorial sea, the adjacent seabed, or the legally-defined continental shelf affects the interests of other nations. Simple self-interest may be sufficient to motivate a nation to prevent or reduce pollution in these oceanic areas, but there are complicating factors. For example, the technical feasibility and economic costs of alternative methods of waste disposal may limit the extent to which a coastal state is able to avoid or abate pollution of its own coastal waters even though it clearly wants to do so.

The control of pollution in oceanic areas outside the limits of national jurisdiction requires international cooperation in formulating regulatory measures and in enforcing them. The latter function might be performed by a new international agency (within the UN system or closely related to the United Nations), though preferably not one established primarily for controlling the exploitation of the seabed. Alternatively, regulatory measures regarding pollution of the high seas (including the protection of marine resources in the deep ocean or on the ocean floor) could be enforced by existing international machinery. In either case, effective prevention and correction of marine pollution cannot be left entirely to the coastal states that are willing and able to protect their own maritime domains.

CURRENT AND PROSPECTIVE INTERNATIONAL ACTIVITIES

The UN General Assembly has concerned itself with ocean affairs for a number of years. It has focused its attention on the political and legal problems related to marine resources, chiefly in connection with the issues considered at the Law of the Sea Conferences (1958, 1960) and at meetings of the UN Seabed Committee. However, pollution of the marine environment has also received a good deal of attention in connection with (1) the exploration and exploitation of the seabed, (2) the protection of marine species, and (3) the need for providing more food from the sea.

Ocean pollution will probably be discussed at the Stockholm Conference in 1972 since the program calls for systematic analysis of pollution in various media and for consideration of global monitoring systems. The UN Secretariat is preparing a report on several oceanic pollutants; it will discuss corrective actions and the desirability of a multinational treaty on this subject. This report might be an input to the 1972 UN Conference or, alternatively, submitted to the UN General Assembly before that time. The ECE Conference in 1971 will not discuss marine pollution to any extent.

A large number of international organizations are involved in dealing with the problems of pollution in the marine environment. Within the UN system, the Group of Experts on Scientific Aspects of Marine Pollution (GESAMP) serves as a common advisory body for several UN specialized and affiliated agencies—notably, UNESCO, WMO, IMCO, FAO, and IAEA. It provides a mechanism for considering the needs for research on marine pollution problems; for establishing research priorities; for assessing the use and effects of chemical means for absorbing, precipitating, and removing pollutants from the sea; and for organizing on-the-spot investigation and rendering technical advice in the event of a major ocean pollution accident. No single UN organization performs all the functions required to cope with the full range of ocean pollution problems and, in general, non-UN international organizations deal only with special aspects of the marine environment. A brief statement of the activities of the principal international organizations and programs concerned with ocean pollution follows:

(1) *Intergovernmental Maritime Consultative Organization.* Since its establishment in 1959, IMCO has been active in encouraging research and information exchange on the rapid, safe, and efficient disposal of oil from the sea. It has established a mechanism for reporting oil spills, convened an international legal conference on marine pollution, and has proposed changes for strengthening the 1954 agreement on Prevention of Pollution of the Sea by Oil. IMCO currently plans to convene a conference in 1972 to draft an international agreement for preventing contamination of the sea.

(2) *World Meteorological Organization.* WMO promotes the collection, processing, and analysis of data, as well as the standardization of instruments and techniques in hydrology, through its Commission for Hydrometeorology. Similar functions are performed through its Commissions on Oceanographic and Climatology. While WMO is not primarily concerned with the control of ocean pollution, it is the major UN specialized agency involved in research and monitoring of meteorological factors affecting the marine environment.

(3) *UN Educational, Scientific and Cultural Organization.* UNESCO conducts marine research through its Office of Oceanography and serves as the Secretariat for the IOC (see below). Through the International Decade of Ocean Exploration (IDOE), and more generally the Long-Term Expanded Program of Oceanic Exploration and Research, it promotes scientific investigation for (i) assessing and predicting man-induced and natural modifications of the character of the oceans, (ii) identifying deleterious or irreversible effects of waste disposal at sea, and (iii) preventing depletion or extinction of valuable marine species as a result of man's activities.

(3a) *Intergovernmental Oceanographic Commission.* The IOC has been charged by the UN General Assembly with responsibility for implementing the Long-Term and Expanded Program of Oceanic Exploration and Research, of which the International Decade of Ocean Exploration (IDOE) is a part. The basic mission of the IOC is to promote scientific investigation of the oceans and marine resources through concerted action by its national members. With the support of WMO, the IOC has taken the lead in developing the Integrated Global Ocean Station System (IGOSS). The purpose of this system is to provide more extensive and timely information on the state of the ocean and its interaction with the atmosphere. IGOSS is in an early stage of development.

(3b) *International Decade of Ocean Exploration.* The IDOE, which was endorsed by the UN General Assembly in 1968, includes a broad program of research and monitoring that bear directly on the control of ocean pollution and the protection of the marine environment.

(4) *Food and Agriculture Organization.* Although more concerned with pollution of inland waters, FAO has given increasing attention to the study, monitoring, and management of the sources and effects of ocean pollution on fish resources and fishing operations. It is preparing a World List of Experts in Marine Pollution and plans to conduct a conference, in December 1970, on the effects of marine pollution on the living resources of the sea.

(5) *World Health Organization.* WHO activities in the field of environmental health include research on such topics as the disposal of waste in offshore waters. It conducted a study of public health aspects of coastal pollution which covered the health effects of organisms discharged with sewage into coastal waters. It plans to continue research on this subject with a view toward providing technical guidance on criteria of coastal water quality and recommending preventive methods.

(6) *International Atomic Energy Agency.* IAEA is concerned with the problems of radioactivity in the marine environment. It maintains the International Laboratory of Marine Radioactivity at Monaco to conduct research in this field, including problems of radioactive waste disposal and the standardization of techniques for determining the effects of radioactivity in the sea. The IAEA is considering the establishment of a registry of radioactive materials disposed at sea by Member States; this registry would be linked to a more comprehensive international registry of other ocean pollutants. From time to time the IAEA organizes symposia and panels on problems related to marine radioactivity; a panel will be convened in November 1970 on procedures for establishing limits for radionuclides in the sea.

(7) *NATO Committee on the Challenges of Modern Society.* CCMS has initiated an action-oriented project on Open Waters Pollution under Belgian leadership, with assistance from Canada, France and Portugal (co-pilots). This study attempts to define international standards and criteria for pollution of open waters in order to make international pollution control measures more effective. Special attention is being given to inadvertent oil spillage and to the prevention of intentional oil discharges. CCMS held a conference in Brussels on oil spills early in November 1970 and formulated preliminary recommendations for action.

(8) *Organization for Economic Cooperation and Development.* The OECD's continuing work on the unintended occurrence of pesticide residues takes account of the concentration of these residues in the marine foodchain. While the OECD Water Management Research Group (WMRG) is primarily concerned with pollution in fresh water bodies, it might become involved in research on water-borne contaminants in estuaries. Under the auspices of the OECD, the European Nuclear Energy Agensy (ENEA) has been developing a coordinated plan for the disposal of low-level solid radioactive wastes in ocean waters. Two multi-national sea disposal operations have been completed, one off the coast of Portugal (1967) and the other off the coast of Ireland (1969).

(9) *International Council for Scientific Unions.* The ICSU Scientific Committee on Oceanic Research (SCOR) promotes international cooperation in all branches of oceanic research and arranges for international con-

ferences such as the Joint Oceanic Assembly. The extent to which the ICSU Scientific Committee on Problems of the Environment (SCOPE) will deal with research on ocean pollution problems is uncertain. The ICSU committee that proposed setting up SCOPE cited pollution of the oceans and coastal waters as one of the main topics for it to probe.

(10) *International Council for Exploration of the Sea.* ICES is the oldest organization concerned with the North Atlantic and adjacent seas. The Council coordinates the oceanographic activities of the member governments and other interested bodies, promotes research in the marine sciences, and seeks to establish the best basis for international conventions on the improvement of sea fisheries. To achieve these goals, it cooperates with the FAO, UNESCO, and other international organizations specializing in the marine sciences.

From an institutional point of view, international cooperation on problems of the marine environment can probably be achieved best within the framework of the United Nations. The oceans have been studied internationally for many years and the cooperative approach envisaged by the IDOE continues this tradition. While organizations outside the UN system, notably CCMS and OECD, can play important roles in achieving better management of the oceans, the main forum for debating the issues and ultimately agreeing upon measures for controlling ocean pollution must include nations with substantial oceanographic capabilities (e.g. USSR, Japan) and with large maritime fleets (e.g. Liberia, Panama). Other considerations that lead to the same conclusion are: (1) the need for global monitoring of pollution in the marine environment, (2) the desirability of broadly-based research on climatological problems, (3) the importance of augmenting agricultural production in the LDCs by increasing the amount of food from the sea, and (4) the possibility of assisting the developing countries by cooperative exploitation of mineral resources in the seabed.

PRIORITY PROJECTS FOR INTERNATIONAL COOPERATION

Pollutants enter the ocean in many different ways. Atmospheric fallout and terrestrial runoff are the natural routes from other environmental media; more direct routes are represented by dumping, spillage from ships, effluent discharge, offshore oil and gas exploitation, and ocean mining. Moreover, a wide variety of pollutants reach the marine environment by these means—not only oil, sewage, and pesticides, but also industrial wastes, toxic materials, and munitions. The physical disruption of the sea bottom in ocean mining may also be considered a form of pollution adversely affecting the marine environment.

One of the urgent short-range problems in this area of environmental affairs is the control of oil pollution. Reasonably effective measures for reducing ocean pollution from tankers can be devised and implemented at the present time, even though further study of the economic aspects of oil spillage would be desirable. There is also a continuing need for cooperative research on the rates and routes of oceanic oil pollution from all sources—that is, not only from tankers, but also from other ships, off-shore drilling, accidental and natural causes, and the disposal of petroleum waste products on land. A similar need applies to research on chemical pollutants that ultimately reach the sea (e.g. DDT, toxic metals, etc.) and on their effects on marine biota.

The following six projects on ocean pollution are suitable for multilateral cooperation and, as a group, have high priority. In general, U.S. interests would be best served by supporting the work already begun or proposed by existing international organizations.

(1) *Prevention of Pollution from Ship Operations and from Dumping.* This project would aim to formulate international agreements to prevent ocean pollution from oil and from other substances that tend to damage the marine environment (e.g. chemical warfare agents, persistent pesticides, industrial wastes, etc.). Oil spillage from tankers can be reduced by various measures. For example: the size of tanks can be limited; tankers can be constructed with inner bottoms and inner side shells; the possibility of collision can be reduced by improving navigation aids and designating traffic lanes for tankers; more extensive use can be made of the load-on-top system ballasting and tank cleaning; and more adequate shore facilities might be developed. International agreements on the use of these methods are needed and are currently under consideration in IMCO and CCMS. These organizations might also be used for formulating agreements on the control of other kinds of ship-generated pollution; in some cases, pertinent efforts are already underway—for example, IMCO is considering the standardization of shoreside connections for the discharge of sewage to land-based treatment plants. The US has already taken the lead in formulating policies for the control of ocean dumping; pending US legislation on this subject might help to encourage other maritime nations to restrict the dumping practices of their nationals and to be favorably disposed toward an international agreement on dumping of hazardous chemicals, radioactive wastes, and the like. Such an agreement would probably involve a number of agencies in the UN system (notably, IMCO, FAO, IAEA, and IOC) and might ultimately require action by the UN General Assembly itself.

(2) *Determination of Oceanic Pollutant Effects.* Some pollutants remain a long time in the ocean or in marine organisms; some have acute and quickly noticeable effects on biota, whereas others have delayed effects which might be important in the long run. Existing knowledge of these matters is fragmentary. Further study to understand the effects of known pollutants, to identify unrecognized ones, and to acquire better data on the fate of specific pollutants (i.e. movement in the ocean, accumulation of organisms, etc.) was recommended by the IOC which, together with FAO and IMCO, would be the principal organizations involved in promoting or conducting additional research.

(3) *Monitoring Pollutants Affecting Ocean Quality.* This task is analogous to the monitoring of airborne pollutants of global significance (see para 4.10 above). An international system for monitoring the ocean is needed to determine the presence of such pollutants as toxic heavy metals persistent pesticides, petroleum and products of petroleum origin, industrial wastes, and possibly other substances. This system would provide baselines for determining subsequent changes in ocean pollution; it would require standardization of sampling methods, calibration of instruments used by the participating parties, and cooperation in analyzing samples and in exchanging research results. A cooperative monitoring effort has been recommended by the IOC; hence, this project could be best carried out through the IOC. FAO and WMO would be the principal intergovernmental organizations directly involved.

(4) *Inventory of Ocean Pollution Sources.* Pollutants reach the ocean from many sources and some of them are transported over vast distances. Thus pesticides applied on the African Continent have been detected in the Bay of Bengal and the Caribbean Sea, following transport in the summer monsoon and northeast trade winds respectively. It would be desirable to organize a multinational effort to review and inventory the source of marine pollution, and to investigate the mechanisms through which pollutants reach the marine environment. Initial planning could be done by UNESCO and ICSU; in either case, the research and data collection could probably be carried out effectively by WMO, FAO, IMCO, and IAEA.

(5) *Impact of Adopting Pollution Criteria and Standards.* From an operational point of view, the formulation of criteria and standards for marine pollution is only a step toward international agreement and adoption of measures for controlling pollution in the marine environment. Prior to proposing such criteria and standards there should be extensive study of the economic and social consequences of adopting them. These prerequisite studies could probably be undertaken best by a joint effort of UN regional economic commissions and certain specialized UN agencies (e.g. IMCO, FAO, UNESCO, IAEA). In some cases enough is already known about adverse effects on human health to warrant setting minimum standards promptly, but the economic impact of adopting such standards needs to be periodically examined and the need for modifying them should be periodically reviewed.

(6) *Pollution Control Technology.* The development of technology for controlling ocean pollution should be encouraged by facilitating information exchange and organizing cooperative research projects on such topics as: (i) treating effluents to remove pollutants before they reach the ocean, (ii) removing pollutants from the ocean, (iii) countering the deleterious effects of those that cannot be removed, (iv) finding economic uses of wastes so that they do not have to be dumped into the marine environment, (v) developing substitute materials or alternative methods of disposing of pollutants that now reach the sea, and (vi) developing remote sensors for aircraft and satellites for monitoring, surveillance and identification of pollutants and their sources. Many existing international organizations concerned with the marine environment would be involved, but none appears to be particularly well-suited for coordinating and directing the joint research efforts required. The ICC and IMCO would provide useful mechanisms for facilitating information exchange.

5.12 Numerous aspects of the marine environment require future study in connection with international actions to control pollution, conserve marine resources, and improve man's utilization of the sea. The following three topics, though not directly concerned with ocean pollution in the usual sense, are suitable for cooperative research. They may be regarded as having a continuing high priority in this area of environmental affairs.

(1) *Sustaining the Yield of Living Resources of the Sea.* In order to prevent the adverse consequences of overexploitation of certain fisheries, as well as to retain the scavengening capabilities of the ocean's living resources, a reexamination of the Convention on the Living Resources of the High Seas is needed. International agreement on a new convention may be required. Initially, the problem of sustaining yields could be investigated by FAO, but effective measures will probably require action by the UN General Assembly.

(2) *Long-range Weather Forecasting.* Meteorological studies show that changes in large-scale weather patterns are closely related to changes in the temperature distribution of the water layers near the surface of the sea. Because the sea behaves more sluggishly than the air, these observations indicate that improvements in long-range weather forecasting can be made through studies of the large-scale interactions between the oceans and atmosphere. The present accuracy of long-range forecasting is low, but if it could be improved substantial economic benefits would result. Eventually some aspects of the weather might be controlled. Studies of the air-sea interactions require,

among other things, time series measurements at many points in the upper water layers and continuous mapping of cloud cover, winds, and atmospheric temperature distributions over the oceans. Many of these atmospheric measurements will come from weather satellites, while measurement of ocean parameters will probably require establishment of a network of anchored buoys. The extent of this work is larger than the capabilities of any one nation. It has been recommended for international cooperation by the IOC; the leading role would probably be played by WMO.

(3) *Man-made Ecological Upset of the Sea.* It would be useful to organize a cooperative study of the ecological changes in the marine environment which are likely to result from deep-sea mining, oil drilling, dredging, and other human activities affecting the seabed. A research program would probably include field activities using such devices as submersibles and undersea habitats. Planning might be done by the IOC with assistance from ICSU.

The uses of the ocean are currently regulated by international conventions and agreements which were adopted before nations became particularly concerned about marine pollution. In recent years, the UN General Assembly and the UN Seabed Committee have called for studies of pollution in the marine environment, including reviews of actions to prevent further pollution; in 1969, member states were urged to express their views on the need for additional treaties or modifications of existing conventions. Consideration of this matter will have to take account of pollution on the high seas and in water under the jurisdiction of coastal states, but it is not yet clear whether changes in the Law of the Sea would be preferable to new legal agreements concerned with specific problems of marine pollution.

The question of jurisdiction over seabed resources is currently under consideration in the UN Seabed Committee. If a treaty is approved, it will undoubtedly contain provisions regarding the regulation of pollution from seabed mineral exploration and exploitation. These provisions should take account of the results of the ocean pollution projects mentioned in paragraph 5.11 above, especially the studies of ocean pollution effects, monitoring pollutants affecting ocean quality, and inventories of ocean pollution sources.

New legal regimes may be needed for defining surveillance requirements and enforcement procedures, as well as for compensatory liability, compulsory insurance, and for controlling pollution caused by naval vessels. It may also be necessary to formulate new international agreements, or strengthen existing regulations, in order to discourage dumping in national waters without concomitantly encouraging the disposal of potentially harmful wastes by dumping them into the high seas.

AFFIRMATIVE ACTION IN GARY, IND.

Mr. HARTKE. Mr. President, as we approach the 200th anniversary of the founding of our Republic, increasing attention has been focused on the need to achieve a full realization of the goal of freedom and equality for all Americans. Unless we strive for that goal, democracy is but a hollow concept, even for those who are fortunate to enjoy its benefits.

Realizing that equality cannot be imposed by laws, President Lyndon Johnson signed Executive Order No. 11246 in September of 1965. The purpose of that order was to require the employment of minority group members on Federal construction projects and thus enable blacks, Latin Americans, American Indians, and others to raise their standard of living. It was also felt at the time that the Federal requirement would filter down to lower levels of government and to the private sector, thus breaking down the barrier of economic discrimination which has helped to divide our society.

Unfortunately, the record has been disappointing. Lake County, in the industrial northwestern section of Indiana, is nearly 25 percent black and has a large Latin community. The children of these minority citizens are graduated from high school imbued with the American dream that, through hard work and perseverance they can achieve the high standard of living that most of white America has achieved. They find, however, that much of the American dream is elusive. First in amazement, then in frustration, they discover that many jobs in crafts and trades are not available to them simply because they are nonwhites.

Recently, the school board of the city of Gary, Ind., decided to take action to correct this injustice. They were faced with the task of rebuilding many of the schools of their city that have a substantial minority group enrollment. If the American dream was to mean anything to the students who attend these schools, the board decided that the schools themselves should be built with the help of minority group labor.

They did not demand that all the workers be from minority groups, nor did they demand that workers be hired without regard to their qualifications. They asked only that contractors attempt to find and train qualified nonwhites to join their white work force. In this way, the pupils who attend the Gary schools could learn that the American dream is more than a composite of beautiful words. Instead, the very buildings in which they spent the most important years of their lives would stand as monuments to a just society, based on equality for all.

In order to do this, the school board adopted as their own the policy enunciated by President Johnson in 1965 and asked each contractor to sign a pledge to take affirmative action for hiring minorities before they could be awarded contracts. In light of the fact that many of the contractors had worked on Federal projects since the signing of the 1965 Executive order, this was not an unreasonable policy.

The results of this straightforward approach of the Gary School Board have been discouraging. Since the board first announced that it would adopt an affirmative action policy, school construction has virtually ground to a halt. Where once several construction companies had bid on school contracts, now only a few do so. Legal action has been initiated against the board and against each individual board member—all this for supporting the very policies promoted by the Federal Government.

Is it possible that all the legislation, the Executive orders, and the promises of past decades are totally without substance and meaning? In a society founded on the principle of equality of opportunity for all men, this must not be allowed to happen.

For this reason, I am today calling upon the Office of Federal Contract Compliance of the Department of Labor to investigate what is taking place in Gary, Ind. I want them to determine if all Federal laws and regulations pertaining to equal employment opportunity in the construction industry, are being obeyed.

This is no longer the time for hyprocrisy or banality. I have given my support to the Philadelphia Plan which is the only federally sponsored affirmative action program in existence. The Gary School Board is promoting a local version of that plan. As such, the board is at the forefront of community efforts to bring about an end to job discrimination in the construction industry of this Nation.

They have acted where others have retreated into silence, and they are willing to endure the hardship of recurring legal entanglements in order to assure that their regulations are obeyed. The Federal Government must be willing to make the same commitment.

My purpose in calling for the Federal investigation is to assure that Federal laws and regulations are being obeyed. I pledge to stand by the results of that investigation, whatever they may be.

At the same time, I urge all who are involved in the present dispute to join together in a common effort to reach a solution. At a time when our economy is so fragile, we cannot afford to have necessary construction contracts go unawarded.

APPALLING TRAGEDY IN EAST PAKISTAN

Mr. HARRIS. Mr. President, an appalling tragedy is taking place in East Pakistan about which the world remains ignorant because West Pakistani authorities have cynically expelled foreign journalists. It would appear that only in this way may their soldiers kill in peace.

The New York Times, March 31, cites "unimpeachable independent sources" in New Delhi who claim that the Pakistani soldiers have been dragging political leaders in East Pakistan into the streets where they are summarily shot. There are reports, unconfirmed, that execution squads led by informers are now systematically tracking down and killing East Pakistani intellectual leaders so that the people of that region will forever remain without a voice.

These outrages reportedly are being committed in the name "of God and a united Pakistan."

Some reports may be sensationalized accounts of isolated crimes. Because of the Pakistani Government's policy of excluding the press, we do not know. But the unwillingness of the Pakistani authorities to admit foreign newsmen must cause us to conclude that at least some of the reports are true.

The world must end its silence. At this point only the Indian Government has gone on record in condemnation of current events in Pakistan. But Indian protests can only be marginal in effectiveness and subject to misinterpretation in purpose because of the long hatred between the two countries. It is sad to report that because of the vast human destruction brought about by our involvement in Vietnam, the United States is

also not in a position to take a moral lead.

We do not, however, have to remain inactive. We should pointedly announce that we are halting all military and economic aid to Pakistan for the time being. Meanwhile, we can urge others, particularly countries in Asia, to take the moral lead in such forums as the United Nations.

I urge other Senators to join me in asking the administration to give the situation in Pakistan the highest priority. We cannot sit with our hands folded as a generation of leaders in East Pakistan may be on the way to final destruction.

Mr. President, I ask unanimous consent that an editorial from the New York Times on this subject be printed in the RECORD. I also ask unanimous consent that a letter on this subject which I have sent to the Secretary of State be printed in the RECORD.

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

[From the New York Times, Mar. 31, 1971]

IN THE NAME OF PAKISTAN

Acting "in the name of God and a united Pakistan," forces of the West Pakistan-dominated military government of President Yahya Khan have dishonored both by their ruthless crackdown on the Bengali majority seeking a large measure of autonomy for their homeland in the country's eastern region.

Any appearance of "unity" achieved by vicious military attacks on unarmed civilians of the kind described by correspondents and diplomats who were in the East Pakistani capital of Dacca when the crackdown began cannot possibly have real meaning or enduring effect. The brutality of the Western troops toward their "Moslem brothers" in the East tends only to confirm the argument of the outright secessionists in Bengal who argue that differences between East and West Pakistan are irreconcilable.

Although this is a domestic dispute, the struggle in Pakistan could have dangerous international consequences, especially if a prolonged period of guerrilla warfare ensues. The least the world community can do at this stage is to call on President Yahya, in the name of humanity and common sense, to stop the bloodshed and restore Sheik Mujibur Rahman to his rightful role as elected leader of his people.

The United States having played a major role in training and equipping Pakistan's armed forces, has a special obligation to withhold all further military aid to the Yahya Government. Economic assistance should be continued only on condition that a major portion be used to help bind up East Pakistan's grievous wounds.

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., April 1, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am alarmed as I am sure you must be about reports of mass executions and indiscriminate slaughter of civilians in East Pakistan.

The New York Times March 31 cites "unimpeachable independent sources" in New Delhi who claim that Pakistani soldiers have been dragging political leaders in East Pakistan into the streets where they are summarily shot. There are reports, unconfirmed, that execution squads led by informers are systematically tracking down and killing East Pakistani intellectual leaders so that the people of that region will forever remain without a voice.

Because of the Pakistani Government's policy of excluding foreign newsmen from East Pakistan, it is impossible for Members of Congress and the world at large to know with certainty what is happening. But it would seem that if the Pakistani authorities had a better story to tell the world, they would admit foreign journalists who could tell it.

Until it is clear from public accounts that reports of summary executions and indiscriminate warfare against civilians in East Pakistan are inaccurate, I wish to urge that our Government immediately end all military and economic assistance to Pakistan. I do not believe we should allow it to be said that American funds and arms contributed to the destruction of a generation of East Pakistani leaders.

Because of the world's reaction to our involvement in Vietnam, it is not practicable in my opinion for the United States to take the moral lead in condemning Pakistani actions in world forums like the United Nations. But I do believe that we should encourage others to speak out, particularly Asian countries, and agree to support them.

I would appreciate at the earliest opportunity your assessment of the United States policy towards Pakistan in light of current events there.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

HARRISVILLE, N.H.—A WILLIAMSBURG THAT IS REALLY LIVED IN

Mr. McINTYRE. Mr. President, I speak today in praise of the citizens of a small and courageous town, Harrisville, N.H. My praise is occasioned by my personal knowledge of their present moment of crisis and their determined effort to overcome it.

These are independent people. They are meaningful people. And they will succeed. After more than 125 years of operation, the Cheshire Mills were closed last year, leaving the town without its main economic base. Most of its citizens had worked in this mill, as their fathers and grandfathers had done. The shock, though anticipated, was a hard one.

Yet these people have not given up. For the time being, they have sought employment in neighboring towns; but they have not written off their mills. They are at this moment considering alternative productive uses for the mill. They have my full support.

While the present time is a tough one nationwide, I have a great deal of faith in Harrisville and its citizens. If successful alternatives can be found anywhere, I feel that they will be found here.

Some of the history of Harrisville might be helpful to the Senate. The first mill for the manufacture of woolens was built by Jonas Clark in 1799; in 1830 another mill was added by Milan Harris; and these mills comprise the town's manufacturing complex to this day. While these buildings are recognized as the most authentic architectural examples of the old New England textile mill, they are unique in that they have been in almost continuous operation to this day. They are also unique in that the mills have always been among the cleanest and most pleasant to work in over the years. Therein lies the secret of Harrisville.

Every since the Colony family became involved in the management of the mills in 1850, Harrisville has been a unique partnership between management and employee. Everyone in Harrisville had a stake in the mills—everyone still does. They will work together to save these mills.

In a nation that is wracked by dissention and divisions, this is unique. Perhaps this ethos is best stated in a short quotation from a recent article by Peter Hellman, published in the New York Times:

What makes Harrisville stand out in the view of historians, economists, and sociologists is that, with no visible signs of strain, it has held on to being a factory town that never grew ugly as it aged; whose workers have never abandoned its housing in the shadow of the mill for suburban residences; whose owners have never sold out or moved more than few steps from the mill buildings for generations. In short, while other factory towns have let themselves get grimy and sullen and bad for raising children, Harrisville has kept a special harmony between its machines and its citizens in a setting of undiminished beauty.

This was no accident, This is Harrisville. It is a way of life, one that should be preserved for its citizens and the country. I see in Harrisville an example of resourcefulness and dedication. They will succeed.

I commend the attention of Senators to a recent article written by Mr. Peter Hellman, published in the New York Times. It is a sensitive insight into the life and history of this remarkable town. 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:

[From the New York Times, Mar. 28, 1971]

A "WILLIAMSBURG" THAT IS REALLY LIVED IN

(By Peter Hellman)

HARRISVILLE, N.H.—The mountainside road that leads from State Route 101 to this small village in southwestern New Hampshire is lined with pine, white birch and outcroppings of stern gray rock. After eight miles of it, you come to a town that may be unlike any other left in New England or perhaps anywhere else in the country.

Harrisville, first of all, looks almost exactly as it did a hundred years ago. It is a pristine community of 500 souls who see the same church, library, blacksmith shop, general store, houses and woolen mills that their forebears did. Now you may know of a town or two yourself where life hasn't changed much for a century. Those towns, neglected by the urban rush, are to be found dozing a few miles off just about any section of rural interstate highway. If you stop at one of them to stretch or get a cup of coffee, you'll probably see oaks shading a main street, kids on bikes peddling on clean sidewalks, houses with a rocker on every porch and ivy curling up the chimney brick.

ANY ENCROACHMENTS?

And yet there is almost sure to be some contemporary encroachment. If you stopped for gas, that's one. Is there a laundromat, a pizza parlor, a hamburger stand? How about a traffic light or some other easily overlooked accommodation of the times?

But apart from utility poles and very few other incidentals, Harrisville, which is 10 miles east of Keene, really has not accommodated—not by one garage or a single tube of neon. Its buildings look just as they do in old photos and handed-down memories. "I grew up here, went away to work for the railroad in Boston, came back to retire in the

house I was born in," says local resident Harold Blake. "I look around now and don't see much that's different."

It isn't physical preservation, however complete, that makes Harrisville unique among towns that look pretty much as they always did. What does make Harrisville stand out in the view of historians, economists and sociologists is that, with no visible signs of strain, it has held on to being a factory town that never grew ugly as it aged; whose workers have never abandoned its housing in the shadow of the mill for suburban residences; whose owners have never sold out or moved more than a few steps from the mill buildings for generations.

In short, while other factory towns have let themselves get grimy and sullen and bad for raising children, Harrisville has kept a special harmony between its machines and citizens in a setting of undiminished beauty. As Prof. John Armstrong of Boston College reports in his book about the town, called "Factory Under the Elms" (M.I.T. Press, 1969), "It has never become an industrial slum, a ghost town or the fief of some outside industrial overlord."

The first thing you see as you drive into Harrisville from the south is the Lower Mill of Cheshire Mills Inc., a long building hard by Nubanusit Creek, finished in 1850 in the soft red brick of most of the rest of the town. Its clere-story windows are clean and look as if they always have been. Just on the other side of the creek is a low house that until a few years ago had continuously provided room and board for the factory workers for 125 years.

Just above the Lower Mill, straddling the falls of Nubanusit Creek, is the steepled Upper Mill, built in 1830 by Milan Harris, who was among the first in this part of New Hampshire to use the natural fall of water to power machinery for a woolens mill. Beyond the Upper Mill is Harrisville Pond, along which most of the rest of the town's public buildings are gathered: the blacksmith shop, now used mainly for boat storage; the white-roofed Congregational Church, its oak pews curved with unusual sinuousness for a Yankee sanctuary; the spare library that actually sits out on a platform on the pond. (The librarian, Louise Bergeron, will heave up a hatch cover to show you the water beneath the shelves if you doubt that it's there.)

For summer weather there is Sunset Beach on the south shore of the pond, dedicated to the men of Harrisville lost in wars. Just before it is Peanut Row, a string of spotless cottages that the mill rents to workers. Fifty years ago they rented for $5 a month, and they still do. There are adults on Peanut Row and elsewhere in Harrisville who have never bothered to get drivers licenses; with factory, store and church right there, they never had much need for one.

A suitable elevation up the slope from Peanut Row is the pillared home of John Colony Jr., fourth in the generations of his family to be lord of Cheshire Mills. The Colonys have always exercised what Professor Armstrong calls a "benevolent paternalism."

It was actually a man named Abe Twitchell who first built a sawmill, in 1775, on the site of Harrisville. His house, just to the right of the store, is still well kept. The first mill for the manufacture of woolens was built by Jonas Clark in 1799, but he soon cleared out for Canada. With the demand for cloth increasing during the War of 1812, both Clark's and Twitchell's mills were soon being operated in woolens manufacture by Bethuel Harris, brother of the blacksmith Jason. In 1850 the Harris sons were bought out by a partnership that included the Colony family of Keene.

It was not until 1870 that Harrisville was finally incorporated, and then only so the citizens could legally collect $14,500 among themselves to hand over as a "gratuity" to a railroad company in return for running a track through the town. Raw wool was collected for Cheshire Mills from all over the country by agents who sometimes get careless; company files still contain indignant letters sent off by the Colonys to agents telling of having opened bales of presumably high-grade wool shearings only to find cow dung. Despite such minor setbacks, good times for Cheshire Mills lasted right through World War I, and from then on things went badly.

Last fall Cheshire Mills finally faltered. It had held up even as most New England mills closed or moved south to cheaper labor markets in response to increased imports from Europe and Asia and low prices for their product. "We were trying to run a business by paying 1970 wages for fabrics selling at 1940 prices," says mill foreman Warren Thayer.

QUICK DELIVERY

To keep his mill alive in the last few years, John Colony offered a quick response to urgent, specialized orders from nearby clothing makers for superior woolens. With a skilled group of dyers and weavers and good equipment to handle all the steps of turning rough wool into fine cloth, Cheshire Mills could deliver in a few weeks orders that would require months for a customer to get from a cheaper overseas supplier.

If it were not for events outside the peaceful sphere of Harrisville, Colony's strategy might be working now. But two of the customers on whom Cheshire Mills depended—John Meyer and Villager Inc.—had their own problems. Faced with the loss of these major accounts, Cheshire Mills shut down last November. Unlike slow times in the past when it had occasionally paused in its operations, this time the move may well be permanent.

You can buy the soft red buildings of the mill, Peanut Row and about 80 per cent of the village the company owns from the receivers for a negotiable $750,000. To be sure, the creditors include the Colony family itself, which has sunk its own cash into Cheshire Mills; and if things work out as they hope, it is possible that the mill may never even have to be sold to an outsider.

Colony's son John, who is just out of Coast Guard, has been exploring the possibility of making high quality yarns for the reborn and booming handcrafts market. He and his father have also been scouting around Boston and Washington for a way to preserve their town as perhaps the last of the 19th-century factory communities with its particular kind of harmony. "Right now there is a reproduction of a 19th-century mill already being built at great expense in Sturbridge, Mass.," points out Tom Leavitt of the Merrimac Valley Textile Museum in Andover. "But when you put that reproduction up against what already exists in Harrisville, that kind of project can all of a sudden look quite dated."

It will not be easy for an outsider to take over the mill with an eye toward making over the face of Harrisville. The Board of Selectmen voted a year ago to declare the town a Historic District. The designation requires any change of face contemplated for the town to be approved first by the citizenry. "It's certainly possible," says Professor Armstrong, "that a company could come in here and say 'Okay, we'll build a new plant but first you have to get rid of all this other nonsense.' And the people might just take up the promise of new jobs and tax revenues and vote to throw out their designation as a Historical District."

But the people of Harrisville seem determined that such a thing will never happen. That goes for the Colonys, for the old-line working families like the Thayers, for the summer residents whose homes dot the shorelines of the ponds a few miles from village center, and certainly for the newest full-time resident of Harrisville, an ex-Random House editor named Lauren Libow. To the consternation of some, he bought the old schoolhouse on the slope just above the general store and turned the lower floor into a well-equipped potters studio and showroom and the upper floor into a home for himself, his wife, Nancy, his two children and for visiting potters.

YANKEE LATITUDE

At first some of the townspeople muttered about the potential for orgies at the Libows, but most of them keep their sense of Yankee latitude in allowing a man to pursue his folly as he wishes. They can take their cue from old Mr. Clark, who sold Libow the schoolhouse but would not let him in even after he bought the place. "He was still fixing things up inside and he wanted everything to be exactly right before he let me have the keys," explains Libow.

So far now Harrisville sits and waits. You can't feel any palpable gloom over the town; the kids had new sleds this winter and they'll be sure to have new bikes this spring. In the morning many of the people who used to walk over to the mill now get in their cars to drive to work in other towns. Many of the older people have not been able to make that shift—they stay home and collect unemployment. The houses on Peanut Row, whether their tenants are working or not, are as immaculate as ever.

Every afternoon after school the kids gather by the Upper Mill or in front of the store. Every Sunday, Mary Upton, pastor of the church, preaches under a painting of Jesus tending sheep under trees bursting with new leaves, and keeps up a chart of pasted stars for Sunday school attendance. The library is abuzz for two evening hours. Monday, Wednesdays and Fridays. Libow works at his potting and if you walk up the dirt road behind the store at night, chances are you'll see his kilns aglow. In the Lower Mill, the stainless steel dying vats and handsome, finely maintained machinery await their fate. At the Upper Mill, you can crawl between the stone foundations and watch the clean water of Nubanusit Creek tumble down from the still pool above and roar across the old timbers and stones where the water wheel had been. It rushes on past the new mill, past a machine shop and the boarding house where the big cast-iron stove needs only coal and a good stoking to get it sizzling again. But, of course, things are really not the same at all.

"It has been a catastrophe for each of us who lives here that the mill is closed," says Warren Thayer. "I'd planned maybe to go somewhere else to live as a kid. But then I went to Korea and saw other cities. And I decided that this was the place where I wanted my family to live. We'll find a way to keep it as it is—not because it's old but because it's good."

COMMENTS BY SENATOR KENNEDY ON SITUATION IN EAST PAKISTAN

Mr. KENNEDY. Mr. President, reports from East Pakinstan tell of a heavy toll being paid by the civilian population as a result of the current conflict. It is a story of indiscriminate killing, the execution of dissident political leaders and students, and thousands of civilians suffering and dying every hour of the day. It is a story of dislocation and loss of home. It is a story of little food and water. And coming in the aftermath of tragedy by natural disaster, the current violence and near total disruption of government services in East Pakistan is compounding an already difficult situation. It threatens near famine for millions—and the spread of epidemics and disease.

I do not speak today to blame or condemn, or to offer any magic solution for meeting the political and humanitarian

problems in East Pakistan. But as chairman of the Judiciary Subcommittee on Refugees, I do wish to express a deep personal concern over the plight of the people in East Pakistan, which seems to be just another link in a chain of war-ravaged populations stretching around the world in recent years.

Inevitably, the situation of civilians in East Pakistan is taking second place to the political issues at stake—and to the interests of those who have much to lose, or to gain, by the outcome of the battle. But the people of Dacca, of Chittagong, and of the villages and towns throughout the area also have interests. For many, apparently, it is mere survival.

The situation in East Pakistan should be particularly distressing to Americans; for it is our military hardware—our guns and tanks and aircraft—which is contributing much to the suffering. And this is being done, apparently, in violation of negotiated agreements on the use of American military aid to the central Pakistan Government.

Mr. President, I fully appreciate the immense difficulties in the East Pakistan issue. It is a complex matter for diplomats and humanitarians alike. But should not our Government condemn the killing? Should we not be more concerned about the fate of millions of civilians who are caught in the crunch of this conflict? Should we not offer our good services to stop the violence—or at least encourage and support others in such an effort?

It is to be hoped that our Government will give some evidence to reflect a growing concern among many Americans over recent developments in East Pakistan.

GEORGE BUSH—NEW VOICE AT THE UNITED NATIONS

Mr. ROTH. Mr. President, on March 1 George Bush entered on duty as the permanent representative of the United States to the United Nations. While a few observers have questioned Mr. Bush's qualifications for this position, the Senate felt, and rightly so, that his previous experience, intelligence, diligence, and integrity would enable him to meet the challenges of this position with imagination and initiative.

I welcome Mr. Bush to his new assignment and I support him as the voice of the United States in the United Nations. Mr. Bush has indicated in recent conferences with the press that he intends to contribute to the "input" in executive branch foreign policymaking in the area of the United Nations; that he will be "uninhibited in advocating the policies of the President of the United States in this important international forum"; and that he will represent the United Nations to the American people. In short, Ambassador Bush is bringing to the United States representation a vitality and enthusiasm which will enable him to strengthen the role of the United States in the U.N. and the U.N. in the United States.

I know of what I speak, for I know Ambassador Bush well. We entered Congress together in 1966. Representative Bush quickly proved himself to be a highly effective legislator, a man of wisdom and ideas, who was able to get things accomplished. His appointment was applauded by Republicans and Democrats alike.

At this point, I should like to read from the Foreign Relations Committee hearings, a statement by the distinguished senior Senator from Missouri (Mr. SYMINGTON):

> Mr. Bush, some people have said that they did not think that your background was adequate to handle this position and, as a former delegate to the U.N. in 1968, I take exactly the opposite view. I think we need somebody with business background and experience, I think we need somebody fresh who can examine the bureaucracy up there, I think that it is probably as big a bureaucratic mess as I have ever seen. That was my reaction when I was a delegate.

Recently, I was very much pleased to read an editorial in support of Mr. Bush's qualifications in the Richmond Times-Dispatch. I would like to quote several paragraphs from this editorial:

> The job at the United Nations is not—and never has been—one of shaping foreign policy. Rather, the task is to articulate effectively policy made by the President and his advisers and by Congress.
>
> To perform effectively then, the U.S. representative must have the confidence of the President. Bush, an energetic 46 and considered a comer in politics, is highly regarded by President Nixon, who has invited him to participate regularly in Cabinet meetings. In addition, he is articulate. Born into a family prominent in Texas politics, he was a successful businessman before going to Congress in 1966. There he served on a special task force on earth resources and population control, both growing concerns for the U.N.
>
> While Bush's direct experience in the nuts-and-bolts of foreign-policy making is limited, a U.N. correspondent for the past 20 years—Darius Jhabvala, writing in the *Boston Globe*—considers the Texas' newness an asset rather than a liability. Bush's enthusiasm, idealism, and willingness to learn, he wrote on December 25, stand in refreshing contrast to the attitudes of many old-school diplomats who "go through the routine without any plan, biding their time for a transfer or pension.

A CORRECTION IN THE RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, on March 29 I submitted, for printing in the RECORD, the Rules of Procedure of the Committee on Veterans' Affairs. Rule 2, as published, indicates that "the committee shall hold its regular meetings on the first and third Thursday of each month." This is incorrect. It was the intent and decision of the committee that regular meetings should be held on the first and third Monday of each month.

I ask unanimous consent that the error be pardoned and that the corrected version of the Rules of Procedure be printed in its entirety.

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

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

(1) *General.*—All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees.

(2) *Meetings.*—The Committee shall hold its Regular meetings on the first and third Monday of each month, when Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he deems necessary to expedite Committee business.

(3) *Quorum.*—Three members shall constitute a quorum for the purpose of transacting Committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

(4) *Voting.*—

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question which a "yea" or "nay" vote is requested.

(5) *Subcommittees.*—

(a) The Committee Chairman and the ranking minority member shall be ex-officio members of any Subcommittee of the Committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the Chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

(6) *Hearings and hearing procedures.*—

(a) The Committee or any Subcommittee thereof shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the Committee or Subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The Committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the Committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the Committee or any Subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the Committee or Subcommittee or by authorization of the Chairman of the Committee.

TRIBUTE TO WHITNEY YOUNG

Mr. BUCKLEY. Mr. President, Whitney Young's death is a great loss to the Nation and to the State of New York. His untimely and tragic death ended a brilliant career distinguished by his pronounced leadership and solid accomplishments. Mr. Young was not a spokesman by self-appointment or a leader by press release. He perceived that education and employment were the key ingredients in raising the standards of living of black people; and, in his usually quiet but always persistent manner, Whitney Young sought real solutions to real problems.

During his tenure as executive director of the Urban League, Whitney Young identified himself with job-creation programs for black people. Respected by the Nation's corporate leaders, Whitney Young allied with them to train and retrain blacks for productive jobs. He understood that reconciliation was in the self-interest of all Americans and was just beginning to reach his magnificient potential when his life ended tragically.

Having just recently met with Whitney Young, it had been my hope to work with him to expand minority opportunities. We will no longer have the benefit of his insight, but we will always have the inspiration of his life.

Mr. President, many public officials, business and labor union leaders and numerous newspapers have eulogized

Whitney Young. President Nixon, speaking at burial services for Mr. Young in Lexington, Ky., said:

Whitney Young's genius was, he knew how to accomplish what other people were merely for.

At memorial services in New York two of Whitney Young's colleagues, Sterling Tucker, executive director of the Washington Urban League, and Dr. Erman Edgecombe, president of the Washington Urban League, delivered moving eulogies. They were joined by Dr. James Cheek, president of Howard Uninversity.

I ask unanimous consent that President Nixon's eulogy; the tributes of Mr. Tucker, Dr. Edgecombe, and Dr. Cheek; and an article from the Washington Post, entitled "The Loss of Whitney Young," written by Philip Geyelin, who was present in Lagos, Nigeria, at the time of Whitney Young's death, be printed in the RECORD.

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

WHITNEY M. YOUNG, JR.—EULOGY BY THE PRESIDENT AT BURIAL SERVICES FOR MR. YOUNG AT THE GREENWOOD CEMETERY AT LEXINGTON, KY. MARCH 17, 1971

Mrs. Young, friends of Whitney Young:

It is customary on such an occasion for the one who has the honor to deliver the eulogy to say that we are gathered here to pay our last respects to the deceased.

I do not say that today. I say, rather, that today a grateful Nation will pay its respect to Whitney Young by continuing the work for which he dedicated his entire life.

When we consider that life, these are some of the things we find:

In an age when we see so many people who want to be for the right thing, we also find that it is very difficult to accomplish the right thing. It is really easy to be for what is right. What is more difficult is to accomplish what is right.

And Whitney Young's genius was, he knew how to accomplish what other people were merely for. He was a very complex man, and he understood the complexities of the society in which he lived and the goals which he sought to achieve. He was not a patient man, but he understood the uses of patience.

And he was not a moderate man in terms of his goals, but he knew the uses of moderation in achieving those goals.

All of us who have heard him speak recognize him as one of the most eloquent speakers of our time and, yet, Whitney Young will be remembered as a doer, not a talker.

What monument do we build to him? He leaves his own monument, not one, but thousands, thousands of men and women in his own race who have a chance, an equal chance, that they otherwise might never have had except for what he did; and thousands of others not of his own race who have an understanding in their hearts which they would not have had except for what he taught.

What message does he leave for us? I recall the conversation I had with him right after the election of 1968 before the inauguration when we discussed the possibilities of his becoming a member of the Cabinet. He was honored by the suggestion and, after consideration, he told me that he felt that he could do more for those things he believed in outside of Government than inside of Government.

And in that is a message for all of us. At a time when it is so often the custom whenever we have a problem to throw up our hands and say, "What is the Government going to do?", this man said, "What can I do?" And that's the challenge he gives to each of us.

Government has its responsibilities, but he says "What can I do? What can I do in my life to make the American dream come true?" Because all of us must remember we want the American dream to come true, but the American dream cannot come true until the American dream can be achieved by each one who is an American.

Dr. Lon Fuller, in lecturing at Yale in 1963, spoke of two kinds of morality. He spoke of the morality of duty and of the morality of aspiration. The morality of duty is one that requires every individual to do what the law calls upon him to do. The morality of aspiration does not require, but it inspires a man or a woman to go beyond that and to do what the better angels of his nature would call upon him to do.

And it is in that spirit that I speak of Whitney Young today. I remember the last meeting we had in the Cabinet Room 3 days before Christmas. You remember, all of you who knew him, he always had a little button "Equal" in his lapel. He just didn't wear that in his lapel, he wore it in his heart.

And what he says to us and what his message to us is, is this: Every man and woman in this country is equal before God, and every man and woman in this country now, we trust, is equal before the law.

But to have true equality, it is not just what the law requires, but what we individually can do, because that respect which can only come from the heart of one person to another, a respect for his dignity, for his individuality, for his immortality, that is something that must come from each of us.

And so today Whitney Young's message to America—the country that he loved with all of its faults, loved it because he realized that this was a country in which we had the power to change what was wrong and change it peacefully—Whitney Young's message is this: "What can I do? What can I do to make this a better country? What can I do through helping others, through recognizing their equality, their dignity, their individuality, to realize the American dream?"

His dream, if I may paraphrase, was one Nation, under God, indivisible, with liberty and justice and opportunity for all. To fulfill his dream is the responsibility of each of us. It is the commitment that each of us makes in his heart on this day.

Note: The President spoke at 12:25 p.m. The eulogy was broadcast on radio and television.

IN TRIBUTE TO WHITNEY M. YOUNG, JR.

(By Sterling Tucker, executive director, Washington Urban League)

As the funeral procession moved through Harlem's 125th Street on Tuesday, thousands of people lined the streets to say farewell to a friend.

Most of them didn't know him personally, but they knew that he was one of them and that he went about the land doing good for them.

To them, he was not a stranger, just a friend they hadn't met.

But they met him there and they wanted Whitney and the world to know that they appreciated all that he had done to ease the heavy load always on their backs.

They expressed it in different ways.

I especially liked one sign carried by a boy about age nine which read:

"Whitney Young will live in me."

In this beautifully simple statement was the full message of immortality.

Whitney would have liked it. He would have liked it because that message spoken through the crayon of a child said it all—a child offering himself in the image of his hero.

Nearly ten years ago when Whitney Young became executive head of the Urban League it was the beginning of a new era. No period in the history of this nation was more fast moving, more turbulent than the 60's. There were three Presidents, several major pieces of Civil Rights legislation, a new Frontier, a War on Poverty, thousands of marches, assassination of several major public figures, a Poor Peoples' Campaign, accelerated political activity, an Urban League's New Thrust into the ghettoes, tension, polarization escalation and confrontation on nearly every front.

And there was Whitney Young, somewhere in the middle of it all; providing leadership, negotiating, organizing, planning and always speaking eloquently and working tirelessly to make more clear the real vision of America and to make more true her promise of equality to all.

He knew he couldn't do it all by himself so he built an organization—nearly doubling its local offices, increasing its staff, financial and other resources, many-fold set up outpost operations in neighborhoods throughout the nation and designed new strategies to bring those with answers into closer creative contact with those with problems.

He fashioned a movement which was many faceted which shaped a new tool of social change. He combined social work, Urban Planning, Community Development and Civil Rights into a single instrument—an instrument which was versatile, flexible and responsive.

Even as he built the new Urban League, he also helped put other groups more solidly on their feet. For he knew well that no single organization no matter how powerful, no matter how strong just couldn't put it all together by itself.

History has a way of raising up the right men at the right time. The sixties had its giants and Whitney Moore Young, Jr. stood tall among them all.

Now he is gone—but not really—for Whitney Young will live in the Urban League in Washington and across the land.

Whitney Young will live in little boys from Lagos to Lexington.

IN TRIBUTE TO WHITNEY M. YOUNG, JR.

(By Dr. Erman Edgecombe, President, Washington Urban League)

Whitney Moore Young, Jr. is dead. This is an unalterable fact. There has been snatched from our midst a great leader and a good friend.

We mourn his passing because his death leaves a void in our lives, in the work of the Urban League and in the nation's business.

We mourn his passing because his special and unique ability to walk with Presidents and act with the people will not soon be replaceable.

Whitney Young was a man who knew his business and was always about it.

As President of the Washington Urban League I had occasion to sit with him from time to time and found him always to be a man of consumate compassion and unswerving dedication to the people and causes he served.

There was never any doubt where Whitney Young stood on issues. There was never any doubt in whose battle Whitney Young fought.

Some of the quality of Whitney Young was expressed in the President's message last week when he said:

"Of the many hours I have spent with him, the most recent and the most memorable were just last December 22, when he and several of his Urban League colleagues met with me and most of my Cabinet here in the White House.

"This was not a meeting of pleasantries of a pro-forma occasion. Whitney Young came here to tell me and the Cabinet of his deep concern for the condition of Black people in America, especially of young Black people. He was eloquent, tough, and convincing: a great leader among his peers."

Yes, Whitney Young *is* dead. But his work lives on. Whether that work is completed depends upon us.

If we simply mourn and memorialize him

with words and monuments, then much of his work in life will have been for naught.

On this hand, if in his death we take fresh energy and fresh commitment to see his work through; then in death, his life has new meaning and *that* life springs eternal.

MEMORIAL MESSAGE DELIVERED BY DR. JAMES CHEEK, PRESIDENT, HOWARD UNIVERSITY, AT MEMORIAL SERVICES FOR WHITNEY YOUNG, JR.

A PROMISE MADE, A PROMISE TO KEEP: WHITNEY YOUNG AND THE NATION

Since last Thursday, March 11, 1971, when the news of Whitney Young's death was flashed around the world, so many words have been said about him and about his life and work, that further utterances of this kind in this memorial service would be anticlimatic. He has been eulogized and buried; we must try to memorialize him.

I should like in these brief moments, therefore, to say something not so much about Whitney, but rather more about the nation—the nation he loved, the society in whose possibilities he believed.

For we mourn in this time not Whitney. We need not mourn for him, but we should mourn for the nation. Whitney did what he could. But the nation has not done all it could or all it ought to do.

Whitney believed in equality; but the nation practices inequality.

Whitney believed in justice; but the nation practices injustice.

Whitney believed in fraternity; but the nation practices division.

Whitney believed in an open society; but the nation practices a closed society.

Whitney believed in freedom and liberty; but the nation practices oppression and repression.

Almost two centuries ago this nation in its struggle to become born made a promise; it still has this promise to keep.

Whitney Young lived and labored in an effort to help his country keep its promise in his lifetime. He believed to the end in the possibilities of a nation whose doctrine and deeds transcended racism; whose essential character did not depend upon color of skin, or accent of language, or origin of nation, or of professions of religion. But whose essential character was to be shaped and made by the devotion of its citizens to the love of liberty, the practice of justice and the recognition of equality; a nation whose citizens lived in fraternity, one with the other.

For what Whitney believed in was what America promised when it was born in 1776. But America is now almost two centuries old; it continues to make the promise, but it also continues to find ways not to keep it.

We do not know the eloquence of a great voice until that voice has been silenced. We do not feel the power of a great spirit until that spirit has been stilled. The eloquence of Whitney Young's voice is heard now in its silence; the power of his spirit is now felt in its stillness.

He is gone and we are here. Whitney Young is dead. But the nation continues to live. We, who are left behind, cannot bring Whitney Young back to life again; but we who are left behind can prevent the nation he struggled for from dying.

Perhaps it cannot be said of Whitney Young that he died *to make* men free. But in truth it can be said, he died *while* trying to make both men and this nation free.

No words spoken here or elsewhere can adequately pay tribute to his life or the memory of that life. He, in fact, believed that men were to be judged not by what they *said*, but by what they *did*.

It is not important now what the nation says about Whitney's life. It is important now what the nation does about Whitney's work. His life cannot be restored, but his work can be continued and brought to fulfillment.

We shall hear no more that voice we now know to have been eloquent. We shall experience no longer that spirit we now know to have been powerful.

But we—as a nation—can keep the voice eloquent and we can keep that spirit powerful not by continuing to quote from Whitney's speeches and his books and not by continuing to recall interesting and important anecdotes about his life. The eloquence of his voice can be heard and the power of his spirit can be felt if the nation would now decide to create for Whitney Young a monument. A monument, not of stone or of bronze, but a monument fashioned of Whitney's dream, carved out of his hope, and shaped in the form of what he called "the domestic Marshall Plan." And let it be called the "WHITNEY YOUNG PLAN" embodying not only his name and his spirit, but also his program, his goals, his objectives.

And through the "WHITNEY YOUNG PLAN", let this nation become that "Open Society" for which he struggled, and through the "WHITNEY YOUNG PLAN," let this nation move—in this decade—beyond racism.

And in this decade, let this nation use its resources and its institutions not only to land men on the moon, but on earth to stand men on their feet.

And in this decade, let this nation do for Americans what it claims to champion for the Vietnamese: human freedom and human dignity.

And in this decade, let this nation do for American cities what it did in the past two decades for foreign nations: destroy the ghettos and the slums; rebuild the schools and re-invigorate the human spirit.

And in this decade, let this nation now begin to seek for itself what it seeks for the world: not only a generation of world peace, but more than a generation of racial peace and racial goodwill.

And let those things be done by Americans, on behalf of America, in the interest of Americans. Not because it is expedient, but because it is right. Not because it is our wish, but because it is our duty; and not because of our desire for world power, but because of our determination to keep a historic promise.

And if we the people—the nation—are not willing or capable of doing these things, let us now say so. Let us, before the world, throw down the gauntlet and say: we do not believe in equality, we do not believe in justice, we do not believe in fraternity. Let us make clear to ourselves and to the world that this America will exploit as other nations have exploited. That we sahll continue to oppress as other nations have oppressed. That we believe in the necessity of the few ruling the many; and that we are determined that white men shall dominate black men, and that we are prepared—as a nation—to renounce the promise we made almost two centuries ago and to take our chances with the laws of history and with the laws of history's sovereign God.

And if this be the nation's choice and the nation's decision, then let those who walked with Whitney, who talked with him, who organized with him, who cried with him, who believed with him, who hoped with him, who planned with him say to our country—the land of our birth—that we believe with Whitney that James Russell Lowell spoke eternal truth when he wrote:

"The laws of changeless justice binds
Oppressor with oppressed.
And sure as sin and suffering joined
We march to fate abreast."

Almost two centuries ago, this Republic at the moment of its birth made a promise, it still has a promise to keep.

Whitney Young labored for two decades to help the nation keep its promise. Those whom Whitney have left behind do not have two decades remaining. The dateline of American history is built around his grave. His departure is a watershed in our national experience.

He is dead, but we are alive. And if we have in fact not paid our final respects to him in laying to rest his body, let us not now pay our final respects to him in laying to rest his work.

[From the Washington (D.C.) Post, Mar. 16, 1971]

THE LOSS OF WHITNEY YOUNG

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Bayard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendously sublimated anger and he turned it into creative acts." His achievements were very practical

ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strengths. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an academic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, for none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen—that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counselled with Presidents; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with that patient impatience to the end. "We have to talk to people who are hungry *tonight*," he said at another point while he was in Lagos. "The rats are biting the kids *tonight*."

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

APPOINTMENT OF SUBCOMMITTEE ON INTERNATIONAL TRADE IN THE COMMITTEE ON FINANCE

Mr. TALMADGE. Mr. President, the chairman of the Committee on Finance, the distinguished Senator from Louisiana (Mr. LONG), has just announced the appointment of a Subcommittee on International Trade in the Committee on Finance. This subcommittee will fill an important void in the legislative process which has been evident in the international trade area for many years.

I am pleased that the distinguished Senator from Connecticut (Mr. RIBICOFF) will serve as chairman of this subcommittee. I have worked with him for many years as a trade delegate from the Committee on Finance, and I am impressed not only with his knowledge of the area, but also with his pragmatic approach to the problems.

I am pleased also, that Chairman LONG has named me as a member of the subcommittee. I look forward eagerly to the hearings the subcommittee will have, and to the work it will do, not only on long-range philosophical questions of trade policy, but also on matters of crucial, immediate importance.

We have seen the steel industry hard hit by imports; we have seen the watch industry in this country vanish in the face of import competition. Textiles, shoes, and electronics are suffering now—and other industries, too. Never in the history of the Nation has our manufacturing industry been unable to compete anywhere in the world on fair terms. In this day and age, when U.S. industry is unable to compete in its own market, then something is wrong—not with U.S. industry, but with the rules of international trade.

This new Subcommittee on International Trade can make a great contribution to the well-being of the workingman of America. I applaud the chairman's foresight in appointing it.

Mr. President, I ask unanimous consent that the complete text of Senator LONG's statement be printed in the RECORD.

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

FINANCE COMMITTEE ESTABLISHES SUBCOMMITTEE ON INTERNATIONAL TRADE

Following is the text of a statement by Honorable Russell B. Long, Chairman of the Committee on Finance, United States Senate, announcing the appointment of a special Subcommittee on International Trade:

"U.S. foreign trade is now more than an 80 billion dollar business. It affects virtually every aspect of American life—production, incomes and jobs; profits and prices. In a word, foreign trade affects people, their livelihood and their families.

"We have witnessed the closing down of many American plants and the transfer of many others to foreign lands where lower wage rates abound. American dollars and credit—hard to obtain here—have flowed freely to build magnificent factories overseas. In the process, many American jobs have been lost. Unemployment, caused by foreign import competition, runs into the hundreds of thousands, and our welfare rolls are being swelled by American workers laid off because of import competition.

"As an indication of the degree to which foreign imports have hurt American jobs, the 24-million member AFL-CIO has recently called for quotas mechanisms covering 'any products in which there is a loss of American jobs due to market disruption or the activities of American multi-national corporations.' This is a major switch for an organization which heretofore was in the vanguard of the free trade movement. It is undoubtedly a reflection of the feelings of the many unions belonging to the AFL-CIO. To these people—good American citizens—it is no consolation that shirts and shoes and automobiles may be a few cents cheaper because they are made abroad. These people have lost their jobs and cannot afford to buy shirts and shoes and automobiles, even for the low prices of foreign commodities. Unemployment compensation and welfare checks—all charged to the American taxpayer—are not much consolation for the workers laid off because of imports.

"We have become a 'have not' nation as far as foreign trade policy is concerned. As Europe and Japan built themselves up into prosperous trading nations, with the help of governmental aid and protection, the United States continues to place meaningless slogans of 'free trade' and 'protectionism' ahead of jobs. As a nation, we are ducking the economic realities of the 1970's.

"Despite the fact that the world has changed swiftly and dramatically since World War II, our trade negotiators, concerned more with foreign 'good will' than American jobs, are still tooting the horns of free trade and shouting that those who stress the importance of American jobs are not acting 'in the national interest.'

"In the light of all the changes that have taken place since our present trade policies were fixed at the end of World War II, it is time for this nation to reconsider our approach to trade matters. Hopefully, we should fix a new direction for U.S. trade policy, more attuned to the needs of the future, than to the goals of the past.

"As a step in this direction, I have appointed for the remainder of the 92nd Congress a new ad hoc Subcommittee on International Trade in the Committee on Finance. The function of this new Subcommittee will be to explore our trade policies, chronicle their failings and their shortcomings, and attempt to learn why our trade policies have not brought us the same economic successes as those enjoyed by Japan and West Germany—nations which have made international trade the cornerstone of their whole economic program. With the information this Subcommittee can develop, the Committee on Finance, and indeed, the entire Congress, can be prepared to more effectively respond to the great need for an enlightened trade policy.

"In my opinion, it is appropriate for a Congressional Committee with legislative jurisdiction over the trade agreements program to undertake this sort of exploration. For too long, U.S. trade policy has been dominated by hired bureaucrats in the State Department. Probably to a greater extent than in any other Federal program, the trade agreements program, and the policies which frame it, have been isolated from the American people. These nameless and faceless bureaucrats who wield important influence

on trade matters never have to answer to the voters for their neglect of American employers and workers, or for needless generosity to foreign countries on trade matters. This is wrong: the voice of the people should be heard, and the American system of checks and balances in the governmental process should be brought into play.

"For too long, the Congress has been dependent on the executive branch for leadership in setting trade policy, and for too long this policy has developed in diplomatic meetings motivated mainly by political policy considerations, wholly divorced from economic realities.

"The work which could be performed by the new Subcommittee on International Trade can provide Congress with an independent source of information, unsullied by State Department prejudices and free of bureaucratic inbreeding.

"I am pleased to announce that the Honorable Abraham Ribicoff (D., Conn.) will serve as Chairman of the Subcommittee. Senator Ribicoff is particularly suited for this role. For many years, he served with distinction and high honor as a Finance Committee delegate to the Kennedy Round of tariff-cutting talks at Geneva, Switzerland, pursuant to the Trade Expansion Act of 1962. In addition to the tremendous head start that work provided him, Senator Ribicoff has had first-hand experience with the sort of inept, hypocritical bumbling of which the State Department is capable when trade amendments are under consideration.

"No doubt, Senator Ribicoff recalls his amendment in 1966, dealing with the American Selling Price system of valuing imports of synthetic rubber protective footwear. While one group of State Department strategists were seeking to make peace with him, another group was working behind his back trying to line up support to kill the Ribicoff amendment. I am pleased to report that when it was all over, Senator Ribicoff's position in defense of the American rubber shoe industry prevailed.

"His defense of Congressional prerogatives was magnified by his fight for S. Con. Res. 100 dealing with the negotiation of agreements outside of the delegated authority provided by the Congress to the Executive. He also fought hard against the Canadian Automobile Agreement because the Agreement did not provide an adequate quid pro quo to this nation Senator Ribicoff is a fair man so much so that his friends can justly call him 'Honest Abe.' I am confident that his leadership of this Subcommittee will add to his reputation for fairness and objectivity.

"In addition to Senator Ribicoff, other Senators serving on the Subcommittee will be:

Senator Herman E. Talmadge (D., Ga.)

Senator Gaylord Nelson (D., Wis.)

Senator Paul J. Fannin (R., Ariz.)

Senator Clifford P. Hansen (R., Wyo.)

Senator Wallace F. Bennett (R., Utah) and I will serve in an ex officio capacity.

Senator Talmadge was also a Finance Committee delegate to the Geneva talks and has had broad experience in trade matters.

"It is my belief that this Subcommittee, working as a team, and speaking with a single voice, will render invaluable services in studying the trade question.

"The function of the Subcommittee will be exploratory, not legislative. No legislation will be referred to it, nor does the Committee on Finance expect it to recommend changes in the statutes dealing with foreign trade, although Senators serving on the Subcommittee will doubtless obtain much information which will lead them to suggest legislative answers to problems that they uncover.

"The Subcommittee's primary role will be to help educate Senators and others on major foreign trade issues, considerations and implications. The exploratory hearing process will be its principal tool.

"In performing its work, I would hope that the new Subcommittee will direct considerable attention to the features of the General Agreement on Tariffs and Trade, particularly those which contribute to many of the trade problems we face today. Last year, the full Committee discussed the major trade problems facing this country, and it decided that there were a number of major issues which required intensive study. These included:

(1) The most-favored-nation (MFN) principle and the exceptions thereto; the effect of MFN exceptions of intra-regional and extra-regional trade where common markets and free trade areas are concerned;

(2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of 'direct' and 'indirect' taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;

(3) The adequacy of GATT provisions dealing with agriculture;

(4) The adequacy of the balance of payments exceptions in Article XII of GATT;

(5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;

(6) The GATT provisions on 'compensation' and 'retaliation.'

"In addition, I would hope that the Subcommittee's inquiry will include an examination of nontariff barriers, and other matters, such as:

(1) The quantitive restrictions that remain in effect in many countries such as Japan;

(2) The common agricultural policy of the EEC;

(3) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered 'bounties or grants' within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(4) Discriminatory government procurement policies;

(5) The probable effects of British entry into the Common Market on U.S. trade and balance of payments;

(6) The effect of foreign exchange-rate changes on United States trade and tariff concessions;

(7) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(8) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(9) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects of U.S. trade and investment patterns and on U.S. labor;

(10) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

"Finally, I would hope that the Subcommittee will look into the following matters of particular significance in international trade:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries;

(3) The customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972; and

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

"I am pleased that Senator Ribicoff has agreed to serve as Chairman and coordinate the work of this new Subcommittee on International Trade. With his fair and impartial leadership, I am confident the work of the Subcommittee will proceed smoothly and that it will earn for the Committee on Finance the same high honor as the Subcommittee on Health Care earned in 1970 under the able leadership of Honorable Clinton P. Anderson of New Mexico. I might add that the success of the Subcommittee on Health Care contributed to the decision to establish this Subcommittee on International Trade, and the basic working arrangements of both of these Subcommittees are identical.

"As in the case of our earlier Subcommittees, the new Subcommittee on International Trade will be staffed by members of the Finance Committee staff. Although our staff is small, it is highly competent, and I know the Subcommittee will profit from the contribution the staff can make to its work.

"I urge the Chairman to promptly call a meeting of his new Subcommittee to lay out the ground rules under which its work will be performed. With this step behind it, the Subcommittee can begin coordinating its hearing process with other work of the Committee on Finance."

POPULATION GROWTH

Mr. PACKWOOD. Mr. President, at the world's current rate of population growth, about 2 percent per year, population on this planet will double in 35 years. The earth is today supporting 3 billion 700 million human beings in various degrees of physical and psychological well-being. As we edge closer to the 4 billion mark survival becomes more and more difficult by any yardstick.

We hear a great deal about the environmental and ecological effects of a rising population, especially here in the United States, where each American uses 20 to 25 times the natural resources the average Indian would consume in a lifetime. I have supported efforts to make more intelligent use of our natural resources and to bring our ecology back into its natural balance.

Too little attention is given, however, to many of the other aspects of spiralling world population. Dr. Norman E. Borlaug, Nobel laureate, and head of the International Wheat Research and Production program of the International Maize and Wheat Improvement Center, is considered one of the fathers of the so-called Green Revolution. Unfortunately, some have misunderstood the function and potential of the Green Revolution and have asserted that because of this advance, man no longer faces a food crisis.

Dr. Borlaug has now set about trying to explain the Green Revolution and its limitations. As he says,

The Green Revolution has won a temporary success in man's war against hunger and deprivation; It has given man a breathing space. If fully implemented, the Rev-

olution can provide sufficient food for sustenance during the next three decades. But the frightening power of human reproduction must also be curbed; otherwise the success of the Green Revolution will be ephemeral.

I ask unanimous consent that the complete text of Dr. Borlaug's speech, "The Green Revolution, Peace and Humanity," delivered upon acceptance of the 1970 Nobel Peace Prize in Oslo, Norway, be printed at this point in the RECORD.

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

THE GREEN REVOLUTION, PEACE AND HUMANITY

(By Norman E. Borlaug, Head of the International Wheat Research and Production Program of the International Maize and Wheat Improvement Center)

Civilization, as it is known today, could not have evolved, nor can it survive, without an adequate food supply. Yet, food is something that is taken for granted by most world leaders despite the fact that more than half of the population of the world is hungry. Man seems to insist on ignoring the lessons available from history.

Man's survival, from the time of Adam and Eve until the invention of agriculture, must have been precarious because of his inability to ensure his food supply. During the long, obscure, dimly defined, pre-historic period when man lived as a wandering hunter and food gatherer, frequent food shortages must have prevented the development of village civilizations. Under these conditions the growth of human population was also automatically limited by the limitations of food supplies.

In the misty, hazy past, as the Mesolithic Age gave way to the Neolithic, there suddenly appeared in widely separated geographic areas the most highly successful group of inventors and revolutionaries that the world has ever known. This group of Neolithic men and women, and in all probability largely the latter, domesticated all the major cereals, legumes and root crops, as well as all of the most important animals that, to this day, remain man's principal source of food. Apparently, 9,000 years ago, in the foothills of the Zagros Mountains, man had already become both agriculturist and animal husbandryman, which, in turn, soon led to the specialization of labor and the development of village life. Similar discoveries and developments elsewhere soon laid the groundwork from which all modern agriculture and animal industry and, indeed, all of the world's subsequent civilizations have evolved. Despite the tremendous value of their contributions we know none of these benefactors of mankind by name. In fact, it has only been within the past century, and especially within the last 15 years—since the development of the effective radio-carbon dating system—that we have begun even vaguely to understand the timing of these epochal events which have shaped the world's destiny.

The invention of agriculture, however, did not permanently emancipate man from the fear of food shortages, hunger and famine. Even in prehistoric times population growth often must have threatened or exceeded man's ability to produce enough food. Then, when droughts or outbreaks of diseases and insect pests ravaged crops, famine resulted.

That such catastrophes occurred periodically in ancient times is amply clear from numerous biblical references: Thus, the Lord said: "I have smitten you with blasting and mildew" (Amos 4:9); "The seed is rotten under their clods, the garners are laid desolate, the barns are broken down; for the corn is withered. . . . The beasts of the field cry also unto thee: for the rivers of waters are dried up, and the fire hath devoured the pastures of the wilderness" (Joel 1:17, 20).

Plant diseases, drought, desolation and despair were recurrent catastrophes during the ages, along with the ancient remedies—supplications to supernatural spirits or Gods. And yet, the concept of the "ever-normal granary" appeared in elementary form, as is clear from Pharaoh's dreams, and Joseph's interpretation of imminent famine and his preparation for it, as indicated by this quotation from Genesis: ". . . And the seven years of dearth began to come, according as Joseph had said: and the dearth was in all lands; but in all the lands of Egypt there was bread . . ." (Genesis 41:54). For his time, Joseph was wise, with the help of his God.

But today we should be far wiser; with the help of our Gods and our science we must not only increase our food supplies but also insure them against biological and physical catastrophes by international efforts to provide international granaries of reserve food for use in case of need. And these food reserves must be made available to all who need them—and before famine strikes, not afterwards. Man can and must prevent the tragedy of famine in the future instead of merely trying with pious regret to salvage the human wreckage of the famine, as he has so often done in the past. We will be guilty of criminal negligence, without extenuation, if we permit future famines. Humanity cannot tolerate that guilt.

Alfred Nobel was also very conscious of the importance of food, for he once wrote: "I would rather take care of the stomachs of the living than the glory of the departed in the form of monuments."

The destiny of world civilization depends upon providing a decent standard of living for all mankind. The guiding principles of the recipient of the 1969 Nobel Peace Prize, the International Labor Organization, are expressed in its charter words, "Universal and lasting peace can be established only if it is based upon social justice. If you desire peace, cultivate justice." This is magnificent; no one can disagree with this lofty principle.

Almost certainly, however, the first essential component of social justice is adequate food for all mankind. Food is the moral right of all who are born into this world. Yet, today 50 percent of the world's population goes hungry. Without food man, at most, can live but a few weeks; without it, all other components of social justice are meaningless. Therefore, I feel that the aforementioned guiding principle must be modified to read: If you desire peace, cultivate justice, but at the same time cultivate the fields to produce more bread; otherwise there will be no peace.

The term "the green revolution" has been used by the popular press to describe the spectacular increase in cereal-grain production during the past three years. Perhaps the term "green revolution," as commonly used, is premature, too optimistic or too broad in scope. Too often it seems to convey the impression of a general revolution in yields per hectare and in total production of all crops throughout vast areas comprising many countries. Sometimes, it also implies that all farmers are uniformly benefited by the breakthrough in production.

These implications both oversimplify and distort the facts. The only crops which have been appreciably affected up to the present time are wheat, rice and maize. Yields of other important cereals, such as sorghums, millets and barley, have been only slightly affected; nor has there been any appreciable increase in yield or production of the pulse or legume crops, which are essential in the diets of cereal-consuming populations. Moreover, it must be emphasized that thus far the great increase in production has been in irrigated areas. Nor have all cereal farmers in the irrigated areas adopted and benefited from the use of the new seed and the new technology. Nevertheless, the number of farmers, small as well as large, who are adopting the new seeds and new technology is increasing very rapidly, and the increase in numbers during the past three years has been phenomenal. Cereal production in the rainfed areas still remains relatively unaffected by the impact of the green revolution, but significant change and progress are now becoming evident in several countries.

Despite these qualifications, however, tremendous progress has been made in increasing cereal production in India, Pakistan and the Philippines during the past three years. Other countries that are beginning to show significant increases in production include Afghanistan, Ceylon, Indonesia, Iran, Kenya, Malaya, Morocco, Thailand, Tunisia and Turkey.

The significance and magnitude of the impact of the so-called green revolution are best illustrated by changes in cereal production in India, Pakistan and the Philippines. In both India and Pakistan the rapid increase in yields per hectare of wheat has been the major thrust of the green revolution. Increases in rice yield also have played a major role in West Pakistan, but hitherto only a minor role in India. Increases in maize production have played a modest but significant role in expanded cereal production in both India and Pakistan; and increases in rice yields and production have been largely responsible for the change in cereal production up to now in the Philippines, Ceylon and Indonesia.

The green revolution in India and Pakistan, which is still largely the result of a breakthrough in wheat production, is neither a stroke of luck nor an accident of nature. Its success is based on sound research, the importance of which is not self-evident at first glance. For, behind the scenes, halfway around the world in Mexico, were two decades of aggressive research on wheat that not only enabled Mexico to become self-sufficient with respect to wheat production but also paved the way to rapid increase in its production in other countries. It was in Mexico that the high-yielding, Mexican dwarf varieties were designed, bred and developed. There, also, was developed the new production technology which permits these varieties, when properly cultivated, to express their high genetic grain-yield potential—in general, double or triple that of the best yielders among older, tall-strawed varieties.

TRANSFER OF THE NEW SEED

There are no miracles in agricultural production. Nor is there such a thing as a miracle variety of wheat, rice or maize which can serve as an elixir to cure all ills of a stagnant, traditional agriculture. Nevertheless, it is the Mexican dwarf wheat varieties, and their more recent Indian and Pakistani derivatives, that have been the principal catalyst in triggering off the green revolution. It is the unusual breadth of adaptation, combined with high genetic-yield potential, short straw, a strong responsiveness and high efficiency in the use of heavy doses of fertilizers, and a broad spectrum of disease resistance that had made the Mexican dwarf varieties the powerful catalyst that they have become in launching the green revolution. They have caught the farms' fancy, and during the 1969–70 crop season 55 percent of the 6 million hectares sown to wheat in Pakistan and 35 percent of the 14 million hectares in India were sown to Mexican varieties or their derivatives. This rapid increase in wheat production was not based solely on the use of Mexican dwarf varieties; it involved the transfer from Mexico to Pakistan and India of a whole new production technology that enables these varieties to attain their high-yield potential. Perhaps 75 percent of the results of research done in Mexico in developing the package of recommended cultural practices, including fertilizer recommendations, were directly applicable in Pakistan and India. As concerns the remaining 25 percent, the excellent adaptive

research done in India and Pakistan by Indian and Pakistani scientists while the imported seed was being multiplied, provided the necessary information for modifying the Mexican procedures to suit Pakistani and Indian conditions more precisely.

Equally as important as the transfer of the new seed and new technology from Mexico to India and Pakistan was the introduction from Mexico of a crop-production campaign strategy. This strategy harnessed the high grain-yield potential of the new seed and new technology to sound governmental economic policy which would assure the farmer a fair price for his grain, the availability of the necessary inputs—seed, fertilizers, insecticides, weed killers and machinery—and the credit with which to buy them. Collectively these inputs and strategy became the base from which the green revolution evolved.

Never before in the history of agriculture has a transplantation of high-yielding varieties coupled with an entirely new technology and strategy been achieved on such a massive scale, in so short a period of time, and with such great success. The success of this transplantation is an event of both great scientific and social significance. Its success depended upon good organization of the production program combined with skillful execution by courageous and experienced scientific leaders.

Experimentation with dwarf Mexican varieties was initiated in both India and Pakistan in 1963 and continued in 1964. Results in both countries were highly promising. Consequently, in 1965, 350 and 250 tons of seed of the Mexican dwarf wheat varieties were imported into Pakistan and India, respectively, for wide-scale testing on farms. Again, the results were highly promising, and India reacted by importing 18,000 tons during 1966. A year later Pakistan imported 42,000 tons. With these importations, the revolution in wheat production got underway in both countries. It was the first time in history that such huge quantities of seed had been imported from distant lands and grown successfully in their new home. These importations saved from three to five years' time in reaping the benefits from the green revolution.

During the past three years wheat production has risen spectacularly in both countries. Using as a base the pre-green revolution crop year 1964–65, which produced an all-time record harvest in both countries, the production in Pakistan increased from the 1965 base figure of 4.6 million tons to 6.7, 7.2 and 8.4 millions of tons, respectively, in 1968, 1969 and 1970. West Pakistan became self-sufficient in wheat production for the first time in the 1968 harvest season, two years ahead of our predictions. Indian wheat production has risen from the 1964–65 pre-green revolution record crop of 12.3 million tons to 16.5, 18.7 and 20.0 million tons during 1968, 1969 and 1970 harvests, respectively. India is approaching self-sufficiency and probably would have attained it by now if rice production had risen more rapidly, because with a continuing shortage of rice considerable wheat is being substituted for it.

The introduction into West Pakistan of the high-yielding dwarf rice variety IR8, developed by the International Rice Research Institute (IRRI) in the Philippines, together with the new technology that makes it highly productive, has also resulted in phenomenal increases in yield and production during the past two years. Unfortunately, this variety has been less well adapted to climatic conditions in the monsoon areas of India and in East Pakistan and, therefore, has had only a modest and occasional impact there. Newer varieties which are now being multiplied promise to correct this situation.

The revolution in wheat and rice production in India and Pakistan has not only greatly increased food production, but it also has had many indirect effects on both the farmer and the economy. It is estimated that Indian and Pakistani farmers who are cultivating the new Mexican dwarf wheat varieties under the recommended management practices have increased their net income from $37 per hectare with the local varieties to $162 with the dwarf Mexican varieties. During the past three harvests, a total of $1.4 billion and $640 million have been added to the gross national product (G.N.P.) of India and Pakistan, respectively, from the increase in wheat production above the record 1965 base. The injection of this large increase in purchasing power into the economies has had many effects.

Large numbers of tubewells are being sunk by farmers in both India and Pakistan in order to expand the irrigated area and improve the control of irrigation water. It is estimated that a total of 70,000 private tubewells were sunk during the 1969–70 crop season in India, which brings about 1.4 million hectares of additional land under controlled irrigation, thereby greatly expanding the food-production potential. It is estimated that, at present, less than half of the irrigation potential of India has been developed.

THE CHANGING ECONOMY

If the high-yielding dwarf wheat and rice varieties are the catalysts that have ignited the green revolution, then chemical fertilizer is the fuel that has powered its forward thrust. The responsiveness of the high-yielding varieties has greatly increased fertilizer consumption. The new varieties not only respond to much heavier dosages of fertilizer than the old ones but are also much more efficient in its use. The old, tall-strawed varieties would produce only 10 kilos of additional grain for each kilo of nitrogen applied, while the new varieties can produce 20–25 kilos or more of additional grain per kilo of nitrogen applied. Consumption of nitrogen fertilizer in India has increased from 58,000 metric tons of nutrients in 1950–51 to 538,000 and 1.2 million metric tons in 1964–65 and 1969–70 crop cycles, respectively; and about 60 percent of this amount was produced domestically. Phosphate consumption is approximately half that of nitrogen. A large part of the fertilizer currently being used is for wheat. The targeted consumption and domestic production needs of nitrogen for 1973–74 are 3 million and 2.5 million metric tons, respectively, a fantastic threefold increase in consumption and a fivefold increase in production. These fertilizer targets must be attained if the targeted production of 129 million metric tons of cereal is to be realized.

Mechanization of agriculture is rapidly following the breakthrough in wheat production. Prior to the first big wheat crop in 1968, unsold tractors accumulated at the two factories then in production; at present, prospective purchasers must make written application for them and wait one or two years for delivery. Although five factories with an output of 18,000 units per year are now producing tractors, 35,000 units were imported in 1969–70.

The traditional method of threshing by treading out of the grain with bullocks, followed by winnowing, is now inadequate for threshing the increased volume of wheat before the onset of the monsoon rains. Consequently, hundreds of thousands of small threshing machines have been produced and sold by hundreds of small village machine shops during the past three years, thus avoiding the loss of much of the crop after harvest and also providing additional employment in many new, small village industries.

Moreover, mechanization has had another very important indirect effect on the intensification of cereal production. When small mechanical threshers replace bullocks for threshing, the bullocks are released for use in the timely preparation of the land for the next (summer) crop. This need for timely preparation of land is also one of the main reasons for the surge in demand for tractors.

Before the adoption of the new wheat and rice varieties, in combination with heavy applications of chemical fertilizer, the time of sowing was relatively unimportant because yields were limited primarily by the low level of available plant nutrients. Most farmers would expect to harvest about 1 metric ton of wheat during the winter (rabi) season and about 1.5 metric tons of rice during the summer (kharif) season, or a total of 2.5 metric tons of grain per hectare per year. But by using the high-yielding varieties, fertilizing heavily, sowing at the right time and managing the fields properly, the same farmer can now harvest 5 tons of wheat and 7 tons of rice per hectare from the same land, a total of 12 metric tons of food grain per hectare per year, as contrasted with the 2.5 tons which he obtained with the old varieties and methods. If plantings are not done at the optimum time, however, the yield of wheat may drop to 3 tons and that of rice to 4 tons per hectare, a total production of 7 tons per year instead of the 12 tons when all operations are proper and timely. A few of the most progressive farmers now use triple cropping, involving wheat—mung beans—rice, wheat—rice—potatoes, or three consecutive crops of rice during the same year. By increasing the intensity of cropping, both food-production potential and employment are increased. Yields must then be calculated on the basis of kilos per hectare per year rather than on the basis of kilos per hectare per crop.

The increased mechanization in cereal production has tended to increase rather than decrease the employment opportunities for labor, and above all, it has helped to reduce drudgery and increase the efficiency of human energy, speaking especially of India.

Millions of farmers who have successfully grown the new wheat, rice and maize varieties have greatly increased their income. And this has stimulated the rapid growth of agro-industry by increasing the demand for fertilizers, pumps, machinery and other materials and services.

Farmers in many villages are investing in better storage facilities. In some locations brick houses are beginning to replace those made of rammed earth. More electricity is being used to light the houses and to drive the motors on the wells. There also has been a rapid increase in demand for consumer goods. The purchase of transistors and radios for use in the villages has increased rapidly, and, thereby, the government for the first time can effectively reach the remote villages with educational programs. Sewing machines, bicycles, motor scooters and motorcycles are coming to the villages, and truck and bus service between villages is improving.

Although the contributions of the green revolution to increased food production are considerable and highly significant, they are, nonetheless, modest in comparison with the magnitude of present global needs. The greatest obvious achievement is the rapid increase in cereal production during the past three years, and the generation of a climate of confidence in the developing nations with regard to their capabilities of achieving food self-sufficiency. Perhaps even more significant, however, is the change in organizations and attitudes which have accompanied the increases in cereal production.

The All-India Coordinated Wheat Improvement Program, which is largely responsible for the wheat revolution in India has developed one of the most extensive and widely diversified wheat research programs in the world. Its success has generated confidence, a sense of purpose and determination. The current agronomic research on wheat in India equals the best in the world. The breeding program is huge, diversified and aggressive; already it has produced several varieties which surpass those originally introduced from Mexico in 1965. The first group of new Indian varieties, already in extensive commercial production, were

derived from selections made in India from partially selected materials received from Mexico. A second group of varieties, now being multiplied, are selections from crosses made in India between Indian and Mexican varieties. The rapidity of creation and distribution of these new varieties has already diversified the types of resistance to diseases and, therefore, minimizes the menace of destructive disease epidemics if and when changes occur in parasitic races of the pathogens.

Contrary to a widespread and erroneous opinion, the original dwarf wheats imported from Mexico definitely carried a wider spectrum of disease resistance than the local Indian types that they replaced. But the newer Indian varieties are even better in resistance and of a different genetic type than the original introductions. This greater diversity reduces the danger from disease epidemics, but cannot completely eliminate the dangers of disease epidemics, as has become vividly evident from the unexpected and destructive epidemic of southern leaf blight of maize over vast areas of the United States during the summer of 1970. The only protection against such epidemics in all countries is through resistant varieties developed by an intelligent, persistent and diversified breeding program, such as being currently carried on in India, coupled with a broad disease-surveillance system and a sound plant pathology program to support the breeding program. From such a program a constant flow of new high-yielding disease-resistant varieties can be developed to checkmate any important changes in the pathogens. The Indian program is also developing competence in research on the biochemical, industrial and nutritional properties of wheat.

Perhaps the most important contribution of all is that the methods and tactics used so successfully in making the production breakthrough in wheat, first in Mexico and now in India and Pakistan, can serve as a model for production programs with many other crops and in many other countries.

West Pakistan has already used the wheat model to revolutionize its rice production. Although the Indian rice program has not yet achieved a nationwide breakthrough in production, rapid progress is now being made in several areas and it seems probable that the area sown to the new seed and technology will be large enough to produce a strong impact on national production within another year. Varieties and new technology are also available for launching effective campaigns to increase the production of sorghum, millet, barley, soybeans and cotton in many developing countries of Asia, Africa and Latin America. What is still needed is the will and commitment of governments to support national production campaigns, both politically and financially, and the services of a few competent and dedicated agricultural scientists as leaders.

But let no one think that we can relax our efforts in research. All successful action programs must be preceded and accompanied by research. It has been pointed out that the rapid change in wheat production in both India and Pakistan was, in part, made possible by two decades of research in Mexico. How did this come about?

In 1943, several years before the establishment of the Food and Agricultural Organization (FAO) of the United Nations, a cooperative agricultural research and training program was launched in Mexico. This was a pioneer cooperative project between the Mexican Ministry of Agriculture and the Rockefeller Foundation, initiated at the request of the Mexican government for assistance in increasing the production of maize, wheat and beans.

At that time, Mexico was importing more than 50 percent of the wheat it consumed as well as a considerable percentage of its maize. Wheat yields were low and static, with a national average yield of 750 kilos per hectare, even though most of the wheat was grown on irrigated land. This situation was very similar to that in India and Pakistan before the advent of the green revolution. Mexican soils were impoverished and chemical fertilizer virtually unknown.

Mexico's need was urgent and so a simple research program was started to increase production. The philosophy of the Rockefeller Foundation was "to help Mexico to help itself" in solving its food-production problems, and, in the process, work itself out of a job. I have had the privilege and good fortune to have been associated with the wheat program almost from the beginning, and have remained a part of it for the past 26 years. From the outset all factors limiting wheat production were studied; consequently, there were interdisciplinary researchers between genetics and plant breeding, agronomy, soil fertility, plant pathology and entomology. Cereal chemistry and biochemistry were added later.

After preliminary work in 1943, plant breeders, soil scientists, plant pathologists and entomologists working as a team, began a concentrated attack on the various aspects of wheat production in 1944.

An in-service (intern) training component was added to the research program to train a new generation of Mexican scientists while they were assisting with the development of the research program. Provision was also made for fellowships to enable the most promising of these young scientists to study abroad for advanced degrees, hopefully in preparation for positions of leadership in Mexican agriculture.

Research from the outset was production-oriented and restricted to that which was relevant to increasing wheat production. Researchers in pursuit of irrelevant academic butterflies were discouraged, both because of the acute shortage of scientific manpower and because of the need to have data and materials available as soon as possible for use in the production program.

To accelerate progress in varietal development, two generations of all segregating materials were grown each year. One generation was sown close to sea level in Sonora at 28 degrees north latitude in the fall when the days were progressively shorter; the second was sown near Toluca, at 18 degrees latitude and 2,500 meters above sea level during the summer when days were progressively longer. Through the use of this technique we developed high-yielding, day-length, insensitive varieties with a wide range of ecologic adaptation and a broad spectrum of disease resistance—a new combination of uniquely valuable characters in wheat varieties.

These characters were valuable in increasing wheat production in Mexico and neighboring countries, but were to prove even more valuable 20 years later when the Mexican varieties were introduced into Pakistan and India. Without this combination of characters the successful transplantation of the Mexican varieties into Pakistan and India would have been impossible; the advent of the green revolution would almost certainly have been delayed many years.

In Mexico, as soon as significant improvements were made by research, whether in varieties, fertilizer recommendations, or cultural practices, they were taken to farms and incorporated into the production programs. We never waited for perfection in varieties or methods but used the best available each year and modified them as further improvement came to hand. This simple principle is too often disregarded by scientific perfectionists who spend a lifetime searching for the unattainable in biological perfection, and, consequently, during a lifetime of frustration contribute nothing to increasing food production.

Farm demonstrations of new varieties and technology were made by the research scientists who had developed them. Indeed, the revolution in wheat production in Mexico was accomplished before the extension service came into being. This forced the research scientists themselves to consider the obstacles to production that confronted the farmers. The same philosophy and tactic were used effectively to bring researchers in contact with the farmers' problems in the early years of the wheat improvement programs in India and West Pakistan. Later, however, the extension services were brought into the production programs in both countries.

From the outset the Mexican Agricultural Program was watched with interest by many other countries. As progress became evident, the Rockefeller Foundation was besieged by requests from many countries for assistance in agricultural improvement programs. The Cooperative Mexican Agricultural Program had become a model. The Cooperative Colombian Agricultural Program, devoted largely to maize, wheat, potatoes, forage and livestock, was established in 1950. Similarly, the Cooperative Chilean Agricultural Program was established in 1955 to work on wheat and forage. The Cooperative Indian Agricultural Program was established in 1956 to improve maize, sorghum and millet production and to assist in the development of postgraduate agricultural education. Each of these programs subsequently played an important role in improving agricultural production and education in different parts of the world.

Meanwhile, back in Mexico, the program that had originally been confined to maize, wheat and beans, and soon thereafter, potatoes, was expanded to include many other crops. Larger numbers of young Mexican scientists were added to the research and training programs. Progress in research was generally good, and the training program also bore fruit. Between the years 1943–1963 a total of 550 interns participated in the overall agricultural research and training programs, of whom 200 received a Master of Science degree and 30 the Doctor of Philosophy degree while on fellowships for study abroad. With this corps of trained scientists a new National Institute of Agricultural Investigations was born in 1961. The Rockefeller Foundation "had worked itself out of a job," which was one of its original objectives.

The Mexican experience indicated that one of the greatest obstacles to the improvement of agriculture in the developing countries is the scarcity of trained people. This experience indicated clearly that training is a slow process. Where no corps of trained scientists exists, as was the case in Mexico 27 years ago and remains the case in many countries of Asia, Africa and Latin America today, it requires 18–25 years to develop enough competent research scientists and educators to meet a country's needs. So great is the urgency of the food shortage in many underdeveloped and emerging countries that there is not enough time to develop an adequate corps of scientists before attacking food-production problems. A short-cut and organizational change had to be invented to meet the needs. And so was born the first truly international research and training institute—the International Rice Research Institute at Los Banos, the Philippines, in 1960, to work exclusively on the regionally all-important, but too long neglected, rice crop. The institute was jointly financed by the Ford and Rockefeller Foundations in collaboration with the government of the Philippines.

The research activities on wheat, maize and potatoes in Mexico were informally internationalized in 1959 and organized as a second international center in 1963. This International Center for Maize and Wheat Improvement is supported also by the Ford and Rockefeller Foundations, in collaboration with the government of Mexico. More recently, additional financial support has been provided by the U.S. Agency for Inter-

national Development, United Nations Development Program and the Inter-American Development Bank.

A third center, the International Center of Tropical Agriculture (CIAT), in Columbia, and the International Institute of Tropical Agriculture (ITA), in Nigeria, the most recent, have been established to study problems and stimulate production of certain tropical crops and animal species, as well as to help train scientific specialists. CIAT is financed by the Ford, Rockefeller, and W. K. Kellogg Foundations in cooperation with the government of Nigeria.

These four international institutes represent a significant but modest start toward the construction of a worldwide network of international, national and local research and training centers. This network will help solve problems and disseminate the benefits of science to all mankind in the shortest possible time and at minimum cost.

I am convinced that the international agricultural research institutes are developing a bond of understanding among nations, based upon the common need for increasing food production. We must all strive to strengthen this bond in the spirit of Alfred Nobel ". . . to promote brotherhood among the nations."

In summarizing the accomplishments of the green revolution during the past three years, I wish to restate that the increase in cereal production, rice, maize and wheat, and especially in wheat, has been spectacular and highly significant to the welfare of millions of human beings. It is still modest in terms of total needs. Recalling that 50 percent of the present world population is undernourished and that an even larger percentage, perhaps 65 percent, is malnourished, no room is left for complacency. It is not enough to prevent the currently bad situation from getting worse as population increases. Our aim must be to produce enough food to eradicate all present hunger while at the same time striving to correct malnutrition. To eliminate hunger now in the developing nations, we would need to expand world cereal production by 30 percent. If it were, however, as simple as increasing the total world production by 30 percent, regardless where the production is to be expanded, it could be accomplished rather rapidly by expanding it in the United States, Canada, Australia, Argentina and Russia. But this would not necessarily solve the hunger problem of the developing world, because their weak economies will not permit them to expand their food imports by 30 percent. Worse still, even if present production could be expanded rapidly by 30 percent in the developing countries—which I believe is possible based on recent progress of the great revolution—so as theoretically to eliminate hunger, the hunger problem as it now exists, still would not be solved. There remains the unsolved socioeconomic problem of finding effective ways to distribute the needed additional food to the vast underprivileged, masses who have little or no purchasing power. This is still the great unsolved problem with which the economists, sociologists and political leaders must now come to grips.

I am convinced that if all policy-makers would take sufficient interest in population control and in aggressively employing and exploiting agricultural development as a potent instrument of agrarian prosperity and economic advancement, many of the social ills of the present day could soon become problems of the past. The tropics and subtropics have abundant sunlight and other great biological assets and it will be criminal to delay further the conversion of these assets into wealth meaningful to the poor and hungry.

Some critics have said that the green revolution has created more problems than it has solved. This I cannot accept, for I believe it is far better for mankind to be struggling with new problems caused by abundance rather than with the old problem of famine. Certainly, loyalty to the status quo in food production—when being pressured by population growth—cannot break the chains that have bound the peasant to poverty and hunger. One must ask: Is it just to criticize the green revolution, with its recognized accomplishments, for failure to correct all the socioeconomic ills of the world that have accumulated from the days of Adam and Eve and up to the present? Change we must, or we will perish as a species, just as did the dinosaurs in the late Cretaceous.

The green revolution is a change in the right direction, but it has not transformed the world into Utopia. None are more keenly aware of its limitations than those who started it and fought for its success. But there there has been solid accomplishment, as I have already shown by concrete examples. I have also tried to indicate the various opportunities for capitalizing more fully on the new materials that were produced and the new methods that were devised. And, above all, I cannot emphasize too strongly the fact that further progress depends on intelligent, integrated and persistent effort by government leaders, statesmen, tradesmen, scientists, educators and communication agencies, including the press, radio and television.

But progress is continuous, and we can and must make continuous progress. Better varieties of wheat and other cereals with not only higher yield potential but also with higher content of protein are already in the process of creation.

I propose, therefore, that a bold program of wide crosses be initiated to improve both cereals and legumes (pulses). It should include attempts to make numerous intergeneric crosses among cereals, employing all of the modern techniques to consummate fertilization and propagate the hybrids. If a series of new combinations can be made and doubled, such as, for example, between maize and sorghum, wheat and barley, or wheat and rice, it would open the door to the possibilities for vast subsequent improvement by conventional methods.

The great revolution has won a temporary success in man's war against hunger and deprivation; it has given man a breathing space. If fully implemented, the revolution can provide sufficient food for sustenance during the next three decades. But the frightening power of human reproduction must also be curbed; otherwise, the success of the green revolution will be ephemeral only.

Most people still fail to comprehend the magnitude and menace of the "Population Monster." In the beginning there were but two, Adam and Eve; when they appeared on this earth is still questionable. By the time of Christ, world population had probably been reached 250 million. But between then and now population has grown to 3.5 billion. Growth has been especially fast since the advent of modern medicine. If it continues to increase at the estimated present rate of 2 percent a year, the world population will reach 6.5 billion by the year 2000. Currently, with each second, or tick of the clock, about 2.2 additional people are added to the world population. The rhythm of increase will accelerate to 2.7, 3.03 and 4.0 for each tick of the clock by 1980, 1990 and 2000, respectively, unless man becomes more realistic and preoccupied about this impending doom. The tick-tock of the clock will continually grow louder and more menacing each decade. Where will it all end?

Malthus signaled the danger a century and a half ago. But he emphasized principally the danger that population would increase faster than food supplies. In his time he could not foresee the tremendous increase in man's food-production potential. Nor could he have foreseen the disturbing and destructive physical and mental consequences of the grotesque concentration of human beings into the poisoned and clangorous environment of pathologically hypertrophied megapoles. Can human beings endure the strain? Abnormal stresses and strains tend to accentuate man's animal instincts and provoke irrational and socially disruptive behavior among the less stable individuals in the maddening crowd.

We must recognize the fact that adequate food is only the first requisite for life. For a decent and humane life we must also provide an opportunity for good education, remunerative employment, comfortable housing, good clothing, and effective and compassionate medical care. Unless we can do this, man may degenerate sooner from environmental diseases than from hunger.

And yet, I am optimistic for the future of mankind; for in all biological populations there are innate devices to adjust population growth to the carrying capacity of the environment. Undoubtedly, some such device exists in man, presumably homo sapiens, but so far it has not asserted itself to bring into balance population growth and the carrying capacity of the environment on a worldwide scale. It would be disastrous for the species to continue to increase our human numbers madly until such innate devices take over. It is a test of the validity of sapiens as a species epithet.

Since man is potentially a rational being, however, I am confident that within the next two decades he will recognize the self-destructive course he steers along the road of irresponsible population growth and will adjust the growth rate to levels which will permit a decent standard of living for all mankind. If man is wise enough to make this decision, and if all nations abandon their idolatry of Ares, Mars and Thor, then mankind itself should be the recipient of a Nobel Peace Prize, which is "to be awarded to the person who has done most to promote brotherhood among the nations."

Then, by developing and applying the scientific and technological skills of the twentieth century for "the well-being of mankind throughout the world," he may still see Isaiah's prophesies come true: Isaiah 35:1, 7: ". . . And the desert shall rejoice, and blossom as the rose. . . . And the parched ground shall become a pool, and the thirsty land springs of water . . .".

And may those words come true!

Mr. PACKWOOD. Mr. President, another critical aspect of the population problem is being studied by Dr. John Calhoun of the National Institute of Mental Health. Dr. Calhoun started a colony of eight white mice in a small pen at NIMH. In 2 years, the eight multiplied to 2,200, but not one mouse has been born in over a year. The pressures of overpopulation have resulted in extreme antisocial behavior and eventually failure to continue reproducing. Dr. Calhoun explains that 600 of the mice have already died and the remaining 1,600 will die as well. Dr. Calhoun is careful not to transfer the results of his experiments with mice into the human experience directly. But certain lessons can and should be learned as our finite earth looks forward to its fourth-billion people. I ask unanimous consent that a write-up of Dr. Calhoun's work and the texts of his studies be printed in the RECORD.

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

OF MICE AND MEN: COLONY OVERPOPULATES TO EXTINCTION

(By Tom Huth)

Dr. John Calhoun's laboratory mice are dying. They are doomed, he says, to extinction.

Physically they are healthy—to him they are even beautiful. But most of them are withdrawn, uncomplaining, uninvolved, without aggression. And they are without sex, so they are dying.

They are dying of overpopulation. And, Dr. Calhoun says, there are lessons for man in his grim little mousery.

Calhoun works as a research psychologist for the National Institute of Mental Health.

In the beginning, he put eight white mice, four pairs, into an 8½-by-8½-foot galvanized steel universe on the upper floor of a corrugated iron building at the National Institute of Health's animal farm out beyond Poolesville in Montgomery County.

The mice had warmth, food, no disease, no predators. In a little more than two years there were 2,200 of them. But by that time they were not mice, Calhoun says. They were something else, nonmice, their social organizations destroyed and their behaviors deformed by overcrowding.

Now 600 of them have expired and the other 1,600 will too, Calhoun says. There has not been a mouse born in more than a year; the youngest is 40 years old in terms of the human life span. The females are passing menopause. Soon time will run out: the process will be irreversible; life will be death.

Calhoun, a small man of 52 who wears a gray goatee, thinks that time has not yet run out for man—that man has perhaps 15 years to start making the decisions that will insure his continued survival as a unique animal, to start bringing the world population down to what it was before the time of Christ.

It is this great leap in thinking, from mouse to man, that puts frowns on the faces of some scientists when the name John B. Calhoun is mentioned.

For one thing, critics say, the behavior of mice does not describe the behavior of men.

Calhoun answers that "rats and mice, of course, are not perfect models of humans. But the disaster they represent is so compelling that the world cannot wait for proof of every step in the equation."

To criticism that his mice are so inbred that they don't react normally, Calhoun says, "Wild species suffer the same reactions as my albinos, sometimes even in exaggerated form."

To conventional science, there also is a madness to Calhoun's methodology. He develops and publishes theory without first presenting full documented findings in scientific journals. He draws conclusions and exposes them to public attention before his experiments are completed.

"So sometimes we make errors in what we say," Calhoun admits. "But there are about 15 years left for deciding. We're that close to seeing if evolution will continue."

His present experiment was in the planning stage in 1965 and will not be fully analyzed until 1973.

Calhoun, a psychologist, philosopher, ecologist mathematician and sociologist at various moments, has been over populating rodents since 1946, when he joined a group at Johns Hopkins University that was looking into the behavior of Norway rats.

A few other scientists have done similar population studies, but none has created an environment that comes close to approximating reality, Calhoun says.

The environment that he and his team members have created for the white mice includes 256 apartments, feeding bins where the animals congregate for social purposes as well as for eating, and a floor that serves as an arena for social groupings. Mice that exhibit different types of behavior are painted with brightly colored stripes, and the data have been put on 750,000 cards and fed to a computer.

* * * * *

Most of the young mice, about 400 of them, withdrew in a huddled mass in the middle of the cage. "They were treated as sticks and stones," Calhoun says.

"Once rejected they were outside the system. They were extremely violent, they would attack and slash and turn on a neighbor and bite," attempting to reduce social contacts.

Calhoun wrote in the Smithsonian magazine, "Still the socially settled kept breeding, just as lemmings do in that last fall and winter before their major march to the sea. In this last frenzy of reproduction 1,600 more mice were spewed out into this closed environment.

"A replica of 'Spaceship Earth?' They too found no social 'rooms' in which to mature. As each member of this horde grew physically it began to express its natural behavior, trying to take part in sex and other acts of social intercourse that are necessary for survival of the species. But rarely was a mouse able to complete this action before it was interrupted by some associate.

"Only the simplest behaviors, such as eating and drinking, were ever carried to completion. The mice never really learned to mate or fight. Never fighting, never competing for mates, and never protecting their young.

"Most matured into passive blobs of protoplasm, physically healthy but socially sterile."

The young mice, often rejected and bitten by their own mothers, never learned to relate to others.

The mice were "frozen in a childlike trance." Calhoun wrote.

Earlier in the study, Calhoun or an associate would walk in the cage and the curious young mice would approach the strange feet, "then accept them as an irrelevant aspect of their environment and pay no attention to them."

But now scores of mice will scurry in a horde after a pair of sneaker-clad feet and will continue to sniff and probe them. "These poor beautiful mice never learn," Calhoun says. "Each day they follow human feet about as if they had never seen them before."

And above all, "they are voiceless. They are deathly quiet. Lost are the plaintive squeaks of recognition, the higher squeaks of inquisitive anxiety, the shrill squeaks accompanying intense social involvement. A pallor of silence hangs over the flaccid following mass."

The experiment is nearly over. Groups of mice with similar behavior have been placed in separate cages to study their reactions to each other. Then individuals will be studied in isolation. When the population declines to 1,000, all the females will have passed menopause. There will be no chance of further life, and the survivors will be disposed of.

The characteristics he sees in mice also can be observed in man, Calhoun believes.

There is, for example, the violence of the slums and elsewhere in America. Calhoun thinks this "may at times be necessary to precipitate a more meaningful exchange between individuals or institutions where social tradition and lack of designed relations have sufficiently separated them that they no longer can communicate about common interests."

Violence, in other words, serves to alert society that something is wrong.

Calhoun bases his broad philosophy of the human condition on the belief that, while other animals are limited in growth to physical space, man is unique in developing what he calls conceptual space.

Until 40,000 or 50,000 years ago, men were able to limit their social contacts and thus preserve stability only by moving to other areas and killing or being killed.

Then, says Calhoun, as uninhabited areas became populated and physical contact increased, some downtrodden group discovered conceptual space, which he defines as the "information pool from which rules, codes and theories may be condensed which permit more effective coping with the physical and social environment."

Man, and only man, could fully develop social roles and find meaningful relationships while screening out frustrating ones. This, says Calhoun, has allowed human population to increase, and to increase faster and faster as intellectual capacity became greater and greater.

Since about that time, 40,000 years ago, the time it has taken for world population to double has been cut in half with each doubling. So, while it took 160 years for population to reach 1.25 billion by 1868, it took only 80 years for it to reach 2.5 billion by 1948 and it will take roughly 40 years for it to reach 5 billion.

A continuation of this progression would lead to a mathematical impossibility by the year 2027. The growth would become so fast that "you go to infinity instantaneously," as Calhoun puts it. Some have called it Doomsday.

Another problem, the one that is the key to Calhoun's theories and admittedly "the weakest point in my argument," is that in his thinking the total of all conceptual space will level off when the world reaches 9 billion people.

By that time—in 2010, give or take several years depending on birth control—he figures the world will be one community.

In what he calls his philosophical breakthrough, a lecture in 1968 at the annual meeting of the American Association for the Advancement of Science, Calhoun explained:

"To continue enlarging conceptual space requires involving more and more individuals in a common communication network. Sociopolitical union enhances the enlargement and effectiveness of such works. Such union will continue until the entire world population becomes incorporated into a single network.

"This point will arrive when the world population reaches 9 billion. For this reason, 9 billion is set as the optimum world population in which individual human beings serve as the primary nodes and the primary links in the communication network."

It is this idea of the global village, plus a projection of the limits of the brain plus analogy and intuition, that leads Calhoun to believe that by the early 21st century conceptual space will stop growing.

This he sees as the end of the first era of human evolution. By simple mathematics, any increase in population would mean a decrease in the intellectual potential of each person. "Extra individuals will impede acquisition of relevant information," he says.

Then man will have three courses, Calhoun says.

Population could continue to increase and awareness would decrease.

Population could remain level, with each individual filling a static role with little deviation from "the exact pattern harmonizing with a traditional niche he entered early in life."

Population could gradually decrease, allowing a growth in individual potential. The time when this begins happening Calhoun calls Dawnsday.

It may not come, he says, until the year 2400 or so, by which time the population may have overshot to maybe 13½ billion. Then the decline in population would continue for 160,000 years, by his calculation, until it reached about 70 million, the same as during the Golden Age of Greece 500 years before Christ. His calculations end there, for now.

The other half of John Calhoun's projection involves vast changes that he thinks are necessary in life itself.

"We are approaching a limit of the cortex to process information necessary for its codification into concepts," he said in his 1968 speech, so by Doomsday we will need electronic prosthetic devices that will serve as extensions of the brain.

Calhoun sees as imperative the full implementation of the general systems theory, which views all of nature and human activity as a hierarchy of interlocked systems that affect each other with their every action.

To maintain stability in an intricate world community, in which each part is dependent on all other parts, Calhoun believes there will be a need for a new value system that he calls the "compassionate perspective."

This is a true awareness of the needs of others with differing values. Also needed, he says, are an expansion of the time perspective to include more historical and evolutionary processes, an enhanced creativity, an increased receptivity to change, a promotion of leisure and more.

Calhoun sees the beginning of this development now—the emergence of a minority that is frustrated by present social systems and is "grappling with the issues which will later dominate the scene."

"This concerned minority, now directing its attention toward the compassionate-systems revolution, is rapidly swelling its ranks."

This upheaval, amounting to a denial of much that we consider life, must come about, Calhoun believes. He quotes Archibald Mac Leish:

"For man, as the whole of science as well as the whole of poetry will demonstrate, is not what he thinks he knows, but what he thinks he can know, can become."

POPULATION DENSITY AND SOCIAL PATHOLOGY

WHEN A POPULATION OF LABORATORY RATS IS ALLOWED TO INCREASE IN A CONFINED SPACE, THE RATS DEVELOP ACUTELY ABNORMAL PATTERNS OF BEHAVIOR THAT CAN EVEN LEAD TO THE EXTINCTION OF THE POPULATION

(By John B. Calhoun)

In the celebrated thesis of Thomas Malthus, vice and misery impose the ultimate natural limit on the growth of populations. Students of the subject have given most of their attention to misery, that is, to predation, disease and food supply as forces that operate to adjust the size of a population to its environment. But what of vice? Setting aside the moral burden of this word, what are the effects of the social behavior of a species on population growth—and of population density on social behavior?

Some years ago I attempted to submit this question to experimental inquiry. I confined a population of wild Norway rats in a quarter-acre enclosure. With an abundance of food and places to live and with predation and disease eliminated or minimized, only the animals' behavior with respect to one another remained as a factor that might affect the increase in their number. There could be no escape from the behavioral consequences of rising population density. By the end of 27 months the population had become stabilized at 150 adults. Yet adult mortality was so low that 5,000 adults might have been expected from the observed reproductive rate. The reason this larger population did not materialize was that infant mortality was extremely high. Even with only 150 adults in the enclosure, stress from social interaction led to such disruption of maternal behavior that few young survived.

With this background in mind I turned to observation of a domesticated albino strain of the Norway rat under more controlled circumstances indoors. The data for the present discussion come from the histories of six different populations. Each was permitted to increase to approximately twice the number that my experience had indicated could occupy the available space with only moderate stress from social interaction. In each case my associates and I maintained close surveillance of the colonies for 16 months in order to obtain detailed records of the modifications of behavior induced by population density.

The consequences of the behavioral pathology we observed were most apparent among the females. Many were unable to carry pregnancy to full term or to survive delivery of their litters if they did. An even greater number, after successfully giving birth, fell short in their maternal functions. Among the males the behavior disturbances ranged from sexual deviation to cannibalism and from frenetic overactivity to a pathological withdrawal from which individuals would emerge to eat, drink and move about only when other members of the community were asleep. The social organization of the animals showed equal disruption. Each of the experimental populations divided itself into several groups, in each of which the sex ratios were drastically modified. One group might consist of six or seven females and one male, whereas another would have 20 males and only 10 females.

The common source of these disturbances became most dramatically apparent in the populations of our first series of three experiments, in which we observed the development of what we called a behavioral sink. The animals would crowd together in greatest number in one of the four interconnecting pens in which the colony was maintained. As many as 60 of the 80 rats in each experimental population would assemble in one pen during periods of feeding. Individual rats would rarely eat except in the company of other rats. As a result extreme population densities developed in the pen adopted for eating, leaving the others with sparse populations.

Eating and other biological activities were thereby transformed into social activities in which the principal satisfaction was interaction with other rats. In the case of eating, this transformation of behavior did not keep the animals from securing adequate nutrition. But the same pathological "togetherness" tended to disrupt the ordered sequences of activity involved in other vital modes of behavior such as the courting of sex partners, the building of nests and the nursing and care of the young. In the experiments in which the behavioral sink developed, infant mortality ran as high as 96 per cent among the most disoriented groups in the population. Even in the absence of the behavioral sink, in the second series of three experiments, infant mortality reached 80 per cent among the corresponding members of the experimental populations.

The design of the experiments was relatively simple. The three populations of the first series each began with 32 rats; each population of the second series began with 56 rats. In all cases the animals were just past weaning and were evenly divided between males and females. By the 12th month all the populations had multiplied and each comprised 80 adults. Thereafter removal of the infants that survived birth and weaning held the populations steady. Although the destructive effects of population density increased during the course of the experiments, and the mortality rate among the females and among the young was much higher in the 16th month than it was earlier, the number of young that survived to weaning was always large enough to offset the effects of adult mortality and actually to increase the population. The evidence indicates, however, that in time failures of reproductive function would have caused the colonies to die out. At the end of the first series of experiments eight rats—the four healthiest males and the four healthiest females in each of two populations—were permitted to survive. These animals were six months old at the time, in the prime of life. Yet in spite of the fact that they no longer lived in overpopulated environments, they produced fewer litters in the next six months than would normally have been expected. Nor did any of the offspring that were born survive to maturity.

The males and females that initiated each experiment were placed, in groups of the same size and sex composition, in each of the four pens that partitioned a 10-by-14-foot observation room. The pens were complete dwelling units; each contained a drinking fountain, a food hopper and an elevated artificial burrow, reached by a winding staircase and holding five nest boxes. A window in the ceiling of the room permitted observation, and there was a door in one wall. With space for a colony of 12 adults in each pen—the size of the groups in which rats are normally found—this setup should have been able to support 48 rats comfortably. At the stabilized number of 80, an equal distribution of the animals would have found 20 adult rats in each pen. But the animals did not dispose themselves in this way.

Biasing factors were introduced in the physical design of the environment to encourage differential use of the four pens. The partitions separating the pens were electrified so that the rats could not climb them. Ramps across three of the partitions enabled the animals to get from one pen to another and so traverse the entire room. With no ramps to permit crossing of the fourth partition, however, the pens on each side of it became the end pens of what was topologically a row of four. The rats had to make a complete circuit of the room to go from the pen we designated 1 to the pen designated 4 on the other side of the partition separating the two. This arrangement of ramps immediately skewed the mathematical probabilities in favor of a higher population density in pens 2 and 3 than in pens 1 and 4. Pens 2 and 3 could be reached by two ramps, whereas pens 1 and 4 had only one each.

The use of pen 4 was further discouraged by the elevation of its burrow to a height greater than that of the burrow in the other end pen. The two middle pens were similarly distinguished from each other, the burrow in pen 3 being higher than that in pen 2. But here the differential appears to have played a smaller role, although pen 2 was used somewhat more often than pen 3.

With the distribution of the rats biased by these physical arrangements, the sizes of the groups in each pen could have been expected to range from as few as 13 to as many as 27. With the passage of time, however, changes in behavior tended to skew the distribution of the rats among the pens even more. Of the 100 distinct sleeping groups counted in the 10th to 12th month of each experiment, only 37 fell within the expected size range. In 33 groups there were fewer than 13 rats, and in 30 groups the count exceeded 27. The sex ratio approximated equality only in those groups that fell within the expected size range. In the smaller groups, generally composed of eight adults, there were seldom more than two males. In the larger groups, on the other hand, there were many more males than females. As might be expected, the smaller groups established themselves in the end pens, whereas the larger groups were usually observed to form in the middle pens. The female members of the population distributed themselves about equally in the four pens, but the male population was concentrated almost overwhelmingly in the middle pens.

One major factor in the creation of this state of affairs was the struggle for status that took place among the males. Shortly after male rats reach maturity, at about six months of age, they enter into a round robin of fights that eventually fixes their position in the social hierarchy. In our experiments

such fights took place among the males in all the pens, both middle and end. In the end pens, however, it became possible for a single dominant male to take over the area as his territory. During the period when the social hierarchy was being established, the subordinate males in all pens adopted the habit of arising early. This enabled them to eat and drink in peace. Since rats generally eat in the course of their normal wanderings, the subordinate residents of the end pens were likely to feed in one of the middle pens. When, after feeding, they wanted to return to their original quarters, they would find it very difficult. By this time the most dominant male in the pen would probably have awakened, and he would engage the subordinates in fights as they tried to come down the one ramp to the pen. For a while the subordinate would continue its efforts to return to what had been its home pen, but after a succession of defeats it would become so conditioned that it would not even make the attempt. In essence the dominant male established his territorial dominion and his control over a harem of females not by driving the other males out but by preventing their return.

Once a male had established his dominion over an end pen and the harem it contained, he was usually able to maintain it. Although he slept a good deal of the time, he made his sleeping quarters at the base of the ramp. He was, therefore, on perpetual guard. Awakening as soon as another male appeared at the head of the ramp, he had only to open his eyes for the invader to wheel around and return to the adjoining pen. On the other hand, he would sleep calmly through all the comings and goings of his harem; seemingly he did not even hear their clatterings up and down the wire ramp. His conduct during his waking hours reflected his dominant status. He would move about in a casual and deliberate fashion, occasionally inspecting the burrow and nests of his harem. But he would rarely enter a burrow, as some other males did, merely to ferret out the females.

A territorial male might tolerate other males in his domain provided they respected his status. Such subordinate males inhabited the end pens in several of the experiments. Phlegmatic animals, they spent most of their time hidden in the burrow with the adult females, and their excursions to the floor lasted only as long as it took them to obtain food and water. Although they never attempted to engage in sexual activity with any of the females, they were likely, on those rare occasions when they encountered the dominant male, to make repeated attempts to mount him. Generally the dominant male tolerated these advances.

In these end pens, where population density was lowest, the mortality rate among infants and females was also low. Of the various social environments that developed during the course of the experiments, the brood pens, as we called them, appeared to be the only healthy ones, at least in terms of the survival of the group. The harem females generally made good mothers. They nursed their young, built nests for them and protected them from harm. If any situation arose that a mother considered a danger to her pups, she would pick the infants up one at a time and carry them in her mouth to a safer place. Nothing would distract her from this task until the entire litter had been moved. Half the infants born in the brood pens survived.

The pregnancy rates recorded among the females in the middle pens were no lower than those recorded in the end pens. But a smaller percentage of these pregnancies terminated in live births. In the second series of experiments 80 percent of the infants born in the middle pens died before weaning. In the first series 96 percent perished before this time. The males in the middle pens were no less affected than the females by the pressures of population density. In both series of experiments the social pathology among the males was high. In the first series, however, it was more aggravated than it was in the second.

This increase in disturbance among the middle-pen occupants of the first series of experiments was directly related to the development of the phenomenon of the behavioral sink—the outcome of any behavorial process that collects animals together in unusually great numbers. The unhealthy connotations of the term are not accidental: a behavioral sink does act to aggravate all forms of pathology that can be found within a group.

The emergence of a behavioral sink was fostered by the arrangements that were made for feeding the animals. In these experiments the food consisted of small, hard pellets that were kept in a circular hopper formed by wire mesh. In consequence satisfaction of hunger required a continuous effort lasting several minutes. The chances therefore were good that while one rat was eating another would join it at the hopper. As was mentioned earlier, rats usually eat intermittently throughout their waking hours, whenever they are hungry and food is available. Since the arrangement of the ramps drew more rats into the middle pens than into the end ones, it was in these pens that individuals were most likely to find other individuals eating. As the population increased, the association of eating with the presence of other animals was further reinforced. Gradually the social aspect of the activity became determinant: the rats would rarely eat except at hoppers already in use by other animals.

At this point the process became a vicious circle. As more and more of the rats tended to collect at the hopper in one of the middle pens, the other hoppers became less desirable as eating places. The rats that were eating at these undesirable locations, finding themselves deserted by their groupmates, would transfer their feeding to the more crowded pen. By the time the three experiments in the first series drew to a close half or more of the populations were sleeping as well as eating in that pen. As a result there was a decided increase in the number of social adjustments each rat had to make every day. Regardless of which pen a rat slept in, it would go to one particular middle pen several times a day to eat. Therefore it was compelled daily to make some sort of adjustment to virtually every other rat in the experimental population.

No behavioral sinks developed in the second series of experiments, because we offered the rats their diet in a different way. A powdered food was set out in an open hopper. Since it took the animals only a little while to eat, the probability that two animals would be eating simultaneously was considerably reduced. In order to foster the emergence of a behavioral sink I supplied the pens with drinking fountains designed to prolong the drinking activity. The effect of this arrangement was unquestionably to make the animals social drinkers; they used the fountain mainly when other animals lined up at it. But the effect was also to discourage them from wandering and to prevent the development of a behavioral sink. Since rats generally drink immediately on arising, drinking and the social interaction it occasioned tended to keep them in the pens in which they slept. For this reason all social pathology in the second series of experiments, although severe, was less extreme than it was in the first series.

Females that lived in the densely populated middle pens became progressively less adept at building adequate nests and eventually stopped building nests at all. Normally rats of both sexes build nests, but females do so most vigorously around the time of parturition. It is an undertaking that involves repeated periods of sustained activity, searching out appropriate materials (in our experiments strips of paper supplied an abundance), transporting them bit by bit to the nest and there arranging them to form a cuplike depression, frequently sheltered by a hood. In a crowded middle pen, however, the ability of females to persist in this biologically essential activity became markedly impaired. The first sign of disruption was a failure to build the nest to normal specifications. These females simply plied the strips of paper in a heap, sometimes trampling them into a pad that showed little sign of cup formation. Later in the experiment they would bring fewer and fewer strips to the nesting site. In the midst of transporting a bit of material they would drop it to engage in some other activity occasioned by contact and interaction with other individuals met on the way. In the extreme disruption of their behavior during the later months of the population's history they would build no nests at all but would bear their litters on the sawdust in the burrow box.

The middle-pen females similarly lost the ability to transport their litters from one place to another. They would move only part of their litters and would scatter them by depositing the infants in different places or simply dropping them on the floor of the pen. The infants thus abandoned throughout the pen were seldom nursed. They would die where they were dropped and were thereupon generally eaten by the adults.

The social stresses that brought about this disorganization in the behavior of the middle-pen females were imposed with special weight on them when they came into heat. At estrous female would be pursued relentlessly by a pack of males, unable to escape from their soon unwanted attentions. Even when she retired to a burrow, some males would follow her. Among these females there was a correspondingly high rate of mortality from disorders in pregnancy and parturition. Nearly half of the first- and second-generation females that lived in the behavioral-sink situation had died of these causes by the end of the 16th month. Even in the absence of the extreme stresses of the behavioral sink, 25 per cent of the females died. In contrast, only 15 per cent of the adult males in both series of experiments died.

A female that lived in a brood pen was sheltered from these stresses even though during her periods of estrus she would leave her pen to mate with males in the other pens of the room. Once she was satiated, however, she could return to the brood pen. There she was protected from the excessive attention of other males by the territorial male.

For the effect of population density on the males there is no index as explicit and objective as the infant and maternal mortality rates. We have attempted a first approximation of such an index, however, by scoring the behavior of the males on two scales: that of dominance and that of physical activity. The first index proved particularly effective in the early period of the experiments, when the males were approaching adulthood and beginning the fights that eventually fixed their status in the social hierarchy.

The more fights a male initiated and the more fights he won, the more likely he was to establish a position of dominance. More than half the animals in each experiment gave up the struggle for status after a while, but among those that persisted a clear-cut hierarchy developed.

In the crowded middle pens no one individual occupied the top position in this hierarchy permanently. In every group of 12 or

more males one was the most aggressive and most often the victor in fights. Nevertheless, this rat was periodically ousted from his position. At regular intervals during the course of their waking hours the top-ranking males engaged in free-for-alls that culminated in the transfer of dominance from one male to another. In between these tumultuous changings of the guard relative calm prevailed.

The aggressive, dominant animals were the most normal males in our populations. They seldom bothered either the females or the juveniles. Yet even they exhibited occasional signs of pathology, going berserk, attacking females, juveniles and the less active males, and showing a particular predilection—which rats do not normally display—for biting other animals on the tail.

Below the dominant males both on the status scale and in their level of activity were the homosexuals—a group perhaps better described as pansexual. These animals apparently could not discriminate between appropriate and inappropriate sex partners. They made sexual advances to males, juveniles and females that were not in estrus. The males, including the dominants as well as the others of the pansexuals' own group, usually accepted their attentions. The general level of activity of these animals was only moderate. They were frequently attacked by their dominant associates, but they very rarely contended for status.

Two other types of male emerged, both of which had resigned entirely from the struggle for dominance. They were, however, at exactly opposite poles as far as their levels of activity were concerned. The first were completely passive and moved through the community like somnambulists. They ignored all the other rats of both sexes, and all the other rats ignored them. Even when the females were in estrus, these passive animals made no advances to them. And only very rarely did other males attack them or approach them for any kind of play. To the casual observer the passive animals would have appeared to be the healthiest and most attractive members of the community. They were fat and sleek, and their fur showed none of the breaks and bare spots left by the fighting in which males usually engage. But their social disorientation was nearly complete.

Perhaps the strangest of all the types that emerged among the males was the group I have called the probers. These animals, which always lived in the middle pens, took no part at all in the status struggle. Nevertheless, they were the most active of all the males in the experimental populations, and they persisted in their activity in spite of attacks by the dominant animals. In addition to being hyperactive, the probers were both hypersexual and homosexual, and in time many of them became cannibalistic. They were always on the alert for estrous females. If there were none in their own pens, they would lie in wait for long periods at the tops of the ramps that gave on the brood pens and peer down into them. They always turned and fled as soon as the territorial rat caught sight of them. Even if they did not manage to escape unhurt, they would soon return to their vantage point.

The probers conducted their pursuit of estrous females in an abnormal manner. Mating among rats usually involves a distinct courtship ritual. In the first phase of this ritual the male pursues the female. She thereupon retires for a while into the burrow, and the male lies quietly in wait outside, occasionally poking his head into the burrow for a moment but never entering it. (In the wild forms of the Norway rat this phase usually involves a courtship dance on the mound at the mouth of the burrow.) The female at last emerges from the burrow and accepts the male's advances. Even in the disordered community of the middle pens this pattern was observed by all the males who engaged in normal heterosexual behavior. But the probers would not tolerate even a short period of waiting at the burrows in the pens where accessible females lived. As soon as a female retired to a burrow, a prober would follow her inside. On these expeditions the probers often found dead young lying in the nests; as a result they tended to become cannabilistic in the later months of a population's history.

Although the behavioral sink did not develop in the second series of experiments, the pathology exhibited by the populations in both sets of experiments, and in all pens, was severe. Even in the brood pens females could raise only half their young to weaning. Nor does the difference in infant mortality between the middle pens of the first and second series—96 per cent in the first as opposed to 80 per cent in the second—represent a biologically significant improvement. It is obvious that the behavioral repertory with which the Norway rat has emerged from the trials of evolution and domestication must break down under the social pressures generated by population density. In time, refinement of experimental procedures and of the interpretation of these studies may advance our understanding to the point where they may contribute to the making of value judgments about analogous problems confronting the human species.

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META-ENVIRONMENTALISM

(By John B. Calhoun)

A huge cypress log lies from the bank out into an ox-bow earthquake lake in the swampy woodlands near the Halchie River in southwestern Tennessee. In 1812, already several hundred years old, this majestic cypress toppled under the impact of earthquake tremor aggravated by collapsing limestone caverns deep in the earth below. I often sat here on the still timber as a boy more than a century later—my dreaming place where the motionless cork occasionally plumped under the surface into the murky waters below giving me contact with my favorite fish, the catfish. Cypress and catfish, these survivors of a midpoint time in evolution before mammals, bonded with me as one of the latest of these latecomers, formed part of the trajectory of everchanging environments. We see this transformation from a cooling sphere of mineral devoid of atmosphere and water, to a cretaceous fern-cloaked hillock where a diminutive shrew-like mammal peered out at the last of the dinosaurs sloshing in the swamps below, to that solitary semite south of Ur, sitting beside his red-dyed skin tent on a reed-bordered mound, who phrased that most significant passage of all time:

God said to them, "Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth." Genesis 1:28.

"Dominion"! What follies man has perpetrated in its name, what hope its scope provides, what obligations its fulfillment demands. Imbedded in that word we see the transformation of the brute that was biological man to that poem which is cultural man whose meaning lies never in what he is but what he may become. This transformation saw man's freedom from the unpredictable capriciousness of physical and biological surroundings that hold all his fellow creatures in bondage. Man became the environment.

He began becoming the environment as he learned how to discover conceptual space, that enlarging pool of ideas, images of reality and codes guiding action, which have simultaneously enabled more efficient mining of resources while at the same time channeling social interactions so that on the average each individual experienced as many meaningful relations with associates, despite increasing population density, as had held true in the earlier times of small partially isolated hunter-gatherer bands. Through all this becoming of the past forty to sixty thousand years each doubling of conceptual space has permitted a doubling of the numbers of man on earth. We are approaching the end of this historical process through which a linking together of an ever larger number of individuals into a tighter intercommunicating network enhances the further enlargement of conceptual space.

Increase in numbers of man will no longer contribute to expansion of conceptual space beyond the time when the world population reaches about nine billion. After this time, a time within the next century, any further continuance of expanding conceptual space, as well as the expansion of human potentiality it permits, will require initiation of a new and dual process. From that time onward the world population must continually decline at a rate which over years will return it to the level of two thousand years ago. In addition, each and every one born after the beginning of the era of declining population must seek an ever increasing dependence on prostheses to brain function which will simulate its capability for reasoning and creativity.

Man as *the* environment continues only in so long as his biological body persists as a vehicle for expanding conceptual space, and by that expansion likewise that of his own potentiality. With each degree of fulfilling this potentiality, man more fully becomes *the* environment, that dominion which guards and guides the kind of existence and opportunity for expression of all life.

Man-Environment Systems as an endeavor is basically concerned with the environment for promoting the fullest realization of man as the environment. It has a meta- environmental objective, to create the environment for the further evolution of man as *the*

environment of designing whereby information gains increased relevance for survival of life and enhancement of living. How successful we are as environmental designers may be judged solely on how well we foster the continuance of designing as a way of living.

Meta-environmentalists may be concerned with bricks and mortar, highways and subways, the purity of air and water, on the survival of biota at a level of evolution attained a scant several thousand years ago. Involvement with such concerns merely represents necessary means or tactics to fulfill broader strategy for realizing more comprehensive goals. The first step in developing meta-environmentalism is to define the scope of criteria by which the adequacy of any intended or accomplished effort may be judged. I shall list a few criteria which I believe are particularly pertinent:

1. *Expansion of time perspective* to include more historical evolutionary processes as they may define a proposed course of action and to project ever farther into the future the consequences this course of action may have if implemented.

2. *Increasing complexity of relationships* in which any individual is involved. This requires more effective linking of the individual into networks of communication whose nodes are both diverse and numerous.

3. *Increasing awareness* of surroundings and relationships.

4. *Promoting receptivity to change* with respect to more effective coping with altered circumstances as well as to increased ability to recognize potentially useful novelty.

5. *Enhancing creativity.*

6. *Optimizing privacy* in the dual sense of the actual opportunity of being alone or of confining interactions to those significant others who provide the most meaningful relations.

7. *Increasing valuing* with respect both to recognizing and adopting new images and to relinquishing values no longer optimal.

8. *Promoting leisuring* until it achieves a balance with working. To work implies repetition of any customary activity irrespective of financial return. To leisure implies engaging in any non-standard activity or the reassembly of standard components in a differing pattern.

9. *Augmentation of caretaking* whereby one attempts to assist others in realizing roles and goals differing from one's own.

This rather incomplete list of criteria are somewhat different from the more immediate utilitarian ones we customarily employ in judging the effectiveness with which we induce changes in the environment. However, I believe that such criteria are essential if we are to promote man as *Homo faber* in the sense of a designer of templates who henceforth will guide the earth's destiny.

The Lemmings' Periodic Journeys Are Not Unique

(By John B. Calhoun)

IN THE CURRENT SELF-DESTRUCTION CYCLE OF THE NORWEGIAN RODENTS A BEHAVIOR AUTHORITY FINDS OTHER MAMMALS, MAYBE MAN, SIMILAR

I have never seen a lemming. At least I have never seen one of those biological entities called *Lemmus lemmus*, the "true" or Norwegian lemming, found in countless numbers throughout the world's northern latitudes. Nor have I ever seen any of the other species of lemmings that inhabit these circompolar regions. I feel about the little mammals the way humorist Gelett Burgess felt about his purple cow: "I'd rather see than be one."

Perhaps because I have never seen one I can actually see them better. I can define for myself the phrase "lemming phenomenon," when thousands if not hundreds of thousands of these rodents march to the sea, plunge in and swim out until, exhausted, they drown. Swept back on the beach, their bleached bones form windrows on the shore.

Norway stands out as the country where the lemming death marches occur most frequently. Every three to four years these migrations take place in one or more places in Norway, as in these pictures taken in the late fall of 1970. Sometimes the migrations are moderate in size and only come to the attention of some isolated village or an inquiring biologist. At other times vast hordes of true lemmings (*Lemmus lemmus*) may invade many towns and even reach Oslo, far from closest breeding grounds.

Over most of the world the tundra habitat of lemmings covers the lowlands between the zone of permanent ice and snow and the tree line. In Scandinavia, the tundra forms a tongue of lichen, moss, grass, heather, willow and dwarf birch extending far southward down the mountain range. Normally, the rodents avoid permanent rocky, snowy areas above the tundra and birch and coniferous forests below it. Between these regions, the low-lying tundra vegetation offers food and protection for the shy, mostly nocturnal creatures. They build their maze of trails, and each year the females rear two or more broods of young. Those born in the spring may themselves bear litters in the summer; those born in the summer start their contributions to the population in autumn. Thus, even though an average animal may live little more than a year, this overlapping of breeding generations permits the lemming population to increase rapidly.

Increase it does. Long before the lemmings begin to overtax their food supplies a general state of unrest develops. More and more of the animals forsake their normal sedentary way of life, wandering about aimlessly, upsetting still sedentary associates. When too many young lemmings avoid the depredations of foxes, hawks and owls and survive to adulthood, increased contacts among them lead to anxiety, strife and an unsettled way of life.

In years of abnormal population increase the degree of wandering reaches such a scale that more and more individuals begin pushing out of their normal tundra home. Some few move up over the inhospitable snowfields. More move down into the adjoining birch forests at lower elevations.

During times of approaching population peaks the great majority of those who move downward into the birch forests never return to their homeland. Many die where they have overwintered. They are particularly stressed; many bear scar tissue from wounds inflicted earlier by their more dominant associates.

As spring approaches, a new wave of emigrants takes the road down the mountain. This even larger mass consists of young born during the fall and the long winter of breeding under the snow cover. These young are physically healthy and fat, and their departure seems motivated by the general unease: They seek to alleviate this by moving into less desirable habitats.

Each lemming sets its own course irrespective of its fellows. Gradually, the animals lose their nocturnal ways. They amble across openings, one after another, at irregular intervals, seeming not to care about predators. When they meet each other they merely bark or scuffle briefly before each goes his own way.

Soon this second major wave begins to encounter the remnants of the earlier one in the birch forest. This contact sends the first migrants farther down the mountain into the coniferous forest zone. Each wave of lemmings forms a broad, ill-defined band several miles in depth. Here local concentrations often build up as the migrants pause to eat at forest clearings where food is more plentiful. Finally, the numbers in these pockets increase until fresh unease drives them on down the mountain.

Each onward moving group adds impetus to the groups below. They too renew their downward course. Channeled by the narrowing valleys, these loose groups gradually coalesce, and the growing masses approach the cultivated land at the bottom of the valley.

By this time some remarkable changes in behavior stand out. Earlier in their travels lemmings skirt sizable bodies of water. But by the time they reach the lowlands their reluctance to enter ponds and small lakes is tempered. Each lemming creeps down to the water, pulls back and waits a few minutes while more and more gather behind. They make several approaches and withdrawals. Finally, each seems overcome by some compulsion to resume its onward movement following the same direction of the valley.

The animals plunge in, irregularly, with little evidence of a coordinated signal to proceed. Buoyed by fat and fur, they splash along and most eventually reach the opposite shore of still lakes which may be as much as several hundred yards across.

Gradually, the rodents lose nearly all reluctance to enter strange situations. By the time they have reached the seaside villages, waves of them are further compacted. They still move more at night than day, so it often happens that villagers awaken to find yards and streets swarming with them. Due to the irregularity of the migrations in any particular valley, as much as 18 years may have elapsed since lemmings have been seen.

"Where did they come from?" people ask. Certainly not from the surrounding pastures where none were seen the day before, when the cows were brought in. Certainly not from the surrounding woodland, where wood choppers had been.

"From the skies! Yes, they must have come from the skies. God caused them to be rained down from above as a cure on the village." Such was the myth that took form by the 15th century and still tempted the minds of many into the 20th. Cats and dogs were encouraged to kill the alien pests. Boys with brooms joined the fray. "Shovel them up! Get rid of them! Let's have no reminders of our iniquities "

Through and around villages the lemmings proceed to the sea. Then, with diminished hesitancy, they plunge in, one by one. They swim ever outward along the trajectory dictated by their long journey. Like a random polka-dot fabric spread over the sea the swimming bodies (can we still call them lemmings?) extend for thousands of yards by the time the last enters the water. Ever farther outward they persist, perhaps a million or more. Finally, even the strongest can paddle no more. None survives this final plunge to return homeward. Quiet returns to the shores. Only the mat of bones remains as a bleak reminder of the lemming phenomenon.

To the present day, students of the lemming migrations paraphrase Charles Elton's query of 30 years ago: "How [could] evolution by natural selection have maintained the migratory stimulus when all those that respond to it perish, and all that do not are survivors?" As long as that query confronts scientists, we are little better off than the promulgators of the "falling-from-the-sky" myth of five centuries ago.

So what is a lemming? Is it an animal or an idea?

Over most of the northern hemisphere—and where there are few valleys descending from the uplands—lemmings rarely migrate

at the peak of their population increase. They may wander outward, diffusely, for relatively short distances. Most die from a kind of "shock disease," and overtaxing of the adrenal-pituitary system which normally enables them to cope with unexpected stresses. Even in Norway, many lemming population peaks are *not* followed by mass migration to the sea.

What is a lemming? Is it more than one of the many lemming species, even that particular *Lemmus lemmus* that inhabits Norway?

Since 1750, hundreds of records tell of the common North American gray squirrel making mass migrations similar to those of Norwegian lemmings. Out of the hills of western Connecticut squirrels moved west and down the valleys until they encountered the Hudson River. They plunged in and many drowned before reaching the opposite side. Many even took to the Bear Mountain Bridge, or hitched rides on ferryboats. Similar migrations have come out of the Ohio hills following river valleys to the Ohio River where many also died attempting to swim across. The Mississippi River also has been the Waterloo of other migrating hordes of gray squirrels.

What is a lemming? Can it be any kind of mammal which engages in a mass movement in a fixed direction with such obsession that it readily enters all environments it would normally avoid?

Several years ago I was reminded of lemming migrations while involved in some studies of small mammal populations. We were finding that the entire community of mice and shrews living in a forest were woven into an intricate fabric of social relations. In this fabric, certain dominant red-backed mice maintained the largest ranges, overlapping each other to form a chainmail-like pattern across the forest. We have learned that ranges become smaller down the social scale, with much less overlap between one individual's range and that of the nearest neighbor of its own kind. In fact, at the bottom of the scale, usually abundant long-tailed shrews maintain such small ranges that they are rarely trapped during the normal short-term census trapping.

However, after 25 to 30 days of trapping, a different picture emerges. The dominant animals with large ranges are trapped most easily and are thus mostly removed within a few days. They can no longer inhibit other species. Members of subordinate species then enlarge *their* ranges and are themselves trapped. Finally, a whole piece of this social cloth within and just adjacent to the trapping plot is cut out. Few former residents remain.

This phenomenon of interdependencies within small mammal communities generated an idea of inducing a lemming-like mass movement. Several hundred traps were set in a 30-acre plot. They removed nearly all of the residents within 30 days and so created a social void. The layer of animal "fabric" adjacent to the void then moved in and in turn was trapped. This initiated a chain reaction that ripped apart the entire social organization.

As each strip of animals moved toward the void, their neighbors occupied their vacated homeland, moving in as if to escape from social pressures of others still farther out. The migrations ceased shortly after trapping in the central area ended. But it was clear that social disruptions, other than those which occur in Norway, can produce a directional movement.

What is a lemming?

Can a "lemming" be defined as any animal which can be induced to emigrate in large numbers from the homelands of its birth? That was an idea I clung to until two months ago. I really should know better than to put such stock in each new notion. That's the way of science; you hold fast to each new formulation as if it were ultimate truth, and yet down deep you know that at best it's a leaking boat. This time I've sunk myself by launching an even sturdier boat of ideas.

OVERCROWDED MOUSE WORLDS GIVE CLUES

Perhaps you have heard of my "horrible mousery," my "paradise" for house mice (SMITHSONIAN, April 1970). It really is a mouse utopia; it provides for all their physical needs. But unlike the lemming ranges of Norway, the walls around this utopia allowed no escape when the mouse population began to exceed tolerable limits.

This habitat contains 16 apartment units. Each apartment contains 16 rooms. As it turned out, the mice decided how many could live comfortably in each apartment. They set the limit at ten, for they really don't like crowding. Thus, 160 adult mice filled up all the "social space." Before the population had increased to this number from the initial eight colonizers, those who were old enough to breed produced more than 400 even younger mice. When these matured they had no place to escape to physically—and there was no place to go socially except for a very few who managed to replace some of their aging brethren in the social structure.

Their reaction was to withdraw psychologically, to huddle in motionless masses in the less-used space on the floor. True, these mice were extremely stressed, but mostly from the bursts of violent attacks that they directed at each other. The dominant mice paid little attention to them. When the younger mice's violence subsided, they become hollow shells, not participating in any social life with the favored few.

MICE TOO STRESSED FOR MATING

Still the socially settled few kept breeding, just as the lemmings do in that last fall and winter before their major march to the sea. In this last frenzy of reproduction 1,600 more mice were spewed out into this closed environment. A replica of "spaceship Earth?" They too found no social "rooms" in which to mature. As each member of this horde grew physically it began to express its natural behavior, trying to take part in sex and other acts of social intercourse that are necessary for survival of the species. But rarely was a mouse able to complete this action before it was interrupted by some associate.

Only the simplest behaviors, such as eating and drinking, were ever carried to completion. The mice never really learned to mate or fight. Never fighting, never competing for mates, never protecting young, they never knew stress. Most matured into passive blobs of protoplasm, physically healthy but socially sterile.

Despite physical maturity these beautiful mice remain as juveniles, frozen in a childlike trance. As young mice they are curious about strange objects and strange situations. The biggest strange object they encountered is me. I can go into the large central space of the habitat and walk slowly about in circles. Rapidly, a mass of several hundred of these beautiful mice gather about my feet and trail along as I move.

Earlier in the history of the population, when young mice were maturing normally, they would sometimes approach my feet, then accept them as an irrelevant aspect of their environment and pay no attention to them. But these poor beautiful mice never learn; each day they follow human feet about as if they had never seen them before. The youngest of these mice are over eight months old, or 25 years as human span is measured, yet they behave like novice 30-day-old mice, recently weaned. Is the story of the Pied Piper so mysterious after all?

What is lemming?

Perhaps these beautiful mice are more "lemming" than lemmings. They live in a world of abundant food. Lack of food doesn't make a lemming. They live in a world precluding migration. Failure to migrate doesn't make a lemming. They are all still happily living—physically, that is. Destroying one's life doesn't make a lemming.

Yet these are denizens of a "horrible mousery." And above all, they are voiceless. They are deathly quiet. Lost are the plaintive squeaks of recognition, the higher squeaks of inquisitive anxiety, the shrill squeaks accompanying more intense social involvement. A pallor of silence hangs over the flaccid following mass.

I am coming to believe that they are truer lemmings than those Norwegian ones who follow the long downhill route to the sea.

Lemmings are lemmings. Squirrels are lemmings. Mice are lemmings. Are there lemmings in our metropolitan tundras—silent shadows of the selves they might have been ready to follow in unquestioning masses any flickering figment on a glassly screen? Are they ready to bring civilization to suicide?

Mass suicide, the phrase applied to lemmings, has haunted man for centuries. We need not quibble about the strict applicability of the word suicide in this context. Undoubtedly, the lemmings have no consciousness of their impending doom when they plunge into the sea. But suicide, particularly mass suicide has a far broader meaning. It is a joint death participated in by many when the customary way of life of a species is threatened. For the Norwegian lemming faced with overpopulation, the exodus and death of many provide an opportunity for rejuvenescence by remnant groups. Their hereditary way of life can be renewed as their tundra environment recovers from its former overuse. With every mass death, then, there *may* be a rebirth.

Man's way of life differs from that of all other animals. Periodically he has been faced with crises, not of numbers, but of ideas. Old ways become outmoded, new ones emerged. We have always had the choice of which would survive, which would be allowed to "commit suicide." Sometimes the new ways drew the lot of suicide and areas of the world were left to stagnate and die. Sometimes areas adopted new ways that enlarged human potential.

Let us go back to my mice "lemmings," the beautiful ones. For more than a generation now they have failed to reproduce their kind. No young mice have appeared, and all present evidence suggests that they will age and die without progeny. They are "overliving." They might as well have died at birth. The population seems doomed. They have already committed suicide.

We, if we are to be called human, produce ideas as well as ourselves. Whenever we fail to produce new ideas and utilize them we commit suicide.

OUR CRISIS OF IDEAS

Right now we stand at the first dual crisis in our history, a crisis of both ideas and numbers. Previously our letting outworn ideas die, and new ones live, enabled more and more people to populate the earth. This epoch of evolution is nearing an end. We face an entirely new crisis: How can the potentiality of the average individual continue to expand as it has in the past when he no longer has the option of linking more and more people into a communication network to generate and spread ideas? That is the real question facing the world today.

In this country the time is no more than five years away until we will know if we are going to face this question of a rebirth of ideas. That time is 1976—our nation's bicentennial. Then we will either "overhallow" the past and so dedicate ourselves to the suicide of overliving, or we will open up a new era of evolution marked by increased creativity, awareness and compassion.

What is a lemming?

Author plays Pied Piper to his overcrowded and hence socially deprived mice. They have never learned normal adult ways so they follow his feet with the thoughtless curiosity of babies.

DICK CHAPUT—AN EXAMPLE TO ALL MEN

Mr. McINTYRE. Mr. President, I am greatly honored to have this opportunity to pay tribute to a truly outstanding and admirable man, Richard Chaput, of Nashua, N.H.

Dick will celebrate his 34th birthday next month. Since the age of 9 he has been paralyzed from the neck down as a result of the disease poliomyelitis. Dick's personal triumph over this physical handicap, his contributions to the community and his generosity set him apart as a living example of the ideals of courage, selflessness, and spiritual strength.

With the help of tutors, Dick completed the equivalence of a high school and college education in 12 years, and he received an A grade in a home study creative writing course with the University of Chicago.

Dick has not been content merely to pursue his own interests, but has devoted a great deal of his time to community organizations, such as the Friendship Club, the Easter Seals Society, and the National Association for the Physically Handicapped, a group which promotes the legal and social interests of handicapped persons.

Dick was honored nationally in 1965 by the Jaycees as one of America's 10 outstanding young men, and he has received countless other medals of recognition.

In spite of the fact that Dick must spend his nights in an iron lung and has great difficulty speaking, he has addressed hundreds of college, church, and civil groups and spends much of his time with teenagers and students who come to him for his personal counsel and advice.

Dick has published two books: "Not To Doubt," and "All I Can Give."

These accomplishments and numerous others attest to the tremendous strength of this man, Dick Chaput. His life is an example to all men of the true spirit of generosity and love.

J. EDGAR HOOVER AND THE FBI

Mr. McGOVERN. Mr. President, on March 8, I placed in the RECORD 21 letters which I had received from J. Edgar Hoover's assistants. These letters severely rebuked me for having the audacity to suggest that policies of the FBI should be subjected to congressional review.

I pointed out that the letters received by my office up to that time from present personnel of the FBI were generally restricted to the highest officials who had long been the chief officers of Mr. Hoover's regime.

Now, subsequent to that statement, I have received an avalanche of mail from lower level FBI employees. Their letters seem to demonstrate a profound consensus of opinion. Indeed, many of the letters follow a uniform pattern, often with identical type on similar stationery. They usually begin by insisting on the writer's objectivity. They then remark that J. Edgar Hoover does not need the writer's support. And then follow a few paragraphs praising Mr. Hoover and decrying my call for congressional review as irresponsible and opportunistic. Finally, the writer requests that I publish his letter in the CONGRESSIONAL RECORD.

Many of the letters continue in the same tone which characterized the original letters by Mr. Hoover's associates. Typical is the comment of a secretary who works for Mr. Hoover, who writes:

You are politicking—and with you politicking involves neither a sense of fair play nor honesty. You are wholly dishonest with the American people as evidenced by the fact that two years before the election you desert your position in the Senate and run all around the country bad-mouthing everyone with whom you are not in agreement. Yet you have the gall to criticize a man whose life has been a shining example of the things that made this country great. I am sure there are a lot of hippies, left wingers, and malcontents who support you and will vote for you. I am equally as sure there are enough solid citizens in this country to assure that your soul-crushing ambition to be President at all cost will never be realized. I say hurrah for that!

As literally hundreds of Mr. Hoover's employees write me asking me to put their letters in the CONGRESSIONAL RECORD, the burden on my office has become considerable. From the number of employees writing on FBI stationery, apparently on FBI time, the burden on the FBI has also become considerable. Indeed their passion for publication is beginning to result in repeated requests for publication from the same individuals.

A Mr. Thomas Sullivan is one individual who has written a second time. Mr. Sullivan is an Assistant Director of Mr. Hoover's, and he apparently wrote as one of Mr. Hoover's first defenders. But his letter arrived a little late and was not published in the RECORD with those of the other Assistant Directors. Although I have questioned the quality of law enforcement and administration resulting from Mr. Hoover's regime, I have never questioned his ability to inspire this kind of loyalty and I think Mr. Sullivan, as one of Mr. Hoover's first defenders, deserves not to be left out. Other letters are too numerous to have printed in the RECORD but I ask unanimous consent that Mr. Sullivan's two letters to me be printed in the RECORD.

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

MARCH 9, 1971.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: Please refer to the Congressional Record of March 8, 1971. wherein letters from FBI officials have been published relative to your controversy with Director John Edgar Hoover.

This is to call your attention to the fact that I sent you also a letter but I don't see any reference to it in the Congressional Record.

May I suggest that it be given the same attention that you afforded the other letters alluded to.

Sincerely yours,

WILLIAM C. SULLIVAN.

MARCH 3, 1971.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: It is suggested, for your consideration, that the central issue of our time is freedom—freedom under law—of thought, expression, worship, action, inquiry, dissent, experimentation, transition, and education. This is the very essence of our dynamic, liberal democracy.

This freedom, however, is not possible without self-discipline and good will among ordinary citizens like myself and also on the part of those, like yourself, who by virtue of their very important positions of public leadership are forces for good or evil.

In view of the above, I was somewhat more than mildly surprised on becoming cognizant of your undisciplined attack on Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and the obvious ill will motivating it. Coupled with this came your conclusions, drawn from an *anonymous* letter purportedly written by FBI Agents. How would you react if an FBI official attacked you on the basis of an anonymous letter?

My many years in the FBI have taught me, among other things, never to rely on rumor, hearsay, gossip and, above all, upon anonymous fulminations. I have learned that evidence, truth and fact, while indeed elusive and difficult to ascertain, must be established before any rational conclusions can be drawn. Yet you, a Senator of the United States, in your emotional attack upon Mr. Hoover, have chosen to ignore this.

Mr. Hoover's unique record, down through the decades, speaks for itself. Any commentary from me would be superfluous, but this I do wish to say—we humans possess both a wonderful and a fearful freedom. It is wonderful when expressed within the context of law and reason. It is fearful when expressed outside this context. The readers of your remarks about Mr. Hoover will decide accurately which context you used.

In closing, may I state that you have the privilege of changing your current *modus operandi*, or continuing on with it. In either case, you should find special significance in Walt Whitman's lines, perhaps already familiar to you:

"Have you learned lessons only of those who admired you . . . and stood aside for you?

"Have you not learned great lessons from those who reject you,
And brace themselves against you? . . . or dispute the passage with you?"

Yours truly,

WILLIAM C. SULLIVAN,
Assistant to the Director, FBI.

DEATH OF LT. GEN. JOSEPH B. FRASER, OF GEORGIA

Mr. TALMADGE. Mr. President, I was very sorry to learn today of the passing of an outstanding Georgian and military leader, Lt. Gen. Joseph B. Fraser.

General Fraser commanded the Georgia and Florida 48th National Guard Division at the time I was Governor of the State, and I greatly admired him and very proudly counted him as one of my warm personal friends.

Mrs. Talmadge joins me in expressing our sympathy on the death of General Fraser.

I ask unanimous consent to have printed in the RECORD an editorial eulogy of him, published in the Savannah Morning News.

There being no objections, the eulogy was ordered to be printed in the RECORD, as follows:

LT. GEN. JOSEPH B. FRASER

Exceptional military leadership in three wars was but a part of the distinguished contribution Lt. Gen. Joseph B. Fraser made to his country and to his state and this region.

His civic pride and his love for Georgia and for his home county of Liberty placed him often among the leaders in developing programs of benefit to his fellow citizens.

His vision placed him among those who saw the possibilities of development of Hilton Head and his energy and acumen made him a leader, too, in many other areas of business.

But it is in his military record that the principles and the dedication to service that marked General Fraser's life are most strickingly reflected.

After rejecting an appointment to West Point as a youth, he entered the service in World War I as a private. He retired a general, with 40 years of service behind him, with many decorations from the U.S. government and its allies, with overseas duty in two conflicts, and with the National Guard owing much to his organizational efforts.

He served under Capt. Harry Truman in World War I and a number of outstanding Georgians served under him in World War II, when he won the highest commendations as commander of the first anti-aircraft outfit to serve in New Guinea. He was honored again for his subsequent service in Europe.

After World War II, General Fraser was asked to spearhead a reorganization of the state's National Guard, which he did, and later he was named to command the Georgia and Florida Guard division, the 48th.

During all this time, General Fraser retained his close ties to his home in Liberty County, where the Frasers had lived for more than 150 years. He kept coming back, developing wide and successful business interests between calls to duty in uniform. He gave years of service to worthwhile church and civic causes and to Boy Scout programs, for which he had a special fondness.

There are few honors that General Fraser failed to win during his life and few forms of recognition that were not bestowed upon him by his grateful country and fellow citizens. He earned them all and his dedication to excellence could well serve as an example and inspiration to others, regardless of their goals. He was a patriot and a leader of rare abilities and a man whose death stirs a deep sense of loss.

JOHN NIEHARDT'S 50-YEAR RECORD AMONG POETS LAUREATE

Mr. HRUSKA. Mr. President, the great State of Nebraska observes an auspicious occasion on April 21. That date is the 50th anniversary of the designation by the Nebraska Legislature of Dr. John G. Niehardt as poet laureate of Nebraska.

While I do not profess to be an expert on poets laureate, I am told that Petrarch, the first poet laureate in recorded history—1341—held his title for 33 years. Two more poets laureate familiar to most of us held their titles for longer periods, Alfred Lord Tennyson for 42 years and John Masefield for 38 years.

To my knowledge, however, no man before in history has held the title of poet laureate for 50 years.

Best of all, Dr. Niehardt is still with us. He celebrated his 90th birthday earlier this year. On April 27, he will be featured on the Dick Cavett Show on ABC. A 4-hour conversation between the two has been edited into a 90-minute program on Dr. Niehardt's life and views of middle America.

The anniversary of his designation by the Nebraska Legislature will be observed in special ceremonies by the Legislature. Dr. Robert Knoll of the University of Nebraska English Department will speak and Dr. Niehardt will respond to a special presentation which will be made by the legislature. Dr. Niehardt will be escorted by the Governor.

Dr. Niehardt lived in Bancroft, Nebr., at the time the legislature gave him his title in 1921. Later he became literary editor of the St. Louis Post-Dispatch and then served 17 years as professor of literature at the University of Missouri.

His life's work however has been recounting the last great westward expansion of a young Nation—from Missouri over the Plains States to the Pacific coast.

His major work, A Cycle of the West, embraces the history of the Midwest in the expansion years of 1822 to the 1890's. The work occupied 18 years of labor by Dr. Niehardt over a period of 29 years.

A comprehensive biography on Dr. Niehardt is expected to be published by the University of Nebraska sometime this year.

In the meantime I would urge Senators and others who are interested in the westward movement across the Plains States to watch the television show on Dr. Niehardt when it appears on April 27.

VIETNAM "OIL FINDS"

Mr. HART. Mr. President, we are haunted by the question of why we continue fighting in Vietnam. What vital American interest is in Vietnam which makes draining our resources and dividing our people a reasonable price to pay for defending it?

Several recent articles have offered the possibility of oil reserves in the area off the coast of Vietnam as the "real" explanation for our continuing involvement. The articles have attracted wide attention and belief. Unfortunately, they are inaccurate and misleading.

Truth has suffered enough as this war has dragged on. We who criticize the war and urge our involvement be ended have been acutely aware of the role of the half-truth in Vietnam debate and have decried its use. This error must now be corrected to protect the effectiveness of the best antiwar tool—truth.

Here are the facts of the Vietnam oil story as I have been able to run them down:

No American oil company holds concessions from the Government of South Vietnam.

There are no producing oil wells in Vietnam—onshore or off.

It is possible that there is oil off the coast of Vietnam; but for a variety of political and economical reasons, racing to develop the potential does not presently make sense for American oil companies.

Most of the articles on the oil producing potential of Vietnam cite a wildly erroneous estimate of the amount of oil likely to be found on the Asian continental shelf and then tie the statistics for all of Asia to statements about the potential of South Vietnam.

Let us consider the inaccurate estimate of the oil potential of the Asian continental shelf. Several authors have quoted the well-known industry trade journal, "World Oil," as estimating that the Asian continental shelf will be producing 400 million barrels of oil a day in 5 years. The estimate appeared in the August 15, 1970, issue.

I asked the staff of the Antitrust Subcommittee to check with World Oil on the number, because 1970 production in the whole world was only 45 million barrels a day. The magazine checked its files and discovered their story had been based on a clipping from the Houston Chronicle for Sunday, March 8, 1970. The story was a UPI dispatch from Singapore quoting "James Gauntt, an American geologist with 15 years experience in the region."

A careful check of the UPI story by the World Oil editors indicated that the story contained several inaccuracies in addition to the incorrect production estimate.

World Oil is now retracting its connection with the story and is notifying those who quoted it as the source. Its stated grounds are that the story is completely impossible.

I ask unanimous consent to insert at the conclusion of my remarks a letter from the editor of World Oil dated March 19, 1971, and the UPI story from the Houston Chronicle dated Sunday, March 8, 1970.

Mr. President, there may be an element of metaphorical truth to saying we are fighting in Vietnam to protect our oil interests. Clearly the air war in Vietnam generates almost as much demand for petroleum products as the interstate highway system. America's largest oil companies are also among her largest defense contractors. War, the threat of war and the threat of Communist inspired political instability have traditionally provided the arguments for granting oil highly profitable special privileges such as the import quota system. But none of these points make oil the real reason for our continued involvement in Vietnam.

Testimony before the Antitrust Subcommittee indicates that offshore oil wildcat drilling is a very risky, very expensive project. Most important for this discussion, testimony suggests that an offshore oil well could be blown up by six divers in a rowboat using simple demolition techniques.

Whatever else one may wish to say about oil companies, the managements are too wise to risk multimillion dollar offshore rigs to the threat of sabotage even with the continuing U.S. military presence.

Mr. President, however tempting the simple answer, we must reject it in favor of the more complex truth for if our political system is to survive politicians must commit themselves to truth. Perhaps that commitment would end the war.

Mr. President, I also ask unanimous

consent to have printed in the RECORD "Fiction and Fact," from the March 22, 1971, issue of Oil and Gas Journal, dealing with this subject, which has just come to my attention.

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

MARCH 19, 1971.

Dr. E. W. BROWNE,
Senate Antitrust and Monopoly Subcommittee, Senate Office Building, Washington, D.C.

DEAR DR. BROWNE: We are deeply disturbed by the fact that WORLD OIL is being quoted as a source of the prediction that Southeast Asia production could reach 400 million barrels per day in five years. As per our telephone conversation, the figure is incorrect.

Because of your report that serious accusations being made are based on WORLD OIL's figures, we further investigated and I believe we have at last discovered the root of the problem.

Enclosed is a copy of a Houston Chronicle report from UPI on Southeast Asia, which cites a Mr. James Gauntt as the source of the prediction that area production could reach 400 million bpd in the next few years. One of our staff members new to the business noted the article, considered the prediction worthwhile and mentioned it in the story on Oceania. Despite our system of checks, the item escaped my attention and the attention of others who read copy. As a result, it unfortunately appeared in the magazine. Of course, the 400 million bpd prediction is completely impossible from even a physical standpoint.

Although no one experienced in oil would consider the number to be even remotely possible, we can see how someone with vested political interests might put it to use. We regret very much that this has happened.

To summarize:

1. The 440 million bpd figure on Page 186 of the August 15 WORLD OIL is incorrect.

2. Mr. James Gauntt, original source of the number, is wrong—if he was quoted correctly.

3. The UPI story also has other varying mistakes, which cast doubt on its authenticity. For example, total expenditure by ALL companies off Louisiana is about $8.5 to $9 billion—no one company has remotely approached the $8 billion investment figure quoted in the article.

4. Oceania does hold much promise as a future producing province. Our best estimate at production in Oceania in 1975 is a maximum 2.0–2.5 million bpd—a considerable reduction from the 402 million bpb figure which has caused so much trouble. The considerable lag time between discovery and production, especially offshore in foreign waters, makes it highly unlikely that production could exceed 2.0–2.5 million bpd by 1975.

5. No offshore discoveries have been made off Vietnam, Cambodia or Thailand, to our knowledge. Until wells are drilled, there can only be speculation that oil will be found in these areas.

I do hope the above clarifies the situation. If we can answer any further questions or be of further service, please do not hesitate to get in touch. Of course, I will very much appreciate receiving the copy of the Congressional Record, which mentions WORLD OIL, and the publications which have cited us as a reference. It is my intention to write each of these publications and advise them of our error.

Since our conversation, I have learned that one James L. Gauntt is now in Singapore. The address we have for Mr. Gauntt is in care of Singapore Petroleum Club, Goodwood Park Hotel, Singapore 10. In addition, you might locate him, if his address has changed, through the U.S. Embassy Directory of American business people in Singapore. I understand such a directory is available from either the State Department or from the Embassy in Singapore. I hope this information is of some use to you.

Again, thank you for advising us of the problem.

Sincerely yours,

R. W. SCOTT,
Editor.

[From the Houston Chronicle, Mar. 8, 1970]

SOUTHEAST ASIAN WATERS EXCITE OIL

(By Max Vanzi)

SINGAPORE.—The Texas drawl is heard almost as often in this hub city of the Orient these days as Chinese and Malaysian dialects.

Oil company men, geologists, drillers, roughnecks and roustabouts are pouring into Singapore. There are 2500 oil and oil-connected American families in the city-state, according to the American Embassy, and that number is expected to increase six-fold this year.

Oil fever is the reason. Lying beneath the ocean floor from the Gulf of Siam through the seas of Indonesia to the coasts of Northern Australia are hidden possibly the world's largest deposits of offshore oil. Forty-one oil groups from nine nations, but predominantly U.S. backed, are searching for it. Reports from the field indicate initial findings have been exciting.

A comment from an oil company executive whose company invested $8 billion in the offshore fields of Louisiana, a major oil producing area, indicates the stakes involved.

"Compared with Southeast Asia the Louisiana area is like a postage stamp on an elephant's rump," he said.

A confidential industry survey reaching the Singapore government estimates offshore oil in Southeast Asia ranges over an area three times as large as the rest of the world's offshore producing areas combined.

COULD BE BIGGEST OFFSHORE FIND

"It could be the biggest offshore find ever," says James Gauntt, an American geologist with 15 years experience in the region. Extensive seismic probes, says Gauntt (and other geologists concur), show signs of an undersea petroleum pattern 300 miles wide and 4000 miles long arching off Indochina south through Indonesia to the shores of New Guinea.

"Assuming they all produce—the offshore fields in Thailand, Cambodia, Malaysia, Vietnam, Indochina—you might see 400 million barrels a day coming out of here in five years time," Gauntt said.

That assessment is corroborated elsewhere in Singapore's new oil community. Southeast Asia "could easily be one of the most active areas in the world in offshore oil production," says geologist James Blake of the Canadian-owned Asamera Co.

Bob Ramsey of Odessa, Texas, agrees and Ramsey is a man who was standing on top when samples came up confirming major oil deposits in Alaska's Cook Inlet in 1964.

"That area, the middleground shoals 65 miles south of Anchorage, made Alaska a major oil producing state," says Ramsey, a drilling superintendent for the Reading and Bates offshore drilling firm. "And I can tell you," he says with a Texas accent, "Southeast Asia is fantastic."

ONE MILLION MILES OF CONCESSIONS

Oil companies to date have bought up some one million square miles of offshore concessions granted by Thailand, Cambodia, Malaysia and Indonesia. South Vietnam, Singapore oil industry sources say, will take bids on 16 concessions in the South China Seas later this year.

Nations granting concessions share the wealth with the producers when and if offshore oil production begins, usually on a 50–50 or 35–65 basis, plus bonuses to the governments if production reaches bumper crop proportions.

At prices of around U.S. $3.40 per 42-gallon barrel, earnings from area-wide production represent a staggering potential in new wealth for the nations concerned.

Thus far, only one field in Southeast Asia is known to be in commercial production offshore. Shell reports production of 133,000 barrels a day in North Borneo, which is part of a large concession swinging out into the South China Sea.

Despite secrecy in the industry, other companies are known to be on the threshold of major production.

The Independent Indonesian American Petroleum Co. (IIAPCO) and Atlantic Ritchfield (ARCO) are reported into three good discoveries off the shores of Northwest Java in Indonesia Geologists report each well could come in within one year, each producing 2500 barrels a day for the next 20 years.

An Esso concession off the east coast of Malaysia reportedly has yielded oil in one well and gas in another from four wells drilled.

HAVE BEEN FAILURES, TOO

There have been failures, too. The Japanese Petroleum Development Corp. (JAPEX) reported a strike in the Strait of Malacca off the coast of northern Sumatra last year but abandoned the well when commercial production proved technically unfeasible, industry sources report.

Oil men emphasize that these ventures are only the earliest probes of the offshore potential. There are 11 offshore rigs presently in the Southeast Asia fields. Schedules call for seven more by June this year. A year from now the oil rush will have brought 30 of the rigs to the region.

Oil production in Southeast Asia, particularly in Indonesia, is nothing new. Marco Polo's journals report he used oil found on the surface to grease the caulking on his ships when he stopped in Sumatra 700 years ago.

Onshore production in Sumatra and Java last year was listed officially at 723,289 barrels per day.

It is the offshore operations that promise boom conditions and preparations to date have already created a boom within a boom in Singapore.

The island republic is situated almost dead center in the long arc where potential offshore fields lie. Singapore is the most industrially advanced state of the region's possible bases of operation.

In November last year, according to a trade journal, there were 78 firms, mostly American allied to the oil industry with offices in Singapore.

ESSO BUILDING REFINERY NOW

Singapore is the location of three major oil refineries, Esso is building another to accommodate 250,000-ton tankers and Shell is doubling its present facility.

One Singapore shipyard has a contract to build one of the world's largest jack-up offshore rigs, the kind that are valued at $7 million and cost $30,000 a day to operate.

The industry-minded Singapore government knows what the supply base business for the offshore oil industry can mean to the local economy.

Singapore stands to gain from the offshore prospecting by catering to such endeavors as geophysical surveys, drilling rigs, boats, supply bases, marine craft construction and maintenance, pipe and steel plate production and handling explosives.

Government economists admit privately that Singapore is not up to the mark in any

of these fields on the scale the oil industry needs.

There already have been complaints. One supply man considering the import of 10,000 tons of shaft pipe says, "I've about had it with Singapore." He could not get the storage land at a lease price he considered fair.

An offshore driller flew into a Texas rage recently when he learned a local shipyard was going to be another day late in fitting his offishore rig before it headed for the Java Sea.

FICTION AND FACT

THE FICTION

Rep. W. R. Anderson (D-Tenn.) in Congressional Record, March 10: "Our boys might be dying in Viet Nam to pacify that region in order that our U.S. oil companies can reap the billions of dollars that are projected to result from the exploitation in that area of what may be the greatest oil field of all."

THE FACT

An unbelievable campaign blaming the American oil industry with working to prolong the war in Viet Nam has swept the country.

It has been given credence by irresponsible reporting in several national publications. It has been given emotional impetus by Mothers for Peace through a letter-writing blitz on Congress. And finally it has prompted leaders in Congress to make speeches demanding an explanation from the Nixon administration.

One fact stands out in the entire affair. The international oil industry is interested in the petroleum potential of the Southeast Asian region. But this interest dates back several years. And the normal and purely commercial activity has been distorted into something sinister.

This has been accomplished by three fictitious conclusions: (1) unfounded claims that vast lakes of oil have been discovered secretly on the continental shelf in Southeast Asia stretching from Burma around to Red China touching the Gulf of Thailand, South China Sea, East China Sea, and Yellow Sea; (2) these oil resources are so vast that the region will be producing 400,000,000 b/d by 1975; (3) and the reason the U.S. is prolonging the war in South Viet Nam and spreading it into Cambodia and Laos is to protect these riches and help the oil companies reap millions in profits.

Oilmen recognize these conclusions as silly on their face; but the emotionalism involved demands that they be treated seriously.

Oil definitely has not been discovered in the Gulf of Thailand or the adjoining South China Sea. In fact, no wells have been drilled. Seismic and other preliminary exploratory surveys, one under auspices of the United Nations, have been made of the region since 1968. Geologists only reported that structures which might contain oil fields lie in the Gulf of Thailand and in the Mekong delta of the South China Sea (OGJ, Apr. 27, 1970, p. 120).

Thailand subsequently let provisional concessions to a group of five American oil companies. Cambodia let its entire concession to a French concern. South Viet Nam has not acted.

The U.S. State Department, in answer to a query from Sen. J. W. Fulbright, stated that "the Republic of Viet Nam has not as yet defined an offshore concession zone—it has not granted offshore concessions nor has it offered any for bid." The Vietnamese Government, in its only action, promulgated a petroleum law in 1970 that attracted keen interest among international oil companies. The law established for the first time the terms under which oil companies would operate.

But until drilling tests these offshore areas, no one can say how much oil—if any—exists in these basins. The rich deltas of vast river systems don't always contain oil—failure of Brazil's Amazon delta to produce oil is the glaring example of this.

With oil exploration in such a preliminary and uncertain stage, the estimate that this region will be producing 400,000,000 b/d of oil by 1975 is preposterous. In the first place, this volume is 10 times present world production. It's doubtful that if oil fields were already defined, the industry could tool up to drill, produce, transport, and refine that much added oil in a short 4 years.

This loose treatment of the facts about oil discoveries in Southeast Asia and potential production rates undermine the creditability of any charge that the U.S. is prolonging the war to enrich oil companies.

Sec. of State William P. Rogers made the Nixon administration's position clear on the issue. In reply to newsmen's questions, he said reports of large oil deposits off South Viet Nam "have absolutely no effect on U.S. policy." He added "we didn't even know about these rumors" of oil deposits until recently.

THE INDEPENDENT TIRE INDUSTRY

Mr. SPARKMAN. Mr. President, George J. Burger is known for his long and capable representation of the interests of independent small business throughout the Nation. On March 17, 1971, Mr. Burger wrote a letter to the Chairman of the Federal Trade Commission regarding the independent tire industry. I ask unanimous consent that his letter and a brief news release which he issued on that date be printed in the RECORD.

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

MARCH 17, 1971.

George J. Burger, Sr., vice president in charge, National Federation of Independent Business, states that in the matter of its complaint barring certain bus-tire leasing arrangements between Nation's largest tire manufacturers, the Federal Trade Commission should proceed in the normal channels prescribed by the Congress when it enacted the Clayton Act (1918), followed by the Robinson-Patman Act (1936) and not resort to any "novel" proceedings.

FTC ORDER AGAINST FIVE MAJOR TIRE MAKERS BANS ANTICOMPETITIVE TACTICS IN BUS TIRE MARKET—FTC RELEASE OF MARCH 12, 1971

MARCH 17, 1971.

Hon. MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: Monday morning on my journey from New York to Washington I noted in the daily press their comments on the above FTC action. I quote the opening paragraph of the article entitled, "FTC Consent Order Would Bar Tire Firms from 'Parallel' Leases With Bus Concerns,"

"A tentative Federal Trade Commission concent order, barring certain bus-tire leasing arrangements by the nation's five largest tire makers, would settle a novel and potentially far-reaching FTC antitrust complaint without a court challenge."

This is very interesting to me due to my background in rubber industry, both as an independent retailer for more than a quarter of a century and as legislative representative at Washington, D.C., for independent tire dealers, in one capacity or another, for more than thirty-five years. I am certain that my efforts for antitrust enforcement are well known by all tire manufacturers, and particularly by the five mentioned in your release—Goodyear, Firestone, Goodrich, General, and U.S. Rubber Company. They are equally known to the Federal Trade Commission and the Antitrust Division of the Department of Justice.

I also noted in the article, ". . . that the five tire makers, without conspiring, were able to acquire 99% of the bus-tire leasing market by independently following 'parallel courses of business conduct'. . ." As to the presence of monopoly in the tire industry, like Al Smith, former governor of New York and 1928 Presidential candidate, often stated, "Let us look at the record."

I am referring to Senate Small Business Committee Print #3, Small Business Problems of the Tire and Rubber Manufacturers and Retailers, 77th Congress, 1st Session, 1941, pages 141–152, particularly the conclusion as to mileage and rental contracts, which I quote,

"Unless the small tire dealers' problems resulting from the competition of the company-owned store, the corporate chain, the oil-company tie-ups, direct consumer sales, and mileage and rental contracts, are speedily solved, the Nation will be face to face with monopoly in the tire industry. Every time these forms of distribution gain, all small dealers lose. The four major companies rely on all forms of distribution, including small independent dealers. The smaller companies rely solely on the independent dealer. As the smaller dealer weakens, the smaller tire manufacturer becomes less strong. The end of the small businessman in the tire industry is not yet here, but unless these problems are solved, it will not be long in arriving."

Also from the same Committee Print, page 145, I quote,

"The Federal Trade Commission, in a report prepared for the Temporary National Economic Committee, stated that 'Investigations and complaints brought by the Federal Trade Commission have gone a long way toward eliminating the practice of tire companies of granting over-riding commissions to the oil companies for permission to sell their stations tires and tubes, dealers feel that the major oil producers must still be receiving a quid pro quo for their efforts to induce their stations to handle only acceptable lines'."

Bear in mind, Mr. Commissioner, that report from the Committee was in 1941. If memory serves me right, these arrangements of override commissions were corrected by the Supreme Court decision, Goodyear-Atlantic, etc., in the late 1950s or the early 1960s.

It would be well to note, also, Senate Small Business Committee Print #6, Small Business and Defense, 77th Congress, 1st Session, 1941, pages 20–21. There appears a letter addressed to me (then in my private capacity), in behalf of the interest of independents in the rubber tire industry on the overall views of the monopolistic trend, written by the late William O'Neil, founder and then President of General and dated Akron, Ohio, July 21, 1941.

Now, as to the continual violation of the antitrust laws by major rubber tire producers, the records of both the Federal Trade Commission and the Antitrust Division of the Department of Justice speak for themselves. It has often been remarked by independent factors that major rubber interests apparently believe themselves beyond the reach of antitrust laws.

A very interesting incident occurred during my career as tire dealer legislative spokesman. During 1947 I was publisher of a small paper devoted to independent dealers. In one issue I covered an antitrust decision affecting certain tire manufacturers. Through my work I had contributed to this decision. This fact was well known in the industry. Believe it or not, shortly after this publication the smaller tire makers who had been advertising in my publication cancelled their advertising contracts.

To go back a bit, in 1929 General Motors started to equip new passenger cars with the fifth, or spare, tire, commencing with the Pontiac then following with all their other lines. The arrangement for the tires was with the U.S. Rubber Company. Bear in mind, this business of the fifth, or spare, tire for new passenger cars had been handled by independent dealers nationwide and this arrangement gave the buyer of the car an opportunity to designate the trademark tire with which he wanted to equip his car. It was not long after this that other car manufacturers followed GM's example and began equipping their cars with the extra tire. This eliminated any chance for the dealer to participate in this business, and caused the small manufacturers to lose their share of this market. The natural course of events to follow was the car manufacturing installing bumpers, etc., getting the complete monopoly.

It is interesting to observe that when the automobile manufacturers took over distribution of these products they charged the car purchasers extra for each of the items under the style of "extra equipment". The customers had to pay for these items in order to purchase cars and were deprived of freedom of choice.

The record will show the up-heaval, which has taken place nationwide on original car equipment, which includes the spare, the so-called bumpers (nothing but tinware), etc. A chief official of one of the five companies mentioned in your release, and the news article I mentioned above, stated to the writer during a conference in Akron, Ohio, May 1950, what it was costing his company with the monopolistic trend, now in control of major tire factories and the major auto companies. How often I have discussed this subject matter with both the FTC and the antitrust officials at Justice. Well do I recall during one such conference that the antitrust officials were most understanding of the charges made, but they remarked, "Mr. Burger, if we were to take that case to the Federal courts, the judge might rule, 'why disturb this convenience to the public'."

The FTC has the full background on the tire manufacturers stores in the retail field for nearly three decades. With the fullest enforcement of the Robinson-Patman Act, enforced without fear of favor under the law, the retail stores of these manufacturers could not operate as they have been. Interestingly, every time legislation has been introduced for correction, in keeping with the provision of the Robinson-Patman Act, the FTC has opposed this legislation.

Finally, pending with the Commission since 1939 is a cease and desist order, U. S. Rubber Company et al., Docket #36–85. I am still wondering, and so are others, 32 years later, when that order will ever be enforced to the limit.

The closing paragraph of the FTC release of March 12 states,

"The complaint and consent order will remain on the public record from March 12, 1971 through April 12, 1971. Comments from the public received during this period will become part of the public record of the proceeding. The FTC may withdraw its acceptance of the agreement after further consideration."

It is my opinion, for the best interest and future of small business, both in the distribution and production fields, and after studying the facts as outlined in this letter, the action charged should be followed through in keeping with the full provisions of the antitrust legislation. There is no reason to deviate from the Clayton or Robinson-Patman Acts as enacted by Congress.

Sincerely,

GEORGE J. BURGER,
Vice President in Charge.

FTC ORDER AGAINST FIVE MAJOR TIRE MAKERS BANS ANTICOMPETITIVE TACTICS IN BUS TIRE MARKET

A consent order provisionally accepted by the Federal Trade Commission prohibits the nation's five largest tire manufacturers from refusing to sell bus tires to the nation's transit companies, and entering into or continuing anticompetitive supply arrangements in this better than $20 million a year business.

The agreed-to order cites The Goodyear Tire & Rubber Co., The Firestone Tire & Rubber Co., UNIROYAL, Inc., The B. F. Goodrich Co., and The General Tire & Rubber Co. UNIROYAL's principal office is at 1230 Avenue of the Americas, New York City, and the other four firms are based in Akron, Ohio.

The complaint charges that the tire manufacturers have followed, without conspiring, parallel courses of business conduct—commonly known as "conscious parallelism"—which has resulted in the transit companies' being virtually unable to change suppliers or to obtain competitive bids for their tire requirements.

Specific allegations in the complaint include these:

The firms refuse to sell the tires outright, supplying them only on a mileage basis, under a so-called "lease."

Upon ending such a "lease," the transit company is required to buy an often inflated inventory of tires outright at fictitiously high prices.

The mileage contracts contain illegal requirements provisions.

The tire companies provide service only in conjunction with the mileage program.

Although the consent order requires the tire manufacturers to sell the tires outright to any would-be purchaser, it permits transit companies desiring to obtain them on a mileage basis to continue doing so.

Other major provisions of the order are that:

Any new contract must contain an optional "run-out"—giving the bus company additional time to continue using the supplier's tires after the expiration date of the contract. (The tire manufacturers, when bidding on another's business, would often suggest this to a transit company as an alternative to the "buy-out" but would not, as a present supplier, ever grant it.) The "buy-out" in existing contracts will be subject to an available option giving bus companies a maximum of 24 months to pay for the tires.

Future requirements contracts are limited to five years.

The transit company is given the right to test a competing company's tires on a negotiated percentage of its fleet. However, it may require the supplier to grant it a five-percent-of-fleet test provision.

The agreed-to order is for settlement purposes only and does not constitute an admission by the firms that they have violated the law.

The complaint and consent order will remain on the public record from March 12, 1971 through April 12, 1971. Comments from the public received during this period will become part of the public record of the proceeding. The FTC may withdraw its acceptance of the agreement after further consideraton.

NO DAIRY PRICE INCREASE MERITED

Mr. McGOVERN. Mr. President, a few days ago I joined with other Senators in asking that the administration maintain dairy price supports at a level of 85 percent of parity. At that time, the administration apparently intended to allow the support level to fall on April 1.

I am pleased that the Department of Agriculture reconsidered its position and has now assured dairy farmers that their income will not fall. This reversal can be considered a victory for those in Congress who spoke out vigorously on behalf of the dairy farmers.

Now we are told that consumer prices for dairy products will rise because in order to maintain the 85-percent level the amount of support payments has to be increased. This is false, and it should be made perfectly clear that price increases will not be the fault of the dairy farmers.

As I said when I asked for the 85-percent level to be maintained:

At the moment, dairy prices to farmers are at approximately the projected support level of 85 percent of parity. Therefore this measure could now be taken without increasing consumer prices. But, unless the support prices are increased, milk prices are expected to drop sharply soon.

In short, if there are any consumer price increases for dairy products, they will not be the fault of the dairy farmer; they will not be the result of maintaining the 85 percent parity level.

No price increase to consumers is merited by the decision to maintain 85 percent of parity. If it takes place, it will be the work of those who seek unfairly to profit from this just decision on behalf of dairy farmers.

FAIR COMMENT OR BLATANT INTIMIDATION

Mr. HUMPHREY. Mr President, this administration is waging a guerrilla war against the news media in a brazen campaign to subvert the first amendment to the Constitution through blatant intimidation which its public relations flaks try to fool us into believing is merely fair comment and criticism.

This guerrilla war is being waged on two fronts—one on each side of the administration's mouth.

While the President repeatedly usurps the public airwaves for his folksy chats with his favorite reporters, lesser lights in his administration are dispatched to attack and intimidate the network news organizations.

These organizations are far from perfect; I have had my criticism of the press, both print and broadcast, but we can never condone governmental action or concerted governmental attack to force them to agree with public policy.

Yet that is just what we are witnessing today. The broadcasting networks are the only facet of the news media controlled by Government license. When that government which controls those licenses—through its appointments to the Federal Communications Commissions and other actions—there is something inherently dangerous when officials of that government launch a campaign to villify and discredit that segment of the news media.

It spells intimidation and it breeds fear. Fear can become a far more treacherous censor than any government czar with

a blue pencil—the implied threat can be stronger than the expressed threat.

I am reminded of something once said by Thomas Jefferson, who was not without his press relations problems. He, of course, was not speaking of broadcast journalism, but his comments apply just as aptly to that medium:

The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I would not hesitate a moment to prefer the latter.

Mr. President, rights bear responsibilities. A Government official has the right to criticize, but he should be wary of straying beyond that into demagoguery and intimidation. Unfortunately, that is just what happened in the recent outbursts against CBS Television's documentary "The Selling of the Pentagon."

I am not here to praise or criticize that program, Mr. President. The question is not whether one agrees with it or not, but whether one agrees with the network's right to report the news as it sees that news.

One of the electronic media's most outspoken critics, Federal Communications Commissioner Nicholas Johnson, has written an articulate, informative, perceptive defense of television news reporting.

I ask unanimous consent that his article be printed in the RECORD.

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

A DEFENSE OF TV VERSUS WHITE HOUSE

(By Nicholas Johnson)

(NOTE.—Johnson is a member of the Federal Communications Commission.)

CBS News, generally recognized as one of the world's finest electronic news organizations, has rightfully come in for special praise for its Feb. 23 showing of "The Selling of the Pentagon." The subject matter was scarcely new or shocking—much of it had been most recently detailed in Sen. J. W. Fulbright's "The Pentagon Propaganda Machine"—but it was an unusual event for American television.

The Washington Post's William C. Woods called it "a gutty and intelligent show." The New York Times' Jack Gould said it was "brilliant . . . uncompromising . . . brave and skillful . . . one of the best (documentaries) on TV in a great many years." Their evaluation and praise were shared by most of the nation's television critics and, for that matter, politicians.

But not Spiro Agnew. President Nixon's resident television critic and censor has now come out with the official administration line on the show. The Vice President has proclaimed it a "subtle but vicious broadside against the nation's defense establishment."

Now that the elections backlash has subsided, the old Nixon has the old Agnew back at the same old stand: Clobber the commentators, needle the newsmen and edit the editors just as soon as the Fourth Estate shows signs of refusing to Dole out the administration line on this or that Nixon/Agnew policy.

This tactic is well recognized. We used to call it "managed news." Nowadays, managed news appears to be shading into a far more nefarious strategy: patent propaganda.

President Nixon is the most accomplished example of government by television; he has used it more consciously and in a more wide-ranging way than any prior President. This refers not only to his prime time "specials" and exclusive interviews; the administration is moving in on the entertainment shows as well, and even—with the help of the FCC earlier this month—the music. But the most obvious part of the strategy remains the frontal assaults.

The Nixon/Agnew Des Moines speech on Nov. 13, 1969, rocketed into public consciousness many questions about the role of television in contemporary society. A resulting dialogue and awareness could have been quite healthy. But those who applauded that blast—on the grounds that the networks deserve everything that is thrown at them—soon came to deplore the consequences they saw on their television screens.

It wasn't funny any more. Nixon/Agnew weren't interested in a dispassionate professional evaluation of media performance. (Former and current CBS men like Ed Murrow, Fred Friendly, Alexander Kendrick and Walter Cronkite have written far more criticism of their own profession—tough, insightful, professional criticism—than Agnew has ever read. Journals like the Columbia Journalism Review do it on a regular basis.)

When Nixon/Agnew criticize ownership patterns, it is the media ownership of those whose views they dislike. When they comment on the "professionalism" of television reporters, they only go after those who are unfavorable. (The White House went after Frank Reynolds with the same vengeance it used on Sen. Charles E. Goodell—and some believe with the same success, although ABC vehemently denies that 12 months of White House dossier on Reynolds had anything to do with his removal.)

The Freedom of Information Committee of Sigma Delta Chi, the professional journalistic society, recently concluded: "If this first year after his Des Moines speech is the beginning of the Age of Agnew in journalism, it does not portend to be a pleasant year for the journalist."

A "CHILLING EFFECT"

The Agnew-induced cowardice in the networks has produced some of the "chilling effect" on free expression that the administration was out to encourage—and that the Supreme Court has used as a standard for governmental actions violative of the First Amendment. The mortality rate for network documentaries seemed unusually high after Des Moines.

A few days after Des Moines, on Nov. 15, 1969, the networks provided only spotty coverage of by far the largest march on the White House in American history. Upward of 500,000 angry Americans flooded Washington to protest the Indochina war; everyone was there, it seemed, except the President and the network newsmen. David Brinkley—among others in electronic media—later acknowledged that this was an unfortunate decision.

Contrast this with the lavish coverage of Bob Hope's Honor America Day eight months later. There was no protest then from the Vice President; the President was obviously pleased to have the networks busy themselves with the apple pie view of America. Picking up the spirit of the times, ABC Sports banned halftime coverage of the Buffalo-Holy Cross football game because it had to do with the "controversial" subject of peace but provided a nationwide audience for the chairman of the Joint Chiefs of Staff to say a few words on behalf of war at the halftime of the Army-Navy game.

The Age of Agnew has brought a rash of chilling incidents. Broadcasting Magazine reported that a major network outlet in the Southwest, which had presented a program supporting the networks against the Agnew blast, was visited twice by several men with the avowed purpose of beating up so-called "anti-Agnew newsmen." The Alfred I. duPont-Columbia University Survey of Broadcast Journalism in 1969-70 reported that other stations in "sensitive areas" were adopting a locked-door policy after office hours.

The Vice President himself is not unaware of the techniques of propaganda. On a swing through Asia last year, he spent 24 hours in Vietnam. The three television networks were limited to a single "pool" camera crew. At the same time, the Agnew entourage permitted the USIA (which later produced a feature film of the trip for worldwide distribution) to have four camera crews. All three networks protested the favored treatment given the government's "propaganda" arm; one network news executive called it an "outrage."

A ONE-TWO PUNCH

What emerges is the overwhelming impression of an administration whose focus is fixed on the little glass screen. President Nixon surrounds himself with advisers whose principal experience is in advertising, public relations and broadcasting; his first appointments to the Federal Communications Commission and related agencies were designed to foster administration control and industry orientation.

The full panoply of governmental power—including the Vice President, the Justice Department and its subpoenas, the Federal Trade Commission, the FCC, the Pentagon, the Subversive Activities Control Board, the Internal Revenue Service and other agencies—potentially available to use on the broadcasting industry in an unprecedented attack on a government-licensed medium. An office of "Director of Communications"—believed to be the first so denominated outside Communist and fascist countries—is established in the White House to survey the media and coordinate the attack.

Broadcasters are kept off-balance by the one-two punch of barely camouflaged intimidation and acts of censorship together with the promise of an economic payoff for those who cooperate. President Nixon does not hesitate to seek to exploit commercial television as a channel for administration ideology. The FCC supports broadcasters who restrict the access of nongovernmental groups to TV, and legislation designed to place limitations on campaign financing is vetoed for what appear to be partisan reasons. Television was abused and exploited as never before in the 1970 congressional election campaign.

Broadcasters and record industry executives have been called to the White House—with the FCC chairman in attendance—and urged to get "drug lyrics" off the air. The White House called in Hollywood writers and producers to try to get them to insert anti-drug sketches into regular entertainment shows—which they promptly did. Now the FCC has stepped directly into the act with its order barring rock music "tending to glorify . . . marijuana."

I do not mean to disparage the very real problems of alcoholism and hard drug usage when I say that the "marijuana problem" has become part of a political diversionary tactic. If you're thinking about pot—whatever you're thinking about it—you're not thinking about the land war in Asia, race prejudice, poverty, environmental pollution or any other of the generally acknowledged issues of our time. (It's more than ironic that the other CBS documentary Agnew singled out for attack was "Hunger in America.")

REPORTING THE WAR

This is all deeply disturbing. How long will it be before the drug lyric kind of pep talk from the White House will become standard operating procedure on other vital issues, say the SST (on which an "industry-labor committee" ran a spot campaign), campaign reform or the Laos phase of the Indochina

war? No doubt very soon—particularly if there is likelihood of success.

It is no secret that the administration is deeply disturbed about current reporting of the Indochina war. The network news out of Laos, reporting costly and disappointing progress for the administration's Vietnamization policy, has not squared well with the rosy view of "success" the government propagandists have been trumpeting.

Mr. Nixon's slipping public image and growing credibility gap are to be blamed on the failure of the networks to Dole out the news as the administration would like it portrayed. It is thus not surprising that Nixon/Agnew renewed their attack on the networks from Boston March 18. But what is frightening is the open, brazen effort to affect ideological content. The hypocrisy is crystal clear.

It is not only hypocrisy, but what can most generously be described as an omission of relevant facts. Nixon/Agnew are as desirous that the American people remain ignorant of poverty and hunger as they are to repress discussion of Pentagon propaganda.

Their text quotes from an FCC order regarding "Hunger in America." What they fail to quote—from the commission's unanimous October, 1969, order—is even more relevant:

"We commend CBS for undertaking this documentary on one of the tragic problems of today . . . [I]n this democracy, no government agency can authenticate the news or should try to do so. We will therefore eschew the censor's role, including efforts to establish news distortion in situations where government intervention would constitute a worse danger than the possible rigging itself . . . [W]e believe that no further action is warranted."

As for the CBS investigative report that was never shown of a Haitian invasion that never came off ("Project Nassau"), the matter is currently under investigation by the FCC. Although the Vice President violates no law by criticizing before all the facts are in, I perfer to hold my judgments until later, and I wish he had.

A CRITIC OF BARONS

Let me make my own position—as the President might say—perfectly clear. I have criticized television as much as anyone, and I intend to go on doing so (although I have tended to criticize the corporate censorship on network prime time television—which is not news and public affairs—rather than the professional journalists themselves, whom most candid critics recognize as being responsible for TV's finest hour, or half hour). But I hope my criticism has been devoid of ideological content.

It's not just media baronies owned by "bad guys" that bother me; it's media barons of any stripe. It's not just the failure to represent my friends and life style on prime time television shows that raises my ire; it's the censoring of reality generally, a view of American life as it is lived by real people. And so forth.

Nor do I consider CBS a friendly power. Some of the toughest public attacks I have suffered from the broadcasting industry while a commissioner have come from men like CBS's Richard Jencks and Dick Salant. They may have been public attacks—open and clean with none of the backbiting and blacklisting that come from other quarters—but they have been tough. So CBS is no friend of mine.

But when I differ with Nixon/Agnew is that I welcome network executives and newsmen who will stand up to me and talk back. As a government official. I will even gladly suffer a few exaggerations, ad hominum arguments and misrepresentations directed my way rather than live in a country where some federal official is telling the media what they can tell the people—even if that federal official is me.

Because what Nixon/Agnew are really up to is to try to convince the American people that they cannot believe their media. CBS reported Agnew as saying in Boston March 19, "They [the American people] cannot rely on CBS documentaries for facts." Who, pray tell, are they to rely on, Nixon/Agnew? It's not very subtle, is it? Nor is it smart.

If democracy works the way we hope it does, Nixon/Agnew's appeals, like those of Sen. Joseph McCarthy and all others before them, will get a fair test in the marketplace of ideas (unless the FCC further extends its list of prohibited subjects). Television can help.

Let's hope the tube can keep its McLuhan cool long enough to get us through.

THE WAR ON HUNGER

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Whatever Became of the Hunger War?", and published in the Washington Post of today. Written by Nick Kotz. The article relates to the serious implications of eliminating the food stamp program as part of the welfare reform package that might be passed by Congress this year. Mr. Kotz raises the fundamental question of whether we are in danger of abandoning our commitment to guaranteeing America's poor adequate diets. I, for one, have no intention, of letting such an unfortunate occurrence come to pass without bending every effort to prevent it.

At the end of his article, Mr. Kotz mentions Vice President AGNEW's attack on the CBS documentary, Hunger in America, and the fact that the Office of Economic Opportunity, following the Vice President's lead, has decided to stop showing the film as part of its information program. I am extremely disturbed by this decision by the Office of Economic Opportunity. But, it is the kind of action that I feared would follow the Vice President's speech. I have personally reviewed the record of Hunger in America and am convinced that the essential thrust of the program remains untarnished.

The Vice President's speech was designed to bring into question the integrity of the news documentary division of the Columbia Broadcasting System. The point of the Vice President's critique was that CBS had a history of deliberately slanting its news documentaries, including its latest effort, "The Selling of the Pentagon."

As a part of the history of slanting the news, the Vice President cited the making of the award-winning documentary, "Hunger in America." The Vice President alleged that the "conclusions drawn by responsible investigative agencies in the government" supported his conclusion that the CBS news-gathering organization was not to be trusted.

The Vice President went on to cite the alleged conclusions of the Federal Communications Commission regarding "Hunger in America," including such "distortion," to use the Vice President's word, as saying a baby was dying of malnutrition, when in fact it was not; of paying participants to perform as directed; of closing the doors at a commodity center to make sure a long line formed; of trying to force a doctor into making a more dramatic statement about malnutrition.

If these allegations were in fact the conclusions of the FCC, it would indeed be extremely disturbing. In fact, they are not. In fact, the FCC concluded that there was no evidence to show that CBS had tried to do anything but an honest job on "Hunger in America." Contrary to the Vice President's "conclusions" about the FCC report, the FCC report itself supported the integrity of CBS and its News Documentary Division. The FCC stated:

Upon the basis of the foregoing discussion, we conclude that no further action is warranted here with respect to the issues of slanting the news—the issue which was presented in the complaints.

Let me be specific about the Vice President's allegations and the FCC's conclusions.

First, the Vice President cites the FCC statement that the child shown in the documentary was born prematurely, apparently as a result of a fall by its mother, and died of causes other than malnutrition. The fact that CBS stated the child was dying of starvation, said the Vice President, was a "distortion" designed to serve "the network's purpose of whetting viewer interest." The FCC said no such thing. The FCC said that:

CBS had been told by hospital personnel that the wards in which the baby was filmed were "filled all the time with babies suffering from diarrhea and malnutrition" and that "there were a high incidence of premature births due to malnutrition in the mothers. . . .

The FCC concluded:

From the foregoing, it is apparent that . . . CBS had reasonable basis for assuming a very high prevalence of malnutrition in the nursery and pediatric wards.

Second, the Vice President referred to the "evidence submitted" that CBS had, to be blunt, paid some people off to get them to say what CBS wanted them to say, forced people to form a long line so CBS could get a better shot, and deliberately ignored a doctor's "more balanced" presentation of the problem. Unfortunately, the Vice President ignored what the FCC concluded about the "evidence submitted." I would like to cite the FCC's conclusions about the "evidence" for the record.

On the issue of pay-offs, the FCC concluded:

In view of the absence of any indication of any wrongdoing by CBS, the Commission does not believe that any further inquiry into this matter is warranted.

On the issue of forcing people to form a long line, the FCC concluded:

In view of the statements of the welfare department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance door to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect.

Finally, on the issue of badgering the doctor, the FCC concluded:

There is a conflict of evidence on this aspect of the complaint, and it does not ap-

pear that further inquiry is warranted to resolve it.

Mr. President, if there is any slanting of the news going on here, I suggest it is more in the Vice President's selected use of the information available in the FCC report than in the documentary, "Hunger in America." Frankly, I would not have taken the time to dig into the FCC report simply for the sake of defending CBS against the Vice President. In that dispute, I am confident the American people are quite capable of reaching their own conclusion. But I felt the Vice President's criticism of the documentary carried the implication that the real and urgent problem of hunger in this country had been exaggerated. For this reason, I felt it necessary to set the record straight as to the FCC's real conclusions regarding the trustworthiness of CBS and the documentary, "Hunger in America." Also for this reason, I intend to sponsor a public showing of the documentary on April 15 in the Senate Auditorium.

I ask unanimous consent that the Vice President's speech and the FCC report be printed in the RECORD.

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

WHATEVER BECAME OF THE HUNGER WAR?

(By Nick Kotz)

When he pledged in 1969 "to put an end to hunger in America itself for all time," President Nixon stressed "I not only accept the responsibility—I claim the responsibility." Twenty-two months later, questions arise whether the President remains fully committed to his pledge and whether he has abdicated the responsibility to the House Ways and Means Committee.

The President and Congress can share credit for responsible reforms in the food stamp and school lunch programs, which are easing the plight of at least some of the 25 million Americans who simply do not have enough income to purchase a minimally adequate diet.

But at the moment when a major breakthrough seems possible in eliminating the shame, pain and devastation of American hunger, the Nixon administration and key members of Congress have suddenly marched off in a new direction.

The administration and Rep. Wilbur Mills (D-Ark), chairman of the House Ways and Means Committee, have agreed on a tentative welfare plan that would both eliminate food stamps and endanger even the present inadequate welfare benefits to the poor in 45 states. The relief recently granted the hungry poor could be swept right back off their plates.

The foundation of President Nixon's May, 1969 commitment to end hunger was a generous food stamp program. In his message to Congress, the President stressed that the poorest should get free food stamps and that no poor family should spend more than 30 per cent of its income for food stamp aid. These were important, if little understood principles.

These presidential food aid principles recognized that food is the item most often slighted in a poor man's tenuous budget.

Take a family of four living on $200 monthly ($2,400 annual) income. The Agriculture Department says a four-person family must spend $106 monthly ($1,272 annually) to purchase an "economy diet" and $134 monthly ($1,608 annually) to buy a "lowcost diet." The monthly demands of the landlord alone means that such a family cannot regularly, if ever, make the financial commitment to adequate nutrition. Millions with less income have far greater food problems.

That's where the food stamp program came in. The family spent $60 monthly out of its $200 total income to receive $106 in stamps, used at groceries to buy food. The $552 in food stamp bonuses raised the family's total income from $2,400 to $2,952.

This is a complicated "second money" system. It demeans the poor. It requires them to allocate a fixed percentage of their income for food. It does not help the poor meet their many other needs for which they don't have money. Adequate cash income obviously is preferable. But it does get food on the plate and 10 million people have flooded into the program. The number will soon rise to 15 million.

The original Nixon administration Family Assistance Plan called for families to retain their food stamp benefits.

And significantly, the President told Congress, "In no case would anyone's present level of benefits be lowered." States were required to maintain welfare benefits that were above the President's $1,600 federal payment for a family of four.

But for the moment at least, officials of the administration and members of the Ways and Means Committee have renounced both food stamp aid and the principle that no one would lose benefits.

Take the family of four with $2,400 welfare income. This family would still get a minimum of $2,400 with the federal government now paying the entire amount. It would lose its $552 in food stamp bonuses. The family's effective income would decrease unless the state voluntarily maintained its former contribution to welfare and made up for the food stamp loss. States have never paid for any part of the food stamp program and are not likely to start doing so now. States would not be required to spend a dime. Many state officials would be pressed to use all their welfare savings for state tax relief.

The poor in only five Southern states would be guaranteed an increase in benefits. The hungry poor could be right back where they started. To avoid this possibility, the President pledged originally that food stamps would be retained until a cash-income program was truly adequate.

Hopefully, the administration will remember its own food program history lessons better than Vice President Agnew did last week in criticizing CBS's 1968 documentary "Hunger in America." This is the same program President Nixon praised on Feb. 3, 1969, for arousing the nation's conscience to the horrors of hunger in our affluent midst.

Following the Vice President's revisionist view of history, the Office of Economic Opportunity no longer lends the CBS film on grounds that it is "one sided." It showed the side of emaciated, hungry children. What is the other side?

Congress and the President may tell us as they decide what constitutes "welfare reform."

ADDRESS BY THE VICE PRESIDENT

BOSTON, MASS.

March 18, 1971.

There is no doubt that the framers of our Constitution considered the Vice Presidency an office suitable for men of energy. Until the ratification of the 12th Amendment in 1804, the defeated major Presidential candidate was usually elected Vice President. This created some interesting stresses. Over the years, however, the Vice Presidency has lost its political punch and become the most placid and uncontroversial of political positions. Indeed, as presently structured, it may be compared to an adjustable easy chair. The occupant has his choice of either reclining sleepily or sitting up alertly. The posture adopted is inconsequential, because it is virtually certain that no one will notice which attitude has been selected.

Whatever his decision, however—whether he has dozed amiably or listened attentively—it has been traditional for a Vice President to be indulged by the intellectuals and opinion-makers of his time with nothing harsher than a deprecating comment or a condescending joke.

In recent years, the rules have been amended to allow Vice Presidents to talk—so long as they are careful to say absolutely nothing. This privilege was heavily exercised and refined to a high degree during the last Administration.

And in regard to Vice Presidential strictures, it seems appropriate to note—on the occasion of a Lincoln Day Address before the oldest Republican organization in Massachusetts—that, following four years of lassitude as Abraham Lincoln's Vice President, Hannibal Hamlin suddenly found himself Collector for the Port of Boston.

In my own case, I found it an onerous choice between the ennui of easy chair existence and pointless verbosity. And so, quick Constitutional research revealing no authoritative reason why a Vice President is required to choose between catalepsy and garrulity, I forsook the comfortable code of many of my predecessors, abandoned the unwritten rules—and said something.

Well, in case you haven't heard, my unorthodoxy produced some rather sharp reverberations. It was as though an earthquake, registering eight on the Richter scale, had disturbed the foundations of the *New York Times*, or the funnel of a tornado had dipped into the editorial offices of *Time-Life*. Everywhere, big media referees were flinging down their handkerchiefs and calling foul. The *Washington Post* stepped off fifteen yards for un-Vice Presidential-like conduct. *Time* magazine waved me to the penalty box. And Eric Sevareid took two free throws at the line—both rolling around the rim and, as usual, dropping out.

Finally, the tremors and tumult subsided. Whereupon my critics from all walks of life consulted among themselves and brought forth the strongest indictment they could muster.

"The Vice President," they intoned, "just doesn't seem to understand."

If true, the charge would be a serious enough reflection on the condition of the Republic. But worse was yet to come. After my speech on the responsibilities of a free news media in a free society, and after the networks had been deluged with mail in support of my conclusions, a noted network newscaster enlarged the indictment by declaring that, not only the Vice President, but the American people as a whole simply don't understand.

Let me quote that spokesman directly.

"The public," said Walter Cronkite recently, "does not understand journalism. They"—that means you and me—"do not know how we work, they do not believe we can hold strong private thoughts and still be objective journalists."

And that's the way it was—or at least the way he saw it—in November, 1970.

Mr. Cronkite has stated the case well. He has discerned and defined the scope of the widening credibility gap that exists between the national news media and the American people—a gap which has simply been reported, not created, by this non-understanding Vice President. By "national news media" I mean the powerful news outlets having not just a regional, but a national, impact.

Now, before I proceed further, let me pause to observe that, in all probability, my mere utterance of the words "national news media" has in the past few minutes again set the ideological Richter needles quivering all along the Manhattan-Washington fault line.

For "national news media" is, after all, the forbidden phrase of modern American politics.

To be sure, such is the power of the national media today that of all our political, social and economic institutions, they seem to be able to cloak themselves in a special immunity to criticism. By their lights, it appears, freedom of expression is fine so long as it stops before any question is raised or criticism lodged against national media policies and practices.

Nor is the national media's refusal to abide criticism reserved for utterances of a Vice President or, as I will momentarily point out, a Congressman or a member of a Presidential Cabinet. Any citizen who has suffered the frustration of being rebuffed when calling or writing to complain about inaccurate or biased news reporting knows exactly what I mean.

Yet, any extremist who dignifies our adversaries and demeans our traditions is sought out and spotlighted for national attention. He is interviewed as though he were representative of a large following and is treated with the utmost deference as he unloads into millions of American living rooms his imprecations against society and disrespect for civilized law. Such attacks against American institutions are editorially lauded as healthy demonstrations of freedom of expression in a free society.

Again, when the president of a prestigious university assaults our nation's judiciary by declaring that certain defendants cannot receive a fair trial in an American court, he is not charged with attempting to "intimidate" the courts. On the contrary, he is praised by important segments of the national news media for contributing to what they term "the dialogue."

And, as I shall discuss in a few moments, when a major television network delivers a subtle but vicious broadside against the nation's defense establishment, accusing it of disseminating deceptive, self-serving propaganda, contrary to the country's interest, that, too, is considering a legitimate exercise of the right to free expression in the public interest.

But let no man be so bold as even to utter the words "national news media." For, as we are forewarned by the national media themselves, the merest mention of the phrase by a man in government somehow constitutes a form of "intimidation" so great as to pose a fundamental threat to the people's right to know.

And so tonight, in once again taking up matters involving an important segment of the national news media, I believe it only fitting to cite some authority within media ranks to reinforce my right to do so.

Hear now the words of Mr. Frank Stanton, president of the Columbia Broadcasting System:

"No American institution," Mr. Stanton has said, "including network news organizations, should be immune to public criticism or public discussion of its performance."

I wholeheartedly agree. Proceeding from this premise, I therefore intend to discuss the public's right to know more about the performance of Mr. Stanton's network news organization in two cases involving documentaries—instances wherein CBS itself has claimed an immunity from criticism illbecoming one of the country's major institutional critics.

For those who would challenge a Vice President's right to discuss such matters, let me say this: I do so only to raise questions which, if answered, will shed light on an area of network news operations about which the public knows little and needs to know more. These questions do not originate with me, nor do they arise from any partisan political considerations. Others before me, including the Federal Communications Commission, a Special Subcommittee of the Congress and a former Democratic Cabinet member, have asked Mr. Stanton similar questions, to no avail.

However, considering the serious charges leveled recently by the CBS television news organization against the public affairs activities of the Department of Defense, the matter of the network's own record in the field of documentary-making can no longer be brushed under the rug of national media indifference.

Little less than a month ago, on the evening of February 23, 1971, CBS television broadcast a one-hour documentary entitled, "The Selling of the Pentagon." The substance of this documentary was that the Department of Defense is subjecting the American people to, I quote, "a propaganda barrage . . . the creation of a runaway bureaucracy that frustrates attempts to control it."

"Nothing is more essential to a democracy," read the CBS script, "than the free flow of information. Misinformation, distortion and propaganda all interrupt that flow."

No one can disagree with the latter statement. But just as he who enters a court of equity should come with clean hands, the news organization that makes such charges should itself be free of any taint of misinformation, distortion and propaganda in its own operations. In this regard, it is the CBS television network, not the Department of Defense, that leaves much to be desired in terms of "the free flow of information."

Let me be specific. What I cite here is not simply the opinion of a single public official, but conclusions drawn by responsible investigative agencies in the Government and the Congress. These conclusions are contained in reports which in themselves would have made excellent documentary exposes, save for the fact that the national news media have given them scant attention. They concern the production and editing techniques employed by CBS personnel in the making of the documentaries "Hunger in America" and "Project Nassau."

Many in this audience may have been watching on the evening of May 21, 1968, when the attention of millions of Americans tuned to CBS television was drawn to the on-screen image of an infant receiving emergency treatment while a narrator's offscreen voice said:

"Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead."

This was compelling film footage and narration designed to awaken the public conscience to a serious social problem. The only thing wrong with it was that it was untrue—but wait, let the official Federal Communications Commission report tell the story. I quote from the official report:

"Our post-broadcast investigation revealed that the infant who was filmed by CBS in the nursery, and who was shown in the relevant segment of the 'Hunger in America' program. . . .was born prematurely. . . apparently as the result of a fall taken by the mother on the previous day. . . The infant died on October 29, 1967, the death certificate shows the cause of death as 'Immediate cause: Septicemia. Due to: Meningitis and Peritonitis. Due to: Prematurity.' There is no evidence to show that either the mother or father was suffering from malnutrition . . ."

Thus, although the dramatic footage which opened the documentary "Hunger in America," may have served the network's purpose of whetting viewer interest, the baby shown "dying of starvation" in fact died of other causes.

Nor, as investigation of the production revealed, was this distortion only an incidental aspect in the overall production of "Hunger in America." Evidence was submitted that CBS personnel had, in the words of the report, "paid participants on the program to appear before its cameras and perform as per their instructions;" that the CBS crew "requested that the doors of the commodity distribution office be closed to allow a line of people to form;" that a physician was asked to make "more dramatic statements" and when he refused, the segment of the program featuring his more balanced view of the problem on malnutrition in the area was edited out for being "too technical."

In a letter to Mr. Stanton, then Secretary of Agriculture Orville Freeman cited numerous other instances of factual misrepresentation and distortion contained in the documentary. He asked for equal time to present a Department of Agriculture response to the network program. The network denied this request.

Now, having myself gained some experience in what to expect by way of negative network response to public criticism, I can fairly predict what Mr. Stanton and other CBS spokesmen are likely to say tomorrow morning concerning my recital of the case history on "Hunger in America." They will ask why this matter should be brought up again, at this time.

My answer is that I believe it both timely and in the public interest to point out that the same CBS employee who wrote the script to the 1968 documentary, "Hunger in America," wrote the script to the 1971 documentary, "The Selling of the Pentagon."

A second and even more startling case history of a documentary-in-the-making involves the participation of CBS personnel in an aborted effort to film a 1966 invasion of Haiti. The network's role in this effort, called "Project Nassau," was investigated last year by the Special Subcommittee on Investigations of the House Commerce Committee. Here again, let the report of the investigative body tell the story. I quote:

"The activities preparatory to 'Project Nassau' involved more than the filming of sham events, manipulation of sound tracks, and the like. Underlying the whole activity was the earnest endeavor by a group of dangerous individuals to subvert the laws of the United States. Had it been successful, the conspiracy would have produced a crisis for American foreign policy in the sensitive Caribbean area. Six men have now been convicted for their part in this conspiracy."

Continuing with the House Subcommittee report on CBS' participation in "Project Nassau":

"CBS funds were provided for the leasing of a 67-foot schooner which was to be utilized by the invasion force; expenses were reimbursed for the transportation of weapons which were to be subsequently used by the conspirators; various payments were made to . . . the leader of the invasion conspiracy, with full knowledge of his identity and his criminal intentions. If these acts did not actually involve the network in the conspiracy to violate the U.S. Neutrality Act, they came dangerously close to doing so."

Concerning such illegal activities, the House Subcommittee, in the course of its investigation, made public a CBS policy memorandum which, to quote from the views of a bi-partisan group of Subcommittee members, "represents a level of irresponsibility which should no longer be tolerated if the public interest is to be served."

Let me read here from that CBS policy statement to its employees:

"CBS personnel will not knowingly engage in criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime."

Now keep in mind, I am directly quoting the network's policy statement to employees.

"Obviously, there may be exceptions which ought to be made on an ad hoc basis even to so absolute a rule."

Small wonder that the House Subcommittee termed the results of its "Project Nassau" investigation, "disquieting." The Subcommittee said:

"To the average viewer, unsophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employees and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera . . .

"A disturbing conclusion after the inquiry to date with respect to 'Project Nassau'," said the House Subcommittee, "is that the CBS News organization, having become elated at the prospect of a sensational news first—a complete documentary of the forcible overthrow of a foreign government—proceeded in a reckless attempt to capture the hoped-for film, and that it did so with no great regard for either accuracy or legality."

Here, again, this investigation of the making, of a CBS documentary bears on the network's more recent production, "The Selling of the Pentagon." For the executive producer of the aborted documentary, "Project Nassau," also served as executive producer of "The Selling of the Pentagon"—a documentary, keep in mind, that sought to indict the Department of Defense for "misinformation, distortion" and the alleged staging of events.

But disquieting as are the results of these investigations by the FCC and the House Subcommittee, there is an even more disturbing note to be added here concerning media treatment of the reports themselves.

Who can doubt that had the evidence uncovered and the conclusions drawn by these investigative bodies related to any other industry or institution they would long ago have become, to coin a phrase, household words? The national news media would have made them so—just as CBS even now seeks to exploit its purported "findings" regarding the Pentagon.

Yet, when the industry and institution involved is itself a part of the national news media, a strange silence and rare restraint inhibits the people's right to know. So powerful is this inhibition that neither a Cabinet member, nor an Executive agency, nor a Congressional Committee was effective in bringing to public attention the serious matters to which I have addressed these remarks. And I have grave doubts about how much of my criticism tonight will be carried in the national media.

My purpose here, however, has not been to pillory or "intimidate" a network or any segment of the national news media in its effort to enhance the people's right to know. Rather, it is, once again, to point out to those in positions of power and responsibility that this right to know belongs to the people. It does not belong to the national networks or any other agency, public or private. It belongs *to the people themselves,* and they are entitled to a fair and full accounting of the truth, and nothing but the truth, by those who exercise great influence with their consent.

"We are living through dangerous times," concluded the House Subcommittee. "In these days it does not seem too strong a statement to say that the survival of the American society may depend upon the political and social judgments made during the next few years by the American electorate. Sound judgment presupposes valid information. The American public looks in great measure to the electronic news media to provide that information."

Let the people's representatives—not only in their government but in their national news media—also look, listen and take heed.

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

In Re Complaints Covering CBS Program "Hunger in America"

MEMORANDIUM OPINION

(Adopted October 15, 1969)

BY THE COMMISSION:

1. The Commission has before it several complaints regarding the CBS documentary program, "Hunger in America," broadcast initially over the CBS network on May 21, 1968, and later repeated; e.g., letter from Congressman Gonzales of September 24, 1968; and letter of Congressman Gonzales dated May 29, 1969, forwarding to the Commission copies of the transcript of hearings of the House Subcommittee on Appropriations.[1] The charges center particularly about the cause of death of the baby shown in the opening segment of the program and said to be "dying of starvation." In this regard, they raise questions concerning CBS' good faith and the adequacy of its efforts to ascertain the facts prior to broadcast. We shall first set out the background facts to the complaints, then the results of an investigation undertaken after receipt of the complaints, and, most important, the applicable legal and policy considerations as developed in recent rulings and amplified in this case.

A. BACKGROUND FACTS

2. "Hunger in America," first televised on May 21, 1968, was partially filmed at the Robert B. Green Hospital in San Antonio, Tex., on October 26, 1967, by a CBS camera crew. In the opening minutes of the program a very small baby is shown receiving treatment while the narrator states:

"Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead."

The program segment in question was filmed in the nursery for premature babies at the Robert Green Hospital. The CBS "Hunger in America" crew spent several days at the hospital in October 1967, and as part of their effort asked to film the nursery for background scenes, the intention being to concentrate on no particular infant. The hospital representative through whom the CBS crew worked arranged access for the crew and, since the purpose was background footage, no releases were sought from the infants' parents or guardians. Releases for other portions of the film were secured by the hospital's social service staff for the benefit of both CBS and the hospital. While the CBS crew was present in the nursery on October 26, 1967, sometime between 8 a.m. and noon, a CBS cameraman observed that one of the infants had stopped breathing. Dr. Luis Montemayer, the resident physician was summoned. Dr. Montemayer resuscitated the infant and the CBS cameraman filmed the entire incident. CBS did not seek to ascertain the identity of the infant until after the network broadcast of "Hunger in America."

3. The complaint of Congressman Gonzalez charges that segments of the program were "totally false in part and erroneous or misleading in other parts" (e.g., inaccuracy as to the number of hungry people in San Antonio); that the film was not that of a baby dying of starvation but instead was of a baby born prematurely, whose mother and father were healthy and well nourished; that CBS, "in full knowledge that the picture is false, is using it to promote an award for itself on the program"; that CBS did not interview the physician who treated the infant, had not checked medical records, and was not even certain of the child's identity; that the news team had not interviewed the parents nor obtained permission from them to film the baby or use the film in its broadcast; that CBS "coached" a doctor to "make dramatic statements" on malnutrition in San Antonio, and that with respect to these segments of the program, "CBS has approached the outer limits of heedless and reckless disregard for accuracy." These charges apparently were based on a San Antonio Express-News story of July 14 by Mr. Kemper Diehl, reporting the result of an investigation into the matter, and on other information given by Mr. Diehl. According to Mr. Diehl, a Negro college student had identified himself as the father of the dying baby shown in the film; the parents denied that the baby died of malnutrition; the baby was prematurely born in the 26th or 28th week of pregnancy; the mother reported that the birth occurred prematurely after she suffered a fall; and when the baby was 2 days old the mother had been at the premature nursery and had seen films being made of the child.[2]

4. Mr. Richard S. Salant, president of CBS News, stated, regarding the identity of the baby in question and the factors leading to its death, that "we relied for our information on these points on statements given to our newsmen by the hospital official through whom they deal principally in their visit to the hospital. * * * We ourselves are unable independently to identify the baby because, in filming the premature baby ward, we had no intention of studying any individual case in that ward and the babies filmed were thus not identified for us." As to whether CBS coached a physician, Mr. Salant stated that CBS merely asked the doctor to make his statements less technical. Finally, CBS states that it had an appropriate authority for its statement as to the number of hungry people in San Antonio.

B. RESULTS OF COMMISSION INVESTIGATION

5. The Commission, following receipt of the complaint, conducted an investigation of the matter. We have also, of course, taken into account the congressional investigation (see pars. 12–17, infra).

6. Our postbroadcast investigation revealed that the infant who was filmed by CBS in the nursery, and who was shown in the relevant segment of the "Hunger in America" program, was a Claude Wayne Wright, Jr. Hospital records show that the Wright infant was born prematurely on October 24, 1967, apparently as the result of a fall taken by the mother on the previous day and weighed 2 pounds 12 ounces at birth. On October 26, 1967, the Wright infant was shown as weighing 2 pounds 5 ounces and as having suffered a cardiac and respiratory arrest treated by Dr. Montemayer. The Wright infant died on October 29, 1967, the death certificate shows the cause of death as "Immediate cause: Septicemia. Due to: Meningitis and Peritonitis. Due to: Prematurity." There is no evidence to suggest that either the mother or father was suffering from malnutrition.[3]

7. Turning now to the question of how CBS came to identify the Wright infant as having died as the result of malnutrition, the following are the pertinent facts. Prior to the nursery filming, Mr. Martin Carr, produce of "Hunger in America," was told by Dr. Elliott Weser, in an interview which took place in the pediatric ward, that most of the babies in that ward were suffering from malnutrition and that three wards are "filled all the time with babies suffering from diarrhea and malnutrition." Mrs. Vera Burke, in charge of social services at the Robert Green Hospital at the time of the CBS filming, recalled telling Mr. Carr or other CBS crew members that "there were high incidence of premature births due to malnutrition in the mothers"; however, she denies indicating that any particular infant was dying or had died as the result of malnutrition. The latter

Footnotes at end of table.

assertion by Mrs. Burke is contradicted by Mr. Carr and Mr. Peter Davis, CBS associate producer, who recall being told by Mrs. Burke that the infant in question died as a result of maternal malnutrition on October 27, 1967.

8. No further inquiry was made into the identity of the infant identified as dying of starvation until after the broadcast. The first allegations made regarding the accuracy of portions of the program were raised in the San Antonio Express-News on July 14, 1968. The allegations were based upon the assertion that the baby identified as dying of starvation was in fact the Wright infant and that the infant did not die of malnutrition. The Express-News charges were repeated in Congress on July 22, 1968, and Burton Benjamin, senior executive producer, CBS News, denied the charges in a letter to Congressman Gonzales dated July 25, 1968. Benjamin, in the letter, said that CBS had been informed by medical personnel at the hospital that the infant filmed died of maternal malnutrition and could not have been the Wright infant since he did not die until October 29th and the CBS infant died on or about October 27th. Further, Benjamin stated, the CBS infant was Mexican-American whereas the Wright infant was Negro. The information contained in Benjamin's letter was received from Mr. Carr and Mr. Davis although Mr. Benjamin called Mrs. Burke after the broadcast and she was unable to specifically identify the infant. However, Mr. Benjamin said, Mrs. Burke did affirm that maternal malnutrition was the cause of death. Mr. Benjamin also spoke to Dr. Weser who was also unable to identify the infant filmed. Mr. Benjamin did not ask Dr. Weser whether the infant had died of malnutrition. Although Dr. Weser did not recall speaking to Mr. Benjamin, he was not certain he had not; he did, however, recall speaking to Mr. Carr after the broadcast.

9. After the broadcast, Mrs. Burke called Mr. Carr to inform him of the Express-News charges and spoke to him on several subsequent occasions; she, according to Mr. Carr, never indicated that she had any doubts as to the cause of the infant's death. Dr. Weser recalled speaking to Mr. Carr once or twice after the broadcast on a friendly basis but was uncertain as to the subjects discussed. No one connected with the Robert Green Hospital recalls being asked to check hospital records to establish the infant's identity; Mrs. Burke also denies being asked to do so. Mr. Carr, however, maintains that he asked both Mrs. Burke and Dr. Weser whether the hospital records could settle the dispute and was told that they were no longer available (Mrs. Burke) and that it would be difficult to prove anything by the records (Dr. Weser).

10. From the foregoing, it is apparent that in view of the statements made by Mrs. Burke and Dr. Weser, at the least, CBS had reasonable basis for assuming a very high prevalence of malnutrition in the nursery and pediatric wards. The issue thus comes down to whether, regardless of the statements that the wards were filled with babies suffering from malnutrition, CBS nevertheless engaged in sloppy journalism or was recklessly indifferent to the truth in not ascertaining the cause of death of the Wright baby. Here there is a conflict, with the memory of the CBS witnesses differing from that of the hospital personnel. In these circumstances, it is, we believe, inappropriate to hold an evidentiary hearing and upon that basis (i.e., credibility or demeanor judgments), make findings as to the truth of the situation. The truth would always remain a matter open to some question, and unlike a tort or contract case, where a judgment must be made one way or another, that is not the case here. The issue presented here by the complaints is not one under the fairness doctrine, concerned with presentation of contrasting viewpoints (a different matter upon which we do not pass), but rather, whether to find the licensee has sought deliberately to slant the news. For reasons developed more fully in subsequent discussion (pars. 18–29, infra), intervention by the Government should be limited to cases where there is extrinsic evidence involving the licensee or management or in the unusual case where the matter can be readily and definitely resolved (footnote 7, infra). That is not this case.

11. Nor, we believe, would it be appropriate to hold a hearing regarding the charge that CBS tried to induce a San Antonio physician, during a filmed interview, to "make dramatic statements" which were not substantiated by the facts. The physician, Dr. Ramiro P. Estrada, states that after filming the interview, the CBS producer told him he was "hedging too much" and "wanted me to be more positive about my statements." Dr. Estrada says he thinks "they wanted more dramatic statements or more impressive cases but I said I couldn't go any further than this." The CBS producer denies that any effort was made to induce Dr. Estrada to make "dramatic statements" and asserts that he asked only that the doctor make his remarks less technical and, therefore, more understandable to the public. The producer states that the filmed interview was not used on the program because in his editorial judgment the material was too technical. Thus, there is a conflict of evidence on this aspect of the complaint, and it does not appear that further inquiry is warranted to resolve it, in view of the policy discussion set forth within.[4]

12. On June 2, 1969, after the issuance of the report of the subcommittee of the Committee on Appropriations and part 5 of the related staff report, Congressman Gonzales asserted on the basis thereof that "CBS paid participants on the program to appear before its cameras and perform as per their instructions. However, CBS made no announcement of such payments before, during or after the broadcasts in question, so that the American public would know that the views expressed, ostensibly belonging to the persons interviewed, were in fact, bought and paid for by CBS. It is plain that the award of such undisclosed gratuities violates section 317 of the Communications Act." Reference is also made to the San Antonio Commodities store segment of the program. Accordingly, the Commission made further inquiry into the additional matters raised.

13. With respect to the payment of interviewees by CBS is should first be noted that section 317 of the Communications Act requires announcement of payments received by the broadcast statement rather than payments made. Consequently, no question of CBS' compliance with section 317 has been raised. The actual issue is whether CBS, through payments, sought to induce the interviewees to make statements which they otherwise would not make. We note that payment to interviewees, particularly in the form of releases, is frequently made. CBS states that its documentary crews always attempt to obtain personal releases from persons filmed, using forms prepared by the CBS law department, and that consideration is always paid for such releases. It denies that consideration was paid in this case to induce false or misleading statements and asserts that the payment made in each instance was reasonable in the light of the inconvenience caused the interviewee. The subcommittee made available to the Commission copies of their memorandums of interviews had with people who had appeared on the program and who had received payments from CBS ranging from $15 to $40. Our study of these memorandums revealed no reference of any kind from which it could be concluded that payments were made to induce participants to "perform as per instructions" or to make other than truthful statements. Mr. and Mrs. Boyd Nez were paid $40 for allowing CBS to film them and their daughter's family,[5] Louise Zanders received $39 from the CBS crew during the 3 days they filmed at her home, and Esther Medrano was paid $15 by CBS, the amount she would have earned as a domestic during the 3 days she stayed at home waiting for the CBS crew. In view of the absence of any indication of any wrongdoing by CBS, the Commission does not believe that further inquiry into this matter is warranted.

14. Turning now to CBS's activities involving the filming of events occurring at the San Antonio City Commodities market, the subcommittee's investigative report included the following paragraph:

"Mr. John E. Bierschwale, Director of the San Antonio City Welfare Department, advised on September 30, 1968, that at the time the CBS crew was in San Antonio, the city operated a commodity distribution program for the needy. The city has since changed to a food stamp program. He said the CBS crew wanted to film a typical commodity distribution office and made arrangements to set up the cameras at one of the offices. CBS waited for a long line to form outside the office, but when this did not occur the CBS crew requested that the doors to the office be closed to allow a line of people to form. Mr. Bierschwale stated he cooperated with CBS by closing the office without realizing that CBS intended to discredit the commodity distribution program. The doors were closed for 1 hour and 45 minutes to permit a line of about 20 people to form before the filming took place."

15. The Commission's staff contacted Mr. Bierschwale who affirmed the facts recited above. In addition, three former employees of the commodities market were interviewed—Messrs. Vernon Sance, former superintendent of the commodities warehouse and now a San Antonio policeman, Donald Lynch, former issuing clerk at the commodities market and now an employee of the San Antonio Police Department, and William R. Monahan, former supervisor of the San Antonio Distribution Center who is now retired. All of those interviewed recalled that during the time that the CBS crews came to the distribution center, the distribution of commodities was interrupted. Messrs. Bierschwale and Lynch state that the doors to the center were closed for 1 hour 45 minutes, only 15–20 minutes of which was used for the setting up of cameras and lights. Messrs. Sance and Monahan, however, state unequivocally that distribution was halted for no more than 20–30 minutes to permit CBS to set up its equipment. Both Bierschwale and Sance agree that by the time distribution recommenced, 15–20 people were awaiting service. Mr. Bierschwale attributes CBS' request to halt distribution to their desire to show people standing in line for commodities; on the other hand Mr. Monahan recalls that CBS did not want too much of a line and wanted pictures of only a few people in the room.

16. CBS's reply, in all major respects, comports with the recollections of Messrs. Sance and Monahan. Martin Carr, producer of "Hunger in America" states that the only film shot by CBS was of the people inside the distribution center and thus only the four recipients who could physically be accommodated at one time. Aside from individual faces and hands, some portion of the film shot at the commodities market was utilized in "Hunger in America" and in the closing credits of that program, but, according to Mr. Carr, no lines were filmed or utilized since CBS was not interested in filming the commodities market for that purpose. In addition, CBS states that it was at Mr. Bierschwale's suggestion that the CBS

Footnotes at end of article.

crew returned on Wednesday, October 25, 1968, because he anticipated more customers. According to Mr. Carr and CBS, the crew arrived at the distribution center early and set up their lights directly above the distribution counter, thereby interrupting the distribution of food for reasons of safety and because of the limited space in the room. Aside from the 20-minute period for the initial setting up of equipment and a possible 5-minute interruption for readjusting television lights, CBS asserts that at no time did any of its employees make a request to Mr. Bierschwale that the distribution be halted.

17. In view of the statements of the welfare department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients, and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance door to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect. Here again we would also note that the subsequent policy discussion (sec. C, infra) is, in any event, in point.

C. RELEVANT POLICY CONSIDERATIONS

18. The investigation described in section B was appropriate under the Commission's policies as then developed. This case and the *Democratic National Convention* case (*Letter to ABC et al.*, Feb. 28, 1969, 16 F.C.C. 2d 650) have led us to focus again on what policies should govern Commission action in this sensitive area. We set forth those policies in this section.

19. The discussion in *Letter to ABC, supra,* makes clear that the Commission's concern in this type of situation is twofold: (1) Whether there has been compliance with the fairness doctrine (reasonable opportunity for the discussion of contrary viewpoints on issues of public importance); (2) whether the licensee has deliberately distorted or slanted the news. The complaints in this case focus on (2). As to this area, we stressed in the *Letter to ABC, supra,* at page 10:

"That the critical factor making Commission inquiry or investigation appropriate is the existence or material indication, in the form of extrinsic evidence, that a licensee has staged news events. Otherwise, the matter would again come down to a judgment as to what was presented, as against what should have been presented—a judgmental area for broadcast journalism which this Commission must eschew. For the Commission to investigate mere allegations, in the absence of a material indication of extrinsic evidence of staging or distortion, would clearly constitute a venture into a quagmire inappropriate for this Government agency."

20. Lest there be concern that our inquiry into allegations of deliberate distortion of news or staging of purported incidents for use in television documentaries, such as those involved here, may tend to inhibit licensee's freedom or willingness to present programing dealing with the difficult issues facing our society, we wish to make our policy in this sensitive area clear. We commend CBS for undertaking this documentary on one of the tragic problems of today. We wish to make it clear that, in the future, we do not intend to defer action on license renewals because of the pendency of complaints of the kind we have investigated here—unless the extrinsic evidence of possible deliberate distortion or staging of the news which is brought to our attention, involves the licensee, including its principals, top management, or news management. For example, if it is asserted by a newsman that he was directed by the licensee to slant the news, that would raise serious questions as to the character qualifications of the licensee. See, e.g., *KMPC, Station of the Stars, Inc.*, 14 Fed. Reg. 4831 (1949). Such cases must be thoroughly explored, and it would be inappropriate to renew the station's license pending resolution of such an issue. However, if the allegations of staging, supported by extrinsic evidence, simply involve news employees of the station, we will, in appropriate cases (see par. 21, infra), inquire into the matter, but unless our investigation reveals involvement of the licensee or its management there will be no hazard to the station's licensed status. Such improper actions by employees without the knowledge of the licensee may raise questions as to whether the licensee is adequately supervising its employees, but normally will not raise an issue as to the licensee's character qualifications.

21. We would stress that in a situation involving a charge of slanting by a news employee, we intend to exercise care in entering this sensitive area. Thus, as set out in the *Letter to ABC, supra,* we do not consider it appropriate to enter the area where the charge is not based upon extrinsic evidence but rather on a dispute as to the truth of the event (i.e., a claim that the true facts of the incident are different from those presented). The Commission is not the national arbiter of the truth. And when we refer to appropriate cases involving extrinsic evidence, we do not mean the type of situation, frequently encountered, where a person quoted on a news program complains that he very clearly said something else. The Commission cannot appropriately enter the quagmire of investigating the credibility of the newsman and the interviewed party in such a type of case. Rather, the matter should be referred to the licensee for its own investigation and appropriate handling.[6] On the other hand, extrinsic evidence that a newsman had been given a bribe, or had offered one to procure some action or statement, would warrant investigation. So also, should there be an investigation where there is indication of extrinsic evidence readily establishing whether or not there has been a rigging of news (e.g., an outtake or a written memorandum).

22. Thus, depending on the nature of the complaint, the Commission might take no action, might refer the matter to the licensee for its investigation, or might conduct its own investigation. While it is not possible to set out which course of action would be appropriate in a wide range of cases—since so much depends on the facts of the case—we shall act with great care. Rigging or slanting the news is a most heinous act against the public interest—indeed, there is no act more harmful to the public's ability to handle its affairs. In all cases where we may appropriately do so, we shall act to protect the public interest in this important respect. But in this democracy, no Government agency can authenticate the news, or should try to do so. We will therefore eschew the censor's role, including efforts to establish news distortion in situations where Government intervention would constitute a worse danger than the possible rigging itself.[7]

D. CONCLUSION

23. We have set out the results of our investigation and, most important, the policy which we shall follow in this sensitive area. Upon the basis of the foregoing discussion, we conclude that no further action is warranted here with respect to the issue of slanting the news—the issue which was presented in the complaints.

24. While there, thus, may be no basis for Commission action, we strongly believe that questions such as those raised by Mr. Diehl in his newspaper articles do serve the public interest. As we stressed in the *Letter to ABC, supra,* page 8, it is vital that the media be subject to scrutiny by critics, and there is, we think, no better way than for news competitors to be constantly checking on each other. The beneficiary of such criticism is clearly the American people. Finally, we note again that broadcast licensees must take such criticism into account, and take all appropriate steps in the light thereof. The key to their continued high standing with the American people is constant vigilance to assure the integrity of their news operations.

FOOTNOTES

[1] A copy of the House Subcommittee on Appropriations transcript and report was also forwarded to the Commission by Congressman Jamie Whitten on May 27, 1969.

[2] Other allegations concerning CBS's activities are set forth at par. 12, infra. 20 F.C.C. 2d.

[3] The basis for this finding is as follows: The field investigation indicated that the CBS crew filmed in the premature nursery at the Robert Green Hospital during the daytime on Oct. 26, 1967. CBS crew members say that the cameraman was filming various infants in the ward at the time he noticed that one baby suddenly stopped breathing. Dr. Luis Montemayer was called, and the cameraman continued to shoot film while the doctor resuscitated the infant. Based on hospital records and information supplied by Mrs. Mary Jo Quinn, record librarian, six babies died in the nursery during the period of Oct. 18 through Oct. 29, 1967. Mrs. Quinn stated that none of the six babies suffered from malnutrition. Of the six deaths, two were baby girls. One of the baby girls died on Oct. 21. Obviously this could not have been the baby shown in the film, not only because of the date, but because the baby in the film was identified as male. The other baby girl was born on Oct. 23 and expired Oct. 29, because of (1) respiratory failure; (2) peritonitis and stress; (3) spontaneous gastric perforation. Mrs. Quinn stated that the hospital had no information regarding the mother of this baby adding that there was nothing in the record to suggest malnutrition on the part of the mother or the baby. Two more of the babies died the same night they were born, prior to the Oct. 26 filming date. The fifth baby, born Oct. 25, 1967, died on Oct. 26 at 11:55 p.m. However, this baby was of normal birth after 40 weeks gestation, weighing about 7 pounds 10 ounces, and it apparently would not have been in the premature section of the nursery where the baby in question was filmed. Moreover, hospital personnel say the baby shown on the CBS program was much smaller than this one. The sixth baby, Claude Wayne Wright, Jr., "was born by way of spontaneous premature labor from a 17-year-old Gravida I, Para. O, female who was approximately 7 months pregnant by history" on Oct. 24, 1967, weighing only about 2 pounds, 12 ounces. According to the hospital records, the baby had a cardiac and respiratory arrest on Oct. 26 and was treated by Dr. Luis Montemayer. The baby died on Oct. 29, the immediate cause of death shown on the death certificate was septicemia, which was in turn caused by meningitis and peritonitis, due to prematurity. Hospital records made no reference to malnutrition on the part of either the mother or the baby. Dr. Montemayer, when interviewed on Oct. 18, 1968, stated that he saw the film on television; that he was shown in the film giving artificial respiration to the baby after the baby had suffered two cardiac arrests; and that the second cardiac was in front of the camera; Dr. Montemayer also that that, "they [CBS] said the baby died from hunger, but he did not. He died of complications because of prematurity. He only weighed 2 pounds and some few ounces * * * there is no doubt that the baby shown on television was the Wright baby. I remember the baby was premature—and exceedingly small—less than 3 pounds. I checked records of about four babies and that's the only one it could have been." The testimony of two nurses tends to corroborate the state-

ment of Dr. Montemayer in that both stated that they had observed Dr. Montemayer resuscitating the baby while the crew was shooting film of that particular baby. Thus, it is apparent that this is the baby that was shown in "Hunger in America." When contacted during the field investigation, the father of the baby stated that he did not want to discuss the matter any further. However, it is pertinent to note that when both parents were interviewed by Mr. Kemper Diehl, they denied that the mother suffered from malnutrition and said the birth occurred prematurely because the mother suffered an accidental fall.

[4] In view of the CBS response and the above discussion, the other charge regarding the accuracy of the statistics as to the number of hungry people in San Antonio likewise does not establish a case of slanting the news.

[5] The Nez family also states that CBS promised additional payment and lumber but that it was never received.

[6] In this connection, we stress that the licensee must have a policy of requiring honesty of its news staff and must take reasonable precautions to see that news is fairly handled. The licensee's investigation of substantial complaints referred to it must be a thorough, conscientious one, resulting in remedial action where appropriate (see *Letter to ABC*, 16 F.C.C. 2d 650 (1969)); efforts to cover up wrongdoing by his news staff would raise the most serious questions as to the fitness of the licensee. See *WOKO, Inc.* v. *FCC*, 329 U.S. 223 (1946).

[7] In any event, overlaying this entire area is the fairness doctrine, which is applicable to the news operation of broadcast licensees and which, in particular situations such as here treated, may call for the presentation of contrasting viewpoints. See *Red Lion Broadcasting Company* v. *United States*, 395 U.S. 367 (1969); *Report on Editorializing by Broadcast Licensees*, 13 F.C.C. 1246 (1949).

THE TRIAL OF LIEUTENANT CALLEY

Mr. SPARKMAN. Mr. President, I am deeply disturbed about the entire proceedings in the trial of Lieutenant Calley and the verdict that has been rendered by the court. Let me say that the people of my State are also disturbed and concerned about it. I cannot recall when I have ever before had as many telephone calls, telegrams, and letters about anything as I have had about this.

I think that the result of the Calley trial has had and will have in the future a serious effect on the morale of our fighting men around the world. It has had a terrible impact on our veterans of past wars. Unquestionably, it is a source of deep concern to the mothers and fathers of all of our servicemen.

I want to take this opportunity to make known my protest over the making of a scapegoat out of Lieutenant Calley. I have urged everyone who has contacted me about the trial and I have called on all of the people of my State to join me in protesting to President Nixon and to Secretary Laird. In my view, Lieutenant Calley has been made a scapegoat, and I do not believe that this is right.

YOUNG AMERICA IN THE "NOW" WORLD

Mr. HUMPHREY. Mr. President, on January 25 of this year, I was privileged to deliver the annual Charles C. Moskowitz Lecture at New York University.

In my remarks I tried to warn our young Americans against neo-isolationism, as violating both our national interests and our role of moral leadership. I outlined what I believe must be our vision of a new diplomacy for America in the years and decades ahead.

The lessons we must draw from Vietnam are that we are a Pacific and not an Asian power. The primary responsibility for security and development in Asia rests with the Asian nations themselves. We must work in concert with our allies to bring mainland China into the family of nations. We cannot any longer afford to see the world as divided between friends and enemies. It is far too small for such simplistic diplomatic myopia.

Our leadership and participation in world affairs has preserved the world from nuclear holocaust. We must continue that leadership. Recently I have called on the President to halt further deployment of ABM and to delay deployment of MIRV. I have urged and recommended a mutual freeze on both defensive and offensive land based strategic nuclear weaponry by the United States and the Soviet Union.

America must once again inspire its successor generation with the hope that idealism with constructive action will again be the cornerstone of our involvement in the world.

Mr. President, I ask unanimous consent that my address by printed in the RECORD.

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

YOUNG AMERICA IN THE "NOW" WORLD

(Remarks of the Honorable HUBERT H. HUMPHREY)

The "Now Generation" has its work cut out for it. You young people here today were born into a whirlwind. You have been subjected to more diverse and rapid physical and psychic stimulation between birth and age five than your parents received in their first twenty years.

You must assimilate a world of facts from a world that itself is suffering from "future shock." The only modern day Leonardo, sans creativity, is the most up-to-date and informed computer. I wouldn't be surprised if some of these electronic renaissance robots actually sport the name.

You may not have readily available the time for reflection. You may not have accessible the kind of atmosphere conducive to "Sweet Silent Thought" and the "Remembrance of Things Past."

But you must find the time and the place for absorbing not only the data of your generation but for understanding relationships: feeling the pulse of love and life and its meaning to you, and for learning the lessons of the past. Yes, you must find the time for knowledge—and the capacity for commitment, but, remembering that knowledge without commitment is wasteful; but commitment without knowledge is dangerous.

The lesson I would like to discuss today is global. It is the lesson the "Now Generation" must learn swiftly and fully from the "Then Generation." It is the lesson of war and/or peace.

The War in Vietnam has already marked its quarter-century and American involvement now comprises a full decade. It has cost us more than 45,000 American lives, and almost 300,000 casualties, more than $115 billion of American wealth, and division and discord at home.

We entered the war a confident nation concerned with our ability to foster peace and security in many parts of the world; we are leaving it a nation uncertain of ourselves, uncertain of the future, uncertain of our place in the world. This "coming out of war" is a difficult time: Alexis De Tocqueville called it "the most important time in the life of a country."

What have we learned? What lessons have we bought in blood and treasure in Southeast Asia? What will we think and do now that differs from our posture of a decade ago?

These are not simple questions, and they do not have simple answers. But we do know that the Vietnam War has caused something to happen in America. It has changed our country and our people. It has compelled us to re-examine our role in the world; to see in historical perspective what we have done; and to ask what are responsibilities for peace and security today and in the future.

Twenty-five years ago, we were nearing the end of a bitter and costly war. We looked forward hopefully to a new world at peace.

We had a dream of Allied amity and cooperation, and of strong moral limits on the use of power—limits to be observed by all nations.

That dream soon faded. We found that only America had the means and the will to save much of the world either from a new tyranny imposed by military force, or from the ravages of economic collapse and a widespread poverty of the human spirit.

We resolved not to repeat our mistake of the 1920's. We accepted the role of international responsibility. We refused to turn our backs on Europe and other parts of the world that desperately needed our aid. We were determined to hold off the return of isolation, and we worked diligently to build structures of collective security that would bring order out of near chaos. This massive effort took us suddenly into a new and often confusing era in our history; we abandoned almost overnight the most basic tenet of our foreign policy: to beware of entangling alliances.

Our new involvement—including our repudiation of isolationism—was underscored by our leadership in creating the United Nations, in forging the NATO Alliance, and in vast investments in foreign aid.

Today our network of commitments stretches around the world, and involves alliances with 43 different nations. In less than three decades—an "instant of time" in man's history—we grew from provincial state to super-power, with the greatest physical and economic power the world has ever known.

There was no precedent for this development. No other nation has been required to do—and learn—so much in so little time. And I believe that we met the demands placed upon us with a surprising degree of sophistication and success. We used our power and generously shared our resources to bring political stability and economic recovery to nations ravaged by World War II. We provided a shield of protection behind which other peoples and nations could once again stand strong and renewed. We met the fierce force of aggression in Korea. We sought to bring stability to the Middle East. We extended our power and resources bit by bit into Southeast Asia until we were engulfed in a strange and cruel war that defied all norms of conventional warfare.

That war in Vietnam has brought with it such disillusionment and discord that many Americans of every political persuasion now question anew all United States overseas involvements. But we must not let our experience in Vietnam obscure the fact that for twenty-five years we helped preserve the world from a major war and, in particular, from a nuclear holocaust.

What costly lessons have we learned from the sorrow of Vietnam? We have learned above all that we must now carefully assess

all of our national interests, free from an ideology of involvement and tested by hard, uncompromising analysis. Underlying all the rhetoric about Vietnam is the belief that we are overcommitted and that there are limits to the use of military power and these limits need to be defined. We learned that we must not become deeply involved where we have little at stake, or where our own security can be protected by other means than armed intervention. We must exercise that thoughtful discretion which is the better part of valor.

This is one lesson of Vietnam—the signal lesson—but it is more. It also reflects a new sense in America that we must turn our minds and talents, and direct our resources, to pressing needs at home.

The traditional line dividing domestic from foreign affairs has become as indistinct as a line drawn through water. This means that our place in the world, and the nature of our own society, have become indivisible. Our structure of common defense and security could prove to be only a hard outer shell that could collapse on an empty center unless we bring new strength to areas of our internal life that are threatened on every side—as we see our environment polluted and damaged; our cities rotting; our systems of education and health care grossly inadequate; our people torn by bitter dissension.

There are growing fears that this new questioning of our involvement in the world will lead us to another period of isolation; there is the growing feeling that we will abandon our role of international involvement and return to isolation and Fortress America. Our Allies in Europe are especially concerned; and their fears are fostered by misguided efforts in the United States to regard all of our separate commitments in the world as indivisible—seeing in our disengagement from Vietnam the threat that we will abandon Europe and the Middle East as well.

Nothing could be more absurd. Today it is impossible for us to isolate ourselves physically, politically or economically from the rest of the world. The facts of communications, transport, trade, and the travels of our people have ruled that out, not just for now but for all time.

Yet there is a danger of a new moral isolation, brought about in part by our failure to see that recovery and prosperity, as found in Europe, does not mean that the job is done. Nor must we permit our weariness with war and responsibility to trap us into believing that we can now separate ourselves from a deep and lasting involvement in the rest of the world. On the contrary, we are now fully committed to playing a major role in the future of mankind.

We can—and we must—readjust the scale and nature of our involvements, and manage these changes intelligently. But we must be careful not to act in haste, not to explore a short-sighted and ultimately futile moral disengagement from the world. There are equal dangers—of over-involvement and blind abstention. We must carefully steer a course between the two.

In recent years, we have seen the development of a central paradox: That while we and the Soviet Union have become more powerful in strictly military terms, our ability to use this power has become more limited. We must not underestimate the latent power and effects of nuclear weapons. They are still of central importance in relations among the major nations of the world. But now, at a time of mutual deterrence, their mystique is dwindling and other expressions of power are emerging in competition with them.

We are living in a new age of pluralism:

The bonds of alliances are weakening, both in the West and in the Communist World;

Sino-Soviet rivalry has become a threat to peace, and firm evidence that the Communist monolith is no more.

The game of world politics now has a host of new players in the developing world; and

Individual countries are making new diplomatic approaches and arrangements with little reference to the super-powers that once were virtually the sole custodians of security. Even Soviet military occupation of Czechoslovakia has failed to quash hopeful developments in Eastern Europe.

In today's world, power is proving to be persuasive only to the extent that it is appropriate to local circumstances and the interests of local powers. We are discovering a new definition of power that goes beyond military might.

The plain fact is that, in the world of today, there is a much greater play of other power forces—economic, political and psychological. And there is the emergence of new problems, such as the growing division between rich nations and poor, that have little relation to military might.

Almost everywhere, there is a return to the power of ideas and ideals, not just within a younger generation that reacts against the ceaseless combat of its elders, but emerging in every generation and every place where the writ of nuclear power no longer runs.

Effective action in the world now often means the application of wealth, talent, and ideals—not just by the super-powers, but by many nations.

In these changed circumstances, how can we develop a new role for the United States in the 1970's? What can our country do in the world that would help to build peace, stability and ordered change? To a great extent, the answer to these questions will depend on our ability to develop new methods and approaches that are rooted less in our military power and more in what we have to offer other nations in ideas, resources, and experience.

But first and foremost, we must help preserve life itself from the threat of nuclear war. This is no simple or preordained process; we cannot take for granted our survival in the nuclear age.

Both the United States and the Soviet Union now have far more nuclear power than needed to deter one another. Each of us could destroy the world with a million Hiroshimas; and neither of us can benefit from added nuclear strength, which may even decrease the security of everyone.

For twenty years, we have lived with the doctrines of deterrence, not because we welcomed the prospect of a cataclysmic nuclear war following the first use of these terrible weapons, but because we had no other choice. In the last few years, we managed to add a small measure of stability to the mad balance of nuclear armaments: a mutual deterrence that has made each of us as much a custodian of the other's basic security as we are of our own. This mutual deterrence is based on healthy distrust, but it is secured by the evidence of reconnaissance satellites and other means of unilateral inspection.

This was a novel development—unprecedented—but it was and is necessary for either Russia or the United States—indeed, for anyone in the world—to survive the nuclear age.

Today, we are rapidly entering a period of new super-weapons in which we will no longer be sure of deterring the Russians and—as strange as it may seem to us—they will have similar doubts about their ability to deter us. SALT negotiations in Helsinki and Vienna now seem to have come to an impasse. I hope this is not the case and that there will be agreements forthcoming that will limit both strategic and defensive nuclear delivery systems.

Soviet reductions in the rate of SS–9 deployment and the obsolete nature of the Moscow ABM or Galosh System, would seem to be signs of a desire on the part of Moscow to at least negotiate in an atmosphere of deescalation.

Congressional limitation of the ABM and declarations on limiting the involvement of U.S. troops in conflict abroad have also given the nod from the United States for agreements of substance and scope.

The details of current Soviet and U.S. proposals cannot be discussed with any accuracy, and I do not propose to talk about hypotheticals here today. However, now that MIRV has begun to be deployed on both Poseidon and Minuteman III, U.S. and U.S.S.R. negotiators must make every effort to reach agreements that are reciprocal.

I do not think that we have the luxury of time or opportunity to reject a limited ban or curtailment of any system, and insist on a comprehensive agreement. This would be the ideal. However, we must not reject making some progress if agreement cannot be reached on all systems.

We have valuable precedents to support Presidential overtures of a conciliatory nature. In 1958, President Eisenhower offered to halt American testing of nuclear weapons for a period of one year from the beginning of negotiations on a formal treaty, if the United Kingdom and the Soviet Union would follow suit. This mutual moratorium was preserved for nearly three years.

In 1963, President Kennedy again ordered a halt to testing of nuclear weapons in the atmosphere, and proposed to maintain the ban so long as the Russians did likewise. They responded, and the result was the historic Test-Ban Treaty—a proposal I had long urged.

Today, I call upon President Nixon to halt deployment of ABM and delay further deployment of MIRV. Like President Kennedy, he holds in his hands the keys to arms control—or to an uncertain world of mutual terror.

We would run no serious risks; and we could always continue our programs if the Russians failed to respond.

I believe that such a moratorium can succeed; and all mankind—all future generations—would forever be in our debt.

But even if we do succeed—even if we do stop the dangerous and destabilizing weapons now being prepared by both sides, there will be other terrifying weapons in the future.

This prospect increases the importance of the SALT talks. Whether or not we succeed in stopping the MIRV, the ABM and the SS–9 before it is too late. We must work patiently with the Soviet Union to achieve one common goal: continued survival in a world where nuclear weapons technology itself is our greatest enemy.

From now on, we must both base much of our security on greater political understanding, or we will have no security at all!

I do not argue that we can trust the Russians in all of our relations with them. We cannot: they are still not prepared to consider agreements with us or with our allies in many areas of the world in which competition and conflicts of interest could still have deadly consequences. But unless we transform Soviet-American relations in the critical area of nuclear weapons, we may not live to debate other questions of serious but lesser importance.

This will require a new diplomacy, managed with skill and patience, and extending far beyond the SALT talks. We must recognize that there is no easy exit from the many dilemmas facing us; we must take full account of the interests of our allies, in Europe and elsewhere; and we must seek ways to turn all aspects of our relationship with the Soviet Union from the sterile byways of military confrontation into the more hopeful paths of political accommodation.

We could usefully begin annual working meetings at the highest level between American and Russian leaders. And we should ex-

pand trade relations, cultural contacts, and the search for peaceful engagement in many areas of science, commerce, and technology. This must be a part of the new diplomacy.

Yes, our relations with the Soviet Union are of central importance. But other developments in the 1970's demand our attention; other factors will influence what the United States can usefully do in the world.

Most important among these is the emergence of China as a major power in Asia. Today, Chinese power is still more psychological than factual, although it is growing. It would be a fatal error if we let ignorance and unreasoning fear in the face of future Chinese military power close the door to political understandings with Peking.

We must do all we can to end the isolation of China, helping to bring her into the community of nations, free from paranoia and committed to respecting the legitimate rights of her neighbors. An isolated China is a danger to all the world; a China that is involved with the outside world will still pose problems, and perhaps even threats of a serious nature, but at least there will be some hope that accommodation will replace antagonism.

The resumption of American-Chinese discussions in Warsaw was and is a hopeful development. We must exert greater initiatives in the relaxation of trade and travel restrictions between China and the United States. Cultural exchanges can also serve to broaden the contacts between our peoples.

They are modest beginnings; and they will not be enough. We must also realize that the legacy of embittered Chinese-American relations will not be overcome in a year, or perhaps even in a decade. But, we can do much to come to terms with China, and come to terms with ourselves regarding China. Yet it may well take years before these efforts produce a visible change in our relations, before China will respond to our efforts. Our initiatives—always taken in full consultation with our allies—can and should lead to the eventual diplomatic recognition of China and her admission to the United Nations. This too must be a part of the *new diplomacy*.

But as we see the rising new Asia we must remind ourselves that the primary responsibility for security and development in Asia rests with the Asian nations themselves.

They must take the lead. It is they who best understand themselves—their past and their hopes for the future. We should be prepared to cooperate—to be a helpful partner, not a dominating force. We do have an interest in Asia—but we are not an Asian power. We are a Pacific power.

Chief among these Asian nations is Japan, with whom we have strong ties. These ties must be continued and expanded as the best hope of promoting development and stability in Asia without holding the ring ourselves.

Japan is uniquely situated. She is the most powerful Asian country—not in military might or in nuclear weapons, but in economic strength; she has a thorough knowledge of the Asian continent and its diverse cultures, widespread trading partnerships, and an inventive approach to new problems. These qualities enhance Japan's ability to play a leading role in helping Asia to enter a new era of political, social and economic development.

We should continue, particularly during this period of transition, to be directly concerned with Asian affairs. We seek an early end to the Vietnam war; but we cannot ignore the real problems that will continue in Southeast Asia once we are gone from Vietnam. Without becoming an Asian power, deeply enmeshed in the politics and problems of that continent, we can and should support hopeful efforts by local peoples to work out their own destiny.

In September, 1968, at the Commonwealth Club in San Francisco, I gave my views on Southeast Asia in a speech entitled "The New Strategy for Peace." I believe whatever role we play in Southeast Asia should carefully follow three guidelines: self-help; regional and multilateral assistance; and selective American involvement:

First, local countries must manifest a willingness to help themselves; both to provide security and to undertake economic and social development; and they must have the courage to organize their own affairs in ways that will provide them with a stable basis for governing;

Second, primary responsibility for helping individual nations provide for their security and economic development should rest with the nations in the area and with multilateral and regional organizations and;

Third, American help should be selective and carefully measured. Our efforts must be justified by our own interests and responsibilities; and they should be concentrated on economic development through multilateral means. We are no longer the only source of help against threats to the security of Southeast Asia, or against poverty. Hopeful developments there will be lasting only if they spring from efforts by local countries, and if they command broad popular support.

Our experience in Southeast Asia points to a central dilemma in foreign policy: the difficulty of reconciling stability with change. Today, we recognize that the stability of Soviet-American relations is necessary for the survival of the world. But we also recognize that unless there can be change in the world—economic, social and political change within countries and in international society—then stability, itself, will prove fruitless and self-defeating.

We must find ways to promote change within a framework of order, or the future of the world will be tyrannized by either anarchy or repression.

We can begin by supporting efforts within Europe to move away from more than twenty years of confrontation, to a new European Commonwealth of Nations embracing the entire Continent.

The United States no longer has the dominating voice in European politics; nor should we wish it. But we are a European power, deeply involved in providing security and confidence, without which there would be no hope of change.

There is a movement in the United States today to sharply and quickly reduce our commitment to NATO, before we work out firm understandings with all nations in Europe—East and West—on the future of the Continent.

Would this be wise? Well, as I see it, we will not achieve mutual and balanced force reductions if we act first and alone; we will not convince the Soviet Union to accept rules of civilized behavior in Eastern Europe, if we lose interest in European affairs; we will not reassure our allies that we are concerned with the future of Europe, if we are insensitive to their anxieties and needs.

We must show that our partnership with Europe really means something, and support efforts to resolve the division of the Continent.

As an additional part of the new diplomacy:

We should encourage our allies in their proposal for a European Security Conference, and realize that this conference can be part of the political process that may help achieve what we want—troop reductions throughout Europe.

We should make consultation, particularly on force levels, a real constant on-going effort—with regular meetings at the highest level—not a vehicle for showmanship and American lecturing to our European allies;

We should encourage and support bilateral political contacts between our allies and the nations of the Warsaw Pact, including recent West German efforts to improve relations with the Soviet Union and the Eastern European States;

We should work for expanded trade and cultural relations between East and West;

And we should help to make the NATO Alliance an international instrument for peaceful engagement, not a rigid institution committed to the past;

With our allies, we can help to liquidate the legacy of military confrontation. But this will require a new American awareness of Europe's needs, problems and hopes. This is at the very heart of the new diplomacy of partnership and reconciliation.

Elsewhere in the world, the dilemma of change versus order will be even more difficult to resolve, yet more pressing, as population growth, poverty, and unrest disrupt whole continents.

There are more than a billion people in the world today in countries where the average annual income per person is less than 100 dollars. Hundreds of millions live on less than fifty dollars a year.

Evidence has shown us that poverty and deprivation, coupled with the beginning of education and hope, create a revolution of rising expectations.

And people all over the world are "in touch". The transistor radio and communications satellite will make this even more so in the immediate future.

The man in Korea, or Guatemala, or Zambia knows what modern society can mean to his family. He knows what you and I have. He knows about our wealth. He knows about the vast resources at our command, and at the command of other fortunate nations.

This knowledge helps to widen even further the growing gap between "the have" and "have not" peoples of the earth. Inequality is polarizing the world between north and south, rich and poor, white and non-white. This is a recipe for strife, both between the world's divided halves, and throughout the developing world. "Where there is constant want there is no peace."

As an American I take pride in the well-being and relative affluence we have been able to create for an increasing number of citizens. But I also feel shame at the hunger, poverty, and deprivation which surrounds this prosperous island of the Western world.

Today, our material contribution to the developing world is far below the scant 1% of GNP proposed for development aid by the United Nations Conference on Trade and Development. Our foreign aid has dropped to a post-war low. We have fallen behind many of our European allies. The search for peace is more than withdrawing from Vietnam. Pope Paul reminded us that "Development is the new name for peace."

By ignoring this fact, we are taking a tremendous risk. We are trying to have the best of all possible worlds—rightly giving up unilateral American peacekeeping, but at the same time turning our backs on the economic needs of development.

This will not work; it will only be self-defeating. Let us face the problem squarely: either we will take a strong lead in the development of the poorer half of the world, or one day its great social and economic problems will engulf us all as surely as would a nuclear war. We must choose our weapons to secure the peace: ideas and resources today, or guns and troops tomorrow.

We Americans, as part of our responsibility to mankind, must commit ourselves anew to economic and social development, including control of the growth of population.

Our commitment should be to nation-building—and not to buying favors in the developed world. Our interest is in having nations that are independent and secure—and thereby free to pursue their own development within the community of nations.

But to do this effectively, we must channel an increasing flow of aid through multilateral institutions. This will place heavy demands upon the United Nations and other

organizations, like the World Bank and regional efforts for development in Asia, Africa, and Latin America. At present, we pay too little attention to these institutions, often regarding them as poor relations to more powerful initiatives we take on our own in foreign affairs. Yet for many nations, and in many parts of the world, only institutions like the UN can provide the help that is needed, free from complications of superpower relations or national self-interest.

This applies to peacekeeping as well. If American peacekeeping is to be curtailed, that does not mean that there can be no peacekeeping. It must be done by the United Nations or by regional groups. Only this can help to prevent the drift of disordered change into open conflict.

The basis of any system of peacekeeping must be a commitment to non-interference in the internal affairs of other countries. But this policy will only work if it is respected by all states—large and small—and only if there is an effective instrument in the United Nations to serve the interests, not of individual states, but of peace itself.

This means that pledges to recognize the sovereignty and internal politics of other nations must be backed up by United Nations forces which can patrol borders and supervise free elections. This will require the commitment of many nations; the United States must be prominent among them.

Finally, for us to understand our future role in the world, we need to change many of our basic ideas about the world, and learn about other nations, other peoples, other cultures, as we have never done before.

In the past quarter-century, we have had a foreign policy for the whole world with a half-world understanding. We know much about Europe; we know far less about Asia; and we are almost totally ignorant about the developing areas of the world. Indeed, would we have become involved in Vietnam, if we had known more about it? There has been and continues to be a "knowledge gap" that threatens our very survival—yet a glaring gap in knowledge about the world we live in, we have made commitments—and as I have said commitments without knowledge are dangerous.

For many years, the message of the American Revolution was a beacon of hope for all mankind. Then, what we had to say was welcomed by champions of freedom around the world. But today our ideals are not alone; they must compete in a free market-place with a host of others.

For too long, our isolation from the rest of the world allowed us to think that we were the center of it.

Too often, our schools are so intent on teaching the myths of American destiny that they ignore the billions of other people who find us as foreign as we find them.

Too often, our newspapers and television only report events in other lands that directly affect us, or translate events into American terms even at the price of gross distortion.

We are part of the English-speaking world, and value the role of this language in communications and the spread of ideas. But our failure to emphasize the importance for Americans to learn other languages has done much to isolate us from a true knowledge of other peoples, and has led us to expect everyone to understand our mother tongue.

We know little even about our two closest neighbors, Canada and Mexico, and few of us understand French or Spanish, even though these languages are spoken by many of our own people and by those on our very own borders.

Like other great nations before us, we have too often suffered from the myopia of power, imputing to others attitudes about the world that they do not share, and often, in our zeal, imposing our cultural ideas where they are not wanted.

We see others mimicking our material advances—from the automobile to indoor plumbing—but fail to realize that superiority on the assembly line many not mean superiority in way of life.

This is called the "American challenge"—a challenge to resist unwanted influences coming from this country. But I say that this is really a challenge to us. We must break with the tradition that leads great nations to practice cultural imperialism. We must show that we can be involved in the world, without trying to dominate it. Is this possible? I believe it is.

This is a challenge to know ourselves—what is best in our tradition and what would benefit from an infusion of the ideas and experience of others. And it is a challenge to listen intently; to still the cry of our own desires long enough to hear what others may have to tell us.

This is a challenge to our schools, our universities, and the media, to help us with the new education in world citizenship that we need so urgently. Only with a better public understanding of the world and its problems can we build a broad-based involvement of our people in the foreign policy of America—involvement that is necessary if our foreign policy is to serve our nation's needs.

And it is a challenge to all of us to abandon that element of selfrighteousness that has stigmatized much of our foreign policy—the tendency to substitute moralisms for morality; and legalisms for the rule of law. We need to gain a new perspective on the world and the history of our involvement in it, seeing ourselves neither as saviours uniquely endowed with good, nor as villains possessed by evil.

And we can no longer see all the world as divided between friends and enemies.

We have had a unique experience; we still have much to offer to others; but we will benefit no one—least of all ourselves—if we corrupt our view of the world and all of our foreign policy dilemmas into a simple, misleading and often dangerous choice between right and wrong.

The challenge to our understanding of the world and of ourselves does not mean that we must shy away from making available to others what we do have to offer, both in resources and in experience. It is one thing to give freely of what we have; it is quite another to demand that our ways prevail.

This can be our contribution to the search for ways to promote stability ordered change, development, and peace, without recourse to fire and sword. It may win us few friends; but it should also make us fewer enemies.

We are in a new age of revolution—in political relations, technology, education, and rising expectations. We have come to regard these revolutions as commonplace, as the destiny of mankind, in coming years. Yet at the same time, we have too often attempted to contain the effects of revolution, by increasing the commitment of American power, often without much thought about our basic interests in security.

As we have become more involved in the world, we have permitted an increasing division between the ideals of our society and the facts of our power. We have not always understood that the aspirations of other peoples often follow a tradition that we ourselves began.

We cannot permit this to happen again. We must find ways of being involved in the world that will protect our security, without stifling the legitimate desires of people who strive for their freedom and personal fulfillment.

We must seek peace, without prohibiting change.

We must be patient, not expecting a new world at peace to emerge in a day, a year, or perhaps even in this decade.

And we must inspire a new generation of Americans with the hope that our ideals can once again be the cornerstone of our involvement in the world, not ignoring the continuing facts of power, but not letting them destroy the human dimension of our policy. We must place greater emphasis on human and personal values—having enough to eat, being able to learn, living free of fear.

I believe we can do it. I believe we can make our *ideals* powerful again.

That is why I have such pride and faith in the "Now Generation." Pride because you are ours and you are wonderful; in body, mind and heart. Faith because this generation, more so than any in the history of mankind is not afraid of their own humanity. They—you positively exalt in being human and treating each other humanely. You have been born into affluence and have values that mirror Francis of Assisi. You have accepted the human condition and have transcended the lust for things that has characterized man since the first theft in Eden.

You young people have learned to love one another—"Love everybody right now." (Lyric of popular current folk song) Spread that love to those older than you. If we seem a little stiff and aloof it's not because we don't really reach out to you; it's because perhaps we have forgotten the joy of being loved. Keep at us. We need to share the fresh spring of spirit that sings in your souls.

The path to peace is to be found—must be found by your generation. I think it will be found by you—in love, in human aspirations fulfilled—in bridging the gap that separates each one of us from another—like God in Michaelangelo's Sistine Creation—touching each man's soul with the spark of life and love.

I do not think it is wrong to think of nations and people in terms of the Spirit, in terms of things that are not mercurial. It is my view that what this nation is longing for today more than anything else is not just a better economy. I think what it is longing for, above all, is a sense of its compassion, of a justice it believes it could have; of a sense of fellowship. It wants uplift, not scolding.

I think the people of this land want somebody to call the best from them. And I have never believed that we can get the best out of anybody by telling them only of their failures.

We must also appeal to their hopes and their aspirations. I appeal today to young and old alike to believe that out of what we have learned, out of this unbelievable tragedy of war and suffering, that we are a wiser people. I am not sure, but I have the right to believe, and I shall.

DEATH OF JUSTICE OF THE PEACE ALICE K. BURRIDGE, OF CASPER, WYO.

Mr. McGEE. Mr. President, Wyomingites from all walks of life were saddened by the recent death of Justice of the Peace Alice K. Burridge of Casper, Wyo. Alice was not only a great Democrat, but also an extraordinary public servant and a dedicated mother of 13 children. The loss is particularly close to me because her son, Jim Burridge, is on my Washington staff. Carolyn, Jim's wife, recently gave birth to a baby girl. As a final tribute, the child was named Alice Katherine in honor of her grandmother.

Alice Burridge served with honor and dignity in both private and public life. The State of Wyoming and the city of Casper will certainly miss her many contributions to her fellow man.

The March 23 edition of the Casper Star-Tribune carried the account of her death. On March 25 a eulogy was carried on the editorial page of the same publication. Both express, perhaps bet-

ter than anyone, what Alice Burridge was and meant to the people of Wyoming.

Mr. President, I ask unanimous consent that both of these articles be printed in the RECORD.

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

JUDGE ALICE BURRIDGE DIES OF HEART ATTACK

A familiar face the Natrona County Courthouse and in Democratic party circles will be seen no more with the death of Justice of the Peace Alice K. Burridge.

Mrs. Burridge, or, as she was known to thousands of Wyomingites, "Judge Burridge," was pronounced dead at Memorial Hospital in Casper at 9:20 a.m. Monday. She was 65, and death was attributed to a coronary attack.

Born April 5, 1905 in Clinton, Ia., Judge Burridge personified the indomitable pioneer woman, who worked strenuously to raise a large family never asking special treatment for being a woman.

She was noted for her straightforward, sometimes acid tongued, although, humorous and kindly treatment of those who came before her as a Justice of the Peace.

Mrs. Burridge was married to her husband, G. O., on Oct. 27, 1923 in Chicago, Ill. She was a graduate of Gregg School of Business in Chicago, and taught in the Clinton, Ia. Business College.

She and her husband lived in Clinton, Butte, Mont., and would often speak of how they dry farmed in the Powell area.

Always interested in Democratic party politics and civic affairs, she belonged to a host of organizations, both political and fraternal.

She became Justice of the Peace in 1954, was a member of St. Anthony's Catholic Church; the League of Women Voters; the American Legion Auxiliary; VFW Auxiliary; the BPOE Does, among many other organizations.

She was also State Democratic Committeewoman for years, held numerous posts on the precinct level, and was Democratic party delegate to numerous national committees.

She was, however, perhaps best known for her actions on the Justice of the Court bench. Always fragile looking and not in the best health in recent years, she could nevertheless bowl over—and even sometimes terrorize—giant truckers, cowboys, and oilfield roughnecks when the occasion warranted.

She was also tempered justice with mercy, recalling the difficulties she had raising her large family of 13 children in Depression days.

She is survived by her husband, G. O.; nine sons, John L. of Cheyenne; Dean, New Orleans; Gene T., San Francisco; Jerry, Lander; Thomas C., Chicago; Larry P., Salt Lake City; James L. Washington; Donald, Casper and Michael, St. Louis, Mo.

Four daughters also survive. They are Mrs. Virgil (Evelyn) Busby, Casper; Mrs. George (Mary) Watson, Salt Lake City; Mrs. Sara Jane Conrad, Denver; and Mrs. Loy (Kathryn) Analdi of Rock Springs.

Also surviving are two brothers, Timothy Byrnes of Clinton, and Hugh Byrnes, Chicago; 35 grandchildren; and four great-grandchildren.

The Rosary will be celebrated at 8 p.m. Tuesday at Memorial Chapel, with a funeral Mass scheduled for 9:30 p.m. Wednesday at St. Anthony's Catholic Church. The Rev. Charles Brady will be the celebrant and burial will be in Casper.

The family requests that flowers or memorials to the Blue Envelope Heart Fund will be equally acceptable to the family.

TRIBUTE TO A GREAT LADY

The news of the death of Alice Burridge spread quickly throughout the community. How many of us can ask for such an impact on our passing?

The report was carried throughout the gathering places that Mrs. Burridge has died, and even those individuals—drivers of motor vehicles who had paid their fines, others who may have gotten tangled up with the law—were ready to soften their voices in tribute to a Great Lady.

We have written a number of eulogies, none of them—we hope—undeserved. Most of them have been concerning men. Because of the traditional nature of our civilization it is rarely that a woman is paid that recognition.

Never in our time—and it has been a long time—has there been such an indication of the common feeling and the universal sympathy. Never, in all the years that we have worked for this newspaper, has there been such an outpouring of sincere tribute.

All families suffer their bereavements, and in that context all lives are equal, and there is always the great leveling. But this is not the point of what we would say here, and if it were to be so it would not be worth the saying.

Alice Burridge, Justice of the Peace, brought to the application of her daily responsibilities a background of experience and understanding. Many instances could be cited, but it was her innate sense of justice that prevailed. If kids wanted to fight, she would see that they got a chance in the ring. If a motorist wanted to speed, he should pay a dollar for every mile over the limit.

It was all very simple. The mother of 13, the grandmother of 35 and the great grandmother of four, Alice Burridge wasn't the kind of person that anybody was going to fool very much.—EPM.

POW DAY IN FLORIDA

Mr. CHILES. Mr. President, I feel very deeply that every opportunity should be taken to draw attention to the plight of our American prisoners of war in North Vietnam and strongly supports all efforts to do so, as I am sure all my colleagues in the Senate do also.

On April 28, just 4 weeks from now, the silent majority mobilization group with other groups and organizations will mobilize millions of Americans to protest by appropriate action and ceremony the harsh and inhuman treatment of our POW's. Our Florida Governor, the Honorable Reubin O'D. Askew, has officially proclaimed April 28th as "Prisoner of War Day" in Florida in support of this demonstration of concern.

Mr. President, I ask unanimous consent that the text of Governor Askew's proclamation be printed in the RECORD.

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

PROCLAMATION

Whereas, the Vietnam War has been continuing for a decade, and

Whereas, in no conflict in which this Nation has been engaged have the men and women of the Armed Forces of the United States gone through a greater ordeal by fire in the defense of Liberty and Freedom, and

Whereas, thousands of American fighting men in Vietnam have distinguished themselves in service above the highest levels of heroism, and

Whereas, more than forty thousand of those brave and courageous men have made the Supreme Sacrifice, and

Whereas, the fate of the American prisoners of war held by the Republic of North Vietnam constitutes a human tragedy transcending the comprehension of mankind, and

Whereas, the Republic of North Vietnam, in violation of every rule of war and human right, has callously subjected these brave men and their families to every psychological and human indignity in the lexicon of terrorism, and

Whereas, said indignities, deprivations and inhuman tactics have inflicted immeasurable pain and anguish on the families and fellow countrymen of the American prisoners of the Republic of North Vietnam, and

Whereas, there is a deep and abiding distress and grief among all Americans for the terrible plight of the American prisoners of war and their families, and

Whereas, on April 28, 1971, the Silent Majority Mobilization group, many other groups and organizations, and millions of Americans will protest by appropriate action and ceremony the harsh and inhuman treatment of American prisoners of war in North Vietnam;

Now, therefore, I, Reubin O'D. Askew, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim April 28, 1971, as "Prisoner of War Day" in Florida, in order to hold before the World the harsh and inhuman treatment of our brave men and their long-suffering families.

ARMS CONTROL

Mr. HUMPHREY. Mr. President, I wish to commend the distinguished Senator from Washington (Mr. JACKSON) for his thoughtful statement on the SALT talks and his constructive suggestions for an initiative designed to break the present impasse in those talks.

It is imperative that this body discuss publicly, as well as in closed session, the issues involved in the present SALT talks and the significance of a failure to halt the arms race. Out of this public debate, we should be able to reach conclusions which would express the sense of the Senate and which could serve as a constructive guideline for agreements between the United States and the Soviet Union on arms control.

For that reason, I made three proposals in a Senate speech last week and in Senate Resolution 87, which I submitted at the same time. First, I requested that the President propose at the SALT negotiations a ban or a limit to a very low level on anti-ballistic-missile systems. Second, such an agreement would be inextricably linked to a future agreement on offensive weapons. The administration's position has been that the United States must seek a more comprehensive agreement which would include defensive but also offensive weapons. I maintain that there is a wealth of historical precedent in our arms control agreements with the Soviet Union to support the idea of negotiating further agreements step by step. In addition, the strategical arguments for offensive weapons would lose much of their validity once an agreement to ban anti-ballistic-missile systems was put into effect. Our administration has justified its deployment program of the multiple independently targeting reentry vehicles partially on the basis of the existing Soviet ABM. The other reason has been to guarantee the survival of our retaliatory weapons in the event of an attack.

The Soviet Union may be applying the same reasoning to justify the deployment of its own land-based missiles and conceivably its own MIRV in the future. If

we continue to push ahead with our Safeguard ABM, we may, thus, be stimulating Soviet deployment of its ICBM's. Therefore an agreement on ABM's could reduce the need for new offensive weapons to maintain deterrence.

Third—While negotiations are underway, I have proposed that we ask the Soviet Union to enter into a mutual freeze on the deployment of both offensive and defensive strategic weapons. For its part, the United States would suspend the deployment of Safeguard and the testing, as well as the deployment of MIRV on our Minuteman III missiles. During the mutual freeze, funds for the MIRV program would be put in escrow as a precautionary measure in the case that the freeze is violated by the Soviet Union.

The Soviet Union, in turn, must match this restraint by suspending its land-based missile program and the testing and deployment of its MIRV. Also, the Soviet Union must forgo any expansion of its anti-ballistic-missile system—in other words, a freeze on both defensive and offensive missiles.

The administration's position has been that the continued deployment of these weapons systems is essential for us to retain our bargaining chip at the SALT talks. I suggest that it is time to halt the arms race now, and that a freeze, such as the one I proposed, would in fact enhance our negotiating position by making clear our intentions to the Russians and demanding that they exercise comparable self-restraint.

I am convinced that any hope for success at SALT depends upon an imaginative initiative which until now has not been taken. I strongly urge the administration to take that initiative and invite my colleagues to join with me in expressing our concern over this question.

RESOLUTIONS OF SOUTH DAKOTA LEGISLATURE

Mr. McGOVERN. Mr. President, I ask unanimous consent that 10 house concurrent resolutions passed by the South Dakota State Legislature be printed in the RECORD.

There being no objections, the resolutions were ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION NO. 518

A concurrent resolution, Citing the need for and the state legislatures' interest in requesting the United States Congress to amend Public Law 90–201, more commonly known as the Wholesome Meat Act, so as to allow meat and meat food products prepared by state inspected plants to be sold in interstate commerce

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the Congress of the United States has seen fit to pass Public Law 90–201, more commonly known as the Wholesome Meat Act; and

Whereas, such law provides for the reimbursement of up to fifty per cent of the state funds expended to initiate a state program to ensure that consumers receive wholesome and unadulterated meat and meat products which are produced within a state, and which provides further that states which initiated such a program may submit their program for evaluation and acceptance by the United States Department of Agriculture so as to exempt the state from the requirement of federal inspection under Public Law 90–201; and

Whereas, this State of South Dakota has, initiated a program for state inspection of meat and meat products produced for consumption in this state and has submitted such program for acceptance under the provisions of Public Law 90–201; and

Whereas, the United States Secretary of Agriculture has accepted this state's meat inspection system as being in compliance with the "at least equal to" requirements of Public Law 90–201; and

Whereas, the meat and meat products produced by this state's processors are therefore subject to inspection and requirement "at least equal to" those which are used under the Federal Meat Inspection Act; and

Whereas, the meat and meat products produced by this state's processors are not allowed to enter interstate commerce:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein to respectfully request the United States Congress to amend Public Law 90–201 so as to allow the interstate movement of meat and meat products which are processed within states where the state's meat inspection system has been determined by the Department of Agriculture to be in compliance with the "at least equal to" requirements of the Federal Meat Inspection Act; and

Be it further resolved, that upon passage of this Resolution, that a copy of the same be forwarded by the Chief Clerk of the House of Representatives to the Congressional delegation of the state of South Dakota and to the United States Secretary of Agriculture.

Adopted by the House: March 9, 1971.

Concurred in by the Senate: March 13, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 508

A concurrent resolution, Citing the need for the state Legislature's interest in preparation of feasibility studies for the construction of water lines, from reservoirs on the Missouri River, or other suitable sources, to areas of South Dakota that need an increased supply of water fit for human consumption.

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, many towns and areas of South Dakota have an acute shortage of water fit for human consumption; and this shortage contributes to a lack of human comfort and retards economic development; and

Whereas, adequate water supplies are available in the reservoirs on the Missouri River;

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, to respectfully request the United States Congress to direct the Department of Interior, Bureau of Reclamation, or other appropriate agency to conduct feasibility studies on the construction of water lines, to transport water to municipalities and rural areas to be used primarily for domestic, municipal and industrial purposes.

Be it further resolved, that copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of South Dakota to the Secretary of Interior and to each member of the South Dakota Congressional Delegation.

Adopted by the House: February 19, 1971.

Concurred in by the Senate: March 15, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 514

A concurrent resolution, Memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the State of South Dakota, has been officially proclaimed as "The Shrine of Democracy" and is recognized as a national monument; and

Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and

Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and

Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and

Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and

Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and

Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country of various series and denominations of our currency; and

Whereas, the use of a representation of the Mount Rushmore National Memorial, "The Shrine of Democracy", on a two dollar bill or some other denomination of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans:

Whereas, in 1976 the United States will be celebrating the bicentennial anniversary of its founding; and

Whereas, the Mount Rushmore National Memorial should play a significant role in the nation's observance of its 200th anniversary:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon; and

Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Treasury Department of the United States and the Governor of the state of South Dakota.

Adopted by the House March 10, 1971.

Concurred in by the Senate March 12, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 510

A concurrent resolution, Memorializing the President of the United States and the Civil Aeronautics Board to act favorably on the proposed merger of Western Airlines and American Airlines, in order to strengthen scheduled trunk airline service in South Dakota

Be is resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, modern, efficient, scheduled airline service is a necessary part of a balanced transportation system for the state of South Dakota; and

Whereas, the public convenience and necessity require the continuation and improvement of such service to provide the people of South Dakota with fast and comfortable scheduled trunk airline service to sister states throughout the Midwest and Western United States; and

Whereas, scheduled trunk airline service is a vital part of the economic development of South Dakota; and

Whereas, Western Airlines, the only scheduled trunk airline serving South Dakota, and American Airlines have proposed to consolidate their operations; and

Whereas, the consolidated company would put South Dakota on the route system of the second largest airline in the country, and provide the citizens of South Dakota with continued efficient trunk airline service; and

Whereas, the merger of these two companies would considerably strengthen the financial structure of the consolidated company, providing South Dakota with service by a strong, viable scheduled trunk airline:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the President of the United States and the Civil Aeronautics Board are hereby respectfully requested to act with favor on the proposed Western Airlines/American Airlines merger, and that all routes presently served by Western be transferred to the consolidated company, thus providing the citizens of the state of South Dakota with continued scheduled trunk airline service to the cities presently served in South Dakota as well as to other parts of the country; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President of the United States, the Civil Aeronautics Board, and the Congressional Delegation of the state of South Dakota.

Adopted by the House March 5, 1971.

Concurred in by the Senate March 15, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 522

A concurrent resolution, Memorializing the Secretary of Agriculture to reconsider the changes in policy placed in effect by the United States Department of Agriculture with the adoption of the 1970 Agricultural Act and protesting any possible action to eliminate the United States Department of Agriculture from its Cabinet-level status

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the changing of the Agricultural Conservation Program (A.C.P.) to the Rural Environmental Assistance Program (R.E.A.P) may cause the present program to lose its identity; and

Whereas, consideration is being given to the elimination of the Cabinet-level status of the United States Department of Agriculture and combining its functions with another department, which would be very detrimental to the interests and needs of agricultural states such as South Dakota;

Now, therefore, be it resolved, that the Legislature of South Dakota hereby vigorously protests any possible action to eliminate the United States Department of Agriculture from its present Cabinet-level status; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Secretary of Agriculture and the Congressional Delegation of the state of South Dakota.

Adopted by the House March 10, 1971.

Concurred in by the Senate March 12, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 526

A concurrent resolution, Memorializing the Congress of the United States to enact legislation to authorize the construction of the Polluck-Herreid Irrigation District in the state of South Dakota

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, Campbell County of the state of South Dakota has lost approximately 21,000 acers of land for taxation and agricultural purpose due to floodings; and

Whereas, there is an increased migration of young people from the rural communities such as Campbell County; and

Whereas, this flooding and migration has not only resulted in a loss of land and valuable young people but has also placed an increased tax burden upon the residents of Campbell County and has resulted in the loss of tax revenues; and

Whereas, the economy of Campbell County is unstable because of uncertain and insufficient rainfall; and

Whereas, the Polluck-Herreid Irrigation Project would enhance the development of rural communities so that young people would not migrate to congested and overcrowded metropolitan areas, would provide for the stabilization of the economy, and would relieve the tax burden for the people of Campbell County; and

Whereas, the Polluck-Herreid Irrigation District has been declared a feasible project by the Bureau of Reclamation:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be respectfully urged and requested to enact legislation to authorize the construction of the Polluck-Herreid Irrigation District in the state of South Dakota; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the South Dakota House of Representatives to each member of the South Dakota Congressional Delegation and the United States Secretary of Agriculture.

Adopted by the House: March 18, 1971.

Concurred in by the Senate: March 18, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

A CONCURRENT RESOLUTION

A concurrent resolution, Memorializing the Congress to review and give direction to the U.S. Bureau of the Census

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the U.S. Bureau of the Census has in certain past census and in the most recent census, namely that taken in 1970, provided directions for recording of college students within the county where they are attending a college or university; and

Whereas, said college students in the event that they are qualified voters do only rarely vote in precincts within the city or county where they are enrolled for purposes of educational training, but may be qualified as voters in their home precincts; and

Whereas, in the event that young people at age 18 years gain the right to vote not only in National elections but also in state elections including subdivisions of state government and it seeming to be in public interest that said students shall continue to register and be registered on the registration rolls of their home counties and voting precincts; and

Whereas, for purposes of apportionment of

Congressional seats to the U.S. House of Representatives, the state Legislature and either constitutional officers of the state, the Doctrine of "one man one vote" has been increasingly the rule of practice laid down by the Courts and followed by Legislative bodies; and

Whereas, the effect of the 1970 practice by the Bureau of the Census in calling for a count of college students to be taken in and allocated to counties other than those counties in which said students actually reside and in which they are most likely to vote does of a certainty do violence to the proposition of proper apportionment; and

Whereas, the State Legislature is required to determine and outline and establish the district boundaries of members of the U.S. House of Representatives and of the members of the State Legislature on the basis of U.S. Census figures:

Now, therefore, be it resolved, by the Senate of the 46th Session of the Legislature of the state of South Dakota, the House of Representatives concurring therein, that we respectfully memorialize the U.S. Congress to point out to the Bureau of the Census the obvious inconsistency in removing from the census rolls of all counties *one whole segment of our population*; namely a county's entire college enrollment, and taking the count of these people only in the counties that include the colleges and universities in which they are enrolled as students; and

Be it further resolved, in the interest of providing for a more reasonable approach to apportionment, fully realizing the necessity of counting student populations within the corporate limits wherein their instruction is provided for planning purposes and for more accurately determining the amount of financial assistance through federal grant programs necessary to alleviate overburdening local housing, utility systems and governmental services necessary to sustain the largest aggregate student and permanent resident population, that the Bureau of the Census be requested by the Congress to provide for the state a count of all college students by home counties so that census figures can at least at the state level be adjusted for apportionment purposes, to the end that inequities in population Census figures particularly emphasized against the most rural areas and counties; may within the states be corrected; and

Be it further resolved, that the Secretary of the Senate make available copies of this Resolution to the Secretary of the U.S. Senate, the Speaker of the House of Representatives, to U.S. Senator Honorable Karl E. Mundt, to U.S. Senator Honorable George G. McGovern, to the Honorable Frank Denholm, and the Honorable James Abourezk, members of the House of Representatives.

Adopted by the Senate: March 9, 1971.

Concurred in by the House of Representatives: March 13, 1971.

WILLIAM J. DOUGHERTY,
President of the Senate.

Attest:

WILLLIAM BERGUIN,
Secretary of the State.
DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.

A CONCURRENT RESOLUTION

A concurrent resolution, Memorializing the President and the Congress of the United States to initiate and implement action to revitalize the agricultural economy of our nation

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the agricultural economy of the United States is in a period of serious instability because of almost total inaction and lack of concern by the government of the United States; and

Whereas, the number of those people involved in producing the foods for America are so small compared to those people who are benefiting from this productivity that the agricultural problems are subordinated to those of greater political numbers; and

Whereas, the President and the Congress of the United States have the joint responsibility to establish a complete agricultural program for the general welfare of this nation and the world; and

Whereas, the time for action by the President and the Congress of the United States is the present if serious consequences and unnecessary suffering are to be avoided:

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States initiate and the President of the United States implement without delay the necessary programs to revitalize the agricultural economy of our nation; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the office of the President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the chairman of the Committee on Agriculture of the United States House of Representatives, the chairman of the Committee on Agriculture and Forestry of the Senate of the United States and the members of the Congressional delegation of the State of South Dakota.

Adopted by the Senate: March 4, 1971.

Concurred in by the House of Representatives: March 11, 1971.

WILLIAM J. DOUGHERTY,
President of the Senate.

Attest:

WILLIAM BERGUIN,
Secretary of the Senate.
DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.

A CONCURRENT RESOLUTION

A concurrent resolution, Inviting the American Revolution Bicentennial Commission to include in its primary focal points for the observance of the 200th anniversary of this nation's founding, the Shrine of Democracy at Mt. Rushmore

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, at Mt. Rushmore the nation's dedication to the principles of our founding fathers is carved out of granite in the form of the faces of the drafter of the Declaration of Independence, Thomas Jefferson; our first president, George Washington; Abraham Lincoln who preserved the nation; and Theodore Roosevelt who is identified with the opening of the west; and

Whereas, this National Memorial links in a most direct way the western part of the United States with this nation's founding heritage; and

Whereas, during our nation's Bicentennial it is desired that all in our country experience a re-kindling of a sense of pride and history in our national origins and traditions; and

Whereas, the Shrine of Democracy has, over the years, come to symbolize such a spirit to millions who have visited this National Memorial; and

Whereas, the formal dedication of Mt. Rushmore as one of the primary focal points of the Bicentennial observance will encourage others to share with their fellow Americans this inspiring experience; and

Whereas, at the present time there has been no formal designation of a western point as one of primary settings for the Bicentennial; and

Whereas, Mt. Rushmore is located amidst the scenic and unspoiled splendor of the Black Hills National Forest; and

Whereas, the communities in the Black Hills area are experienced in providing the necessary services to the visiting public;

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the state of South Dakota, the House of Representatives concurring therein, that we invite the American Revolution Bicentennial Commission to schedule as the primary western focal point for the 200th anniversary of the founding of our nation the Mt. Rushmore National Memorial; and

Be it further resolved, that the Secretary of the Senate of the state of South Dakota be directed to transmit copies of this resolution to the American Revolution Bicentennial Commission, to the members of the South Dakota congressional delegation, and to the President of the United States.

Adopted by the Senate: March 9, 1971

Concurred in by the House of Representatives: March 13, 1971

WILLIAM J. DOUGHERTY,
President of the Senate.

Attest:

WILLIAM BERGUIN,
Secretary of the Senate.
DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.

A CONCURRENT RESOLUTION

A concurrent resolution, Memorializing the President of the United States and the United States Senate to establish a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, national agricultural policies for nearly two centuries have encouraged the development of farms and ranches and the nation has benefited from this policy as industrious farmers and ranchers have built the most efficient agriculture base the world has ever known; and

Whereas, South Dakota is one of the most agricultural states of the nation; and

Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

Whereas, the agriculture policies and programs administered by the United States Department of Agriculture have a profound effect upon the economic well-being of all farms and ranches throughout the nation:

Now, therefore, be it resolved, that the Senate of the Forty-sixth session of the Legislature of the State of South Dakota, the House of Representatives concurring therein, respectfully urge the President of the United States, the Honorable Richard M. Nixon, and the United States Senators from South Dakota, the Honorable Karl E. Mundt and the Honorable George McGovern, to support a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching, and we respectfully urge their support of this proposal as being in the best interests of the agricultural economy of South Dakota and in the public interest of this nation; and

Be it further resolved, that the Secretary of the Senate of the State of South Dakota be directed to transmit copies of this Concurrent Resolution to His Excellency, the President of the United States, the Honorable Richard M. Nixon; to the Secretary of the United States Senate; to the Honorable Karl E. Mundt and the Honorable George McGovern; and to the Honorable Clifford M. Hardin, Secretary of the United States Department of Agriculture.

Adopted by the Senate: March 4, 1971.

Concurred in by the House of Representatives: March 12, 1971.

WILLIAM J. DOUGHERTY,
President of the Senate.

Attest:

WILLIAM BERGUIN,
Secretary of the Senate.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.

SPEECH BY SENATOR MOSS

Mr. CANNON. Mr. President, the Senator from Utah (Mr. Moss) recently made a thought-provoking speech to the National Association of FM Broadcasters.

I ask unanimous consent that the Senator's statement be printed in the RECORD.

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

IT IS TIME FOR ALL-CHANNEL LEGISLATION

A few years ago when the Congress was considering "truth in packaging" legislation, one of my colleagues received a letter from a woman who had recently purchased a can of "mixed nuts." The contents were described as Virginia peanuts, cashews, Brazil nuts, almonds, and pecans. The picture on the can convincingly depicted an even mixture of the assortment. When the can was opened, however, the contents appeared to be just peanuts. Prompted by curiosity, the woman made a count. The results were: 435 peanuts, 12 cashews, 3 Brazil nuts, 2 pecans and ½ almond.

Now please do not jump to conclusions. I am not suggesting that FM is a scarce broadcast delicacy among a family of *nuts* although the way you are being "picked on" from all sides these days—there obviously are some who believe this to be the case. At times it seems that everyone knows more about the broadcast business than the broadcaster himself.

The point I want to make is that the American public is getting "short-changed" in its broadcast bill of fare as well as in "mixed nuts." Just as there are too few cashews in the can, there are also too few FM's in the broadcast picture; and, I might add, too many of the AM's in the picture are of the "Peanut" variety.

Enactment of the all channel legislation advocated by the National Association of FM Broadcasters and other industry groups would greatly improve the mix. The American public would benefit substantially as a result.

My interest in your cause and, I can assure you, the interest of my colleague in the House, Congressman O'Konski, is just that simple. We recognize the significant public benefits that will flow from a system of aural broadcasting that properly and effectively incorporates the superiority of the FM art.

The two questions today, however are:

(1) Whether we now have such a system; and

(2) If not, what we can do to get it.

The obvious answer to the first question is that we do *not* have such a system. The answer to the second is somewhat more involved.

Yours is a complex and exciting, as well as challenging, business. It is composed of many parts—all of which must be carefully integrated if we are to have a desirable whole. I often equate your requirements with those of a transportation system. You need rolling stock—which it is the function of the manufacturer to provide—and the responsibility of you, the broadcaster, to operate. You also need the highways and road beds, which in your language is, of course, radio frequencies.

How the frequencies are allocated—and this is the principal function of government—substantially determines the permanent soundness of a nationwide broadcast system, just as the proper planning of railroad tracks and highways provide the basis of a sound and long-lasting transportation system capable of serving tomorrow's needs as well as today's.

Perhaps the toughest challenge for all of us concerned with broadcasting is how to assure maximum utilization of that precious natural resource—the radio spectrum. For the public, which is our paramount concern, maximum utilization means maximum service. For the broadcaster it means maximum coverage. For the manufacturer it means maximum production of the equipment that brings about maximum service and coverage. Maximum production also means maximum FM receiving capability.

In the final analysis, the measure of success is the quantity, quality, and regularity of product delivery. We should therefore ask ourselves—all of us who are responsible for the separate parts of the broadcast whole—just how well our aural broadcast system is working.

Certainly, it is far from flawless both in terms of what it is doing today and what it should be prepared to do tomorrow. No one, of course, expects perfection but most of us certainly anticipate progress in that direction. I am sure you agree that we need to act *now* so that the FM broadcaster can deliver his superior products to an expectant and waiting public. Let us take a brief look at what is waiting in the "yards."

As you all well know, the Congress has given the corporation for public broadcasting a mandate to build a system of general educational, cultural and informational broadcasting in the United States. Presently, over 90 percent of the *public* radio stations are FM stations and because of spectrum considerations, it is likely that nearly all future *public or educational* radio stations will be FM.

The president of the Corporation for public broadcasting, Mr. John Macy, Jr., has said:

"Without the successful passage of all-channel AM/FM legislation, the corporation for public broadcasting cannot efficiently fulfill its responsibility to public radio, in that virtually all non-commercial educational radio licensees (455 of 480) are assigned to FM frequencies. FM set penetration, as low as 10 percent in radio-equipped automobiles and ranging in percentages from the low thirties to the high eighties in homes located in the top 100 population centers, is inadequate to meet this commitment. The passage of all-channel legislation will ensure a significant expansion of the number of listeners able to receive and benefit from public radio programming."

It is no news to this audience that FM has many characteristics particularly suited to educational broadcasting. With its capability to utilize sub-channels simultaneously with its main channel, FM gives the public broadcasters a medium which can serve a general audience and, in addition, several specific audiences with separate programming transmitted on a simultaneous basis. Some public broadcasters are already using these frequencies for instructional programming, for continuing education for doctors and nurses and for specialized programming for the blind and visually handicapped.

But it is not only in educational programming that the public is being short-changed in FM benefits. The world of music is a world apart on FM. The quality and artistic differences between stereo and monaural broadcasting are almost unbelievable. And stero is, of course, an FM exclusive.

Stereo in automobiles almost defies description. The experience of a friend of mine who recently purchased a new car best illustrates my point. Since my friend is an FM enthusiast. He insisted that his car be delivered with FM stereo installed. The salesman who introduced the owner to his new car for the first time could hardly wait to expound on the all-round sound. He kept repeating that there was just no comparison between this sound and what he hears—as he put it—on the *"plain"* radio in his own personal car.

He was so enthusiastic my friend suspected that the salesman had not been exposed to automobile stereo many times in the past—if at all. Perhaps we should require that all automobile dealer demonstration cars be equipped with FM stereo receiving sets. Our Detroit friends, as well as their salesmen, could discover that FM stereo helps sell automobiles.

And, I am told, stereo is not the ultimate We are now on the threshold of quadrosonic sound which again, thanks to the art of FM broadcasting, will add another dimension to listening.

There are a plethora of advantages to FM broadcasting with which you are more familiar than I, but let me mention what is perhaps its most important one. That is in the simple, mundane process of providing more information and more entertainment to more people. Many people today receive little or no broadcast service of an acceptable quality, and far too little of local interest.

Ladies and gentlemen, on this point may I speak as the "voice of experience." In my State of Utah—and in other western and intermountain states such as Idaho, Wyoming, and Montana, where God has blessed us with the wealth of his nature, man has to date left us poverty-stricken in access to the broadcast information and entertainment that many other areas enjoy routinely in abundance.

Daytime service in our part of the country is reasonably adequate, but at night, due essentially to the lack of FM stations, the picture is dismal. As a former chairman of the Federal Communications Commission said not too long ago, "a primary service map of the United States for the nighttime portion of broadcast hours resembles a teenager with a bad case of acne."

Well, out my way, even the acne spots are few and far between.

But the "radio-barren west" is not the only shut-out from adequate broadcast service. There are today many substantial, new communities in these United States—which, although related to other major cities in a "megalopolis" sense, have need of their own broadcast facilities, whether those facilities be AM, FM or TV. But they don't have them!

A typical example—and I am sure you can identify it with communities in your own part of the country—is a new community in Maryland known as Columbia. Columbia is a large, new, attractive, and progressive city approximately halfway between Washington and Baltimore. Like every other city in these United States, it has a community of interest, understandable local pride, and many local projects to talk about. It also has a natural longing for a broadcast station of its own.

Unfortunately, there are at the present time no broadcast facilities available for Columbia. Because of present frequency allocation and assignment policy, the residents of Columbia find themselves in much the same category as communities of the "barren west"—at least insofar as inter-communication by air waves is concerned.

This situation, of course, cries out for remedy. I am glad to report, therefore, that the Federal Communications Commission is now engaged in a rule making proceeding which could bring relief. The proceeding is designed to explore and revise "(the) . . . Commission's rules regarding AM station assignments standards and the relationship between the AM and FM broadcast services" (docket No. 18651). This proceeding was instituted (unfortunately as long ago as September, 1969) because, the Commission said, ". . . The maturing pattern of assignments for the standard broadcast band, especially when considered in light of the . . . FM service, necessitated fundamental re-evaluation of our allocation policies."

I am pleased that your association—the Association of FM Broadcasters—has taken such a realistic and forthright position with respect to the proposed rule amendments. Let me repeat for you what your association has told the Commission, for I can find no better expression of the problem that plagues us all:

"The National Association of FM Broadcasters strongly supports the concept of a wholly integrated AM and FM aural broadcast service. With the accelerating population growth, the rapid advance of new technical developments, and the consequent obsolescence of former techniques and standards, there is no alternative. Increasing present demands make it crystal clear that all the aural frequencies—AM and FM—are needed if there is to be an adequate aural broadcast system for the future. Certainly FM alone cannot do the job if for no other reason than that there are far too few frequencies available—both presently and potentially. Moreover, it is entirely unrealistic to even think about an aural broadcast system in this country that does not incorporate and utilize both the groundwave and skywave propagation characteristics of AM. On the other hand, it would be just as unrealistic to think in terms of a broadcast system that was not designed and planned to bring to as many listeners as possible through the new broadcasting dimensions offered only by FM. The advantages and disadvantages of both AM and FM must be recognized, the advantages utilized and developed, and the disadvantages avoided insofar as possible."

And to quote further:

"The National Association of FM Broadcasters believes that the proposal offered by this proceeding is in most respects a substantial step forward. It is, however, only a step and should be recognized as such. It would be a serious mistake to adopt the present proposal, or something substantially similar thereto, and then accept it as the base for either a permanent or an extended interim system of aural broadcast frequency allocations and assignments. Basically, the present proposal merely recognizes that FM must be made an equal partner in the broadcast enterprise. It does not contemplate certain basic changes in allocation policies and standards which the National Association of FM Broadcasters believes are essential if AM and FM are to be integrated into an overall aural broadcast system that will meet its full potential."

Your association's statement then calls the Commission's attention to a 1964 report of the Joint Technical Advisory Committee of the Institute of the Electrical and Electronics Engineers and Electronic Industries Association and continues:

"One of the basic philosophies and recommendations of that report . . . is that '. . . Local, as distinct from regional and clear-channel broadcasting should vacate the AM frequency band and move to the FM broadcasting band. Such a move would capitalize on the physical properties of the bands involved to provide for better utilization of the spectrum.'

In its concluding chapter, the report explains that:

"The spectrum 535–1605 kilocycles is universally used for the broadcasting service. In most areas, the band is so crowded that at night, when skywave interference prevails, many stations are reduced to an interference-free service of only a few miles. . . . Certainly it would seem in the long-range public interest to transfer local broadcasting as distinguished from region and clear channel to the FM broadcasting band."

(And now back to your statement.)

"This statement concisely points to perhaps the most serious disadvantage of AM but also recognizes that the disadvantage results primarily from the manner in which it is used in accordance with present allocation and assignment standards. For too many sub-standard, interference ridden, 'cream skimming' AM operations are already in existence. Undoubtedly, the slow development of FM and its delayed acceptance by the public has contributed significantly to this condition and conversely the sub-standard AM assignments have tended to retard FM. However, the point now is that the situation must not be permitted to further deteriorate."

I would say amen to that statement of your association with this addition: We must not permit the present situation to further deteriorate. We must take that first long stride toward a more perfect system.

I, like your association, want to make it clear that it is the *sub-standard* AM assignments—not AM as such—that must be questioned in a serious frequency allocation study. The aural system which I visualize, and I believe your association visualizes, cannot be achieved without AM playing a very significant role. Overall public interest dictates that "AM" frequencies must be utilized to provide viable service both to centers of population and to extended areas, without prejudicing the opportunity of FM stations to provide their superior services to as many listeners as possible, consistent with the technical capacity of the art.

Sub-standard AM stations capable of providing service only to population "cores"—the AM peanuts I referred to earlier—do not fit this pattern.

What this all adds up to is that a forever-frozen frequency allocation system must not be condoned. We in 1971 must not "foreclose" future generations—even the next generation—from better and more efficient ways of satisfying their broadcast appetites. Only ostriches with heads in sand would contend otherwise.

We are not like the elderly gentleman who, when asked how he liked growing old, replied that, considering the only other alternative, he was happy with things the way they were.

We who are interested in achieving maximum utilization of the broadcast portion of the radio spectrum, and who want to see FM play the role it is capable of playing to that end, know that there *are* alternatives. We only need to seek them out—and seek them out we must—for more aural frequencies must be made more readily available to bring more signals, and more information, and more entertainment not just to the Utahs and the Idahos and the Columbias, but to all America.

Surely we cannot be so naive as to assume that in only half a century we have reached the Utopia of all-time frequency utilization. Such an attitude would be a disservice not only to you broadcasters and the broadcast industry, but to everyone.

We must start listening to, and implementing what knowledgeable men—particularly your own scientists—are telling us. We should dust off that 1964 report of the Institute of Electrical and Electronics Engineers and study it with open minds. Perhaps it is not the whole answer but some answer must be found and a significant part of it I am convinced will be FM. In this instance, there is no alternative.

This means, of course, that FM must be prepared for its mission and the first step is to insure that the people it now serves, and the many more it will serve better, have access to its many public service advantages and to its technical superiority. This, as I see it, is why all-channel receiving sets play first fiddle. We need them to make the best of the present and we need them, even more critically, to insure that our broadcast future exceeds and excells the past. We can accept nothing less, but as the past is prologue so is the present the time to plan and prepare for the future.

I wish I could tell you here today that "all signals are go" for an *all-channel bill*, maybe not yet, but I do believe that with your help we can turn them on!

ESEA III, AN INVESTMENT IN THE FUTURE

Mr. BAYH. Mr. President, it is my understanding that the Administration has asked for a fiscal year 1972 appropriation of $143,393,000 for ESEA III. A careful examination of the needs in this area, reveals that this sum is inadequate. As chairman of the Subcommittee on Juvenile Delinquency, three areas of need, involving student and school personnel, state leadership services, and elementary school guidance, are of particular interest to me.

According to the latest arrest statistics, 59 percent of all violent crimes and 81 percent of crimes against property are committed by persons under the age of 25. Why? An obvious partial answer to this is related to the quality and quantity of guidance, counseling, and testing services employed in our education system. One out of every four students entering the ninth grade fails to complete high school. Apparently, these young people are not being reached. There are insufficient qualified guidance personnel available to interpret student and community needs to curriculum planners. The "system" becomes irrelevant and the students become disinterested.

About 80 percent of our young people prepare for college admission, but only 32 percent will enter, and half who do will fail to graduate. Material provided by guidance and testing programs is needed to change this condition of our high schools which are presently geared to serve a minority of 16 percent.

We have been distressed in the last few years about the unrest on our campuses and in our public schools. But I submit that much of this unrest is due to the fact that hundreds of thousands are in college and millions are in high schools without a purpose. Youth with career goals are not usually the dropouts or troublemakers. More effective services and more adequate guidance would strengthen career goals and charts a definite course for students otherwise doomed to economic disaster.

State leadership services must be strengthened and modernized to provide intensive inservice work with counselors, to increase their skills and understanding, and in some cases, modify their attitudes toward guidance and career development. This service is also needed to help clarify the role of teachers in the process of guidance and counseling.

Moreover, we must expand and improve the counseling services in elementary schools. In the schools of our larger cities, it is not unusual to have one counselor per 1,785 pupils. The situation is worse in small cities, towns, and rural communities where one counselor may "serve" 5,882 pupils. We know the value of guidance and counseling at an early age, yet we have neglected to deliver these services to our children.

Mr. President, the American Personnel and Guidance Association has recommended a minimum appropriation of $287 million for fiscal 1972. This represents a 50-percent increase over the $143,393,000 recommended by the administration.

In fiscal 1968 the combined appropriation for ESEA III and NDEA V–A was $212,376,000. Assuming the normal 10 percent increase per annum in the cost of living since 1968, without increasing services, the appropriation for fiscal year 1972 should be $342,033,672.

The $287 million appropriation recommended by the American Personnel and Guidance Association is $5.5 million less than the amount needed to get the job done. Their position is more than reasonable, particularly in view of need to recommit more of our resources to areas of human growth and development.

The American Personnel and Guidance Association has developed a very informative statement titled "Developing Human Potential Through Guidance, Counseling and Testing." The statement was developed for the March 29–31 conference of the President's National Advisory Council on ESEA III. It includes a historical sketch of title III ESEA and observations on the implementation of programs under that title.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the items were ordered printed in the RECORD, as follows:

DEVELOPING HUMAN POTENTIAL THROUGH GUIDANCE, COUNSELING, AND TESTING

BACKGROUND

Guidance, counseling, and testing programs have played an important role in American education since the turn of the century. At that time, at least two movements initiated profound changes in the nature of American society. The first was the accelerating rate at which the United States was becoming an industrial-technological, rather than agricultural society. The second was a shift in the goal of American education from a very limited system serving a select number of students to a comprehensive system which would eventually serve large number of students, thereby helping to fulfill Thomas Jefferson's notion that a democratic society would need to be a well educated society.

Our industrial society and our comprehensive education system created a multitude of opportunities for many different kinds of people. The process of helping individuals, especially young people, understand these opportunities and the degree to which they would participate in them, was systemized by people such as Frank Parsons and the process was called by various names, including vocational guidance, and eventually simply as guidance.[1] The rapid growth and the ever increasing demands for guidance services offer ample testimony to the importance to individuals of these services. The quality and quantity of these services was improved in the mid 1940's when vocational education funds became available to provide state guidance supervision and counselor education.

The greatest growth in numbers of guidance programs and in personnel providing guidance services took place with the advent of the National Defense Education Act of 1958. At that time the Congress chose to define the identification and development of human resources, not only as necessary goals for the fullest career development of individuals in our society (noble ends in themselves), but in terms of the nation's vital security. The decade of the sixties brought a new challenge as our nation faced the problem of helping large numbers of low income, disadvantaged, and handicapped individuals participate to a greater degree in the benefits of our society.

The role of guidance in education

There have been several additional reasons for the growth of guidance and personnel services as our complex society and our comprehensive educational system have created new opportunities and new challenges. First, guidance and counseling programs spotlight the individual and his development as the central purpose of education. Second, guidance and counseling programs encourage the realization of human freedom by helping individuals to learn about and understand the range of options and opportunities available to them. Third, guidance and counseling programs facilitate self-sufficiency in individuals by advocating and assisting in the development of activities designed to further personal, educational, and career development. As education in our society becomes an even more individualized process, the provision of guidance and personnel services merits a higher priority than it has received.

Providing adequate guidance and personnel services will continue to challenge those who provide and support educational programs. These guidance and counseling services are likely to be more effective if:

1. They are based on clearly established human needs.
2. They are innovative and imaginative in approach.
3. They are grounded in proven practice.
4. They employ accountability principles.
5. They use planning, management, and evaluative techniques in program development and operation.

The foregoing provide a natural rationale for the consolidation of guidance, counseling and testing (formerly found in NDEA Title V–A) in ESEA Title III legislation.

LEGISLATIVE HISTORY

On April 13, 1970 President Nixon signed into law P.L. 91–230, the ESEA Amendments of 1969. Title III of this new public law consolidated two programs which had been separately authorized:

(a) ESEA III—in the previous Elementary and Secondary Education Act this title dealt with innovative programs, supplementary centers, creative projects and other services in education.

(b) NDEA V–A—guidance, counseling and testing programs as administered and maintained through state departments of education.

The latter program is the major concern of this section of the paper. The National Defense Education Act was authorized in 1958. The purpose of Title V–A was to strengthen guidance, counseling and testing in order to identify and encourage able students. Initially, this title was limited to secondary schools. To identify and develop more fully talents needed for an expanding economy and to achieve the goal of maximum development of each individual, counseling services were needed below and beyond the secondary school level. Therefore, the NDEA Amendments of 1964 extended the counseling and guidance provisions to public elementary schools and to public junior colleges and technical institutes. Amendments in 1968 extended the program through fiscal year 1971 and authorized short-term training for guidance and counseling personnel in elementary and secondary schools, junior colleges and technical institutes.[2]

Authorization is only one part of NDEA V–A's legislative history. The other part is annual appropriations. Although NDEA V–A funding began in 1958, the peak year of funding (as an unconsolidated program) was fiscal 1968. Authorizations as contrasted with actual appropriations and/or budget recommendations are cited in Table I on the following page for 1968 through 1972.

TABLE I.—COMPARISON OF NDEA V–A/ESEA III FUNDING 1968–72

	Authorization	Appropriations	Budget-recommendation
Fiscal year:			
1968	$30,000,000	$24,500,000	
1969	25,000,000	17,000,000	
1970	40,000,000	14,450,000	
1971	[1] 54,000,000	[2] 143,400,000	
1972	[3] 575,000,000		[4] $143,400,000

[1] NDEA V-A was consolidated into title III of Pubic Law 91–230 with a fiscal year 1971 combined authorization of $550,000,000, yet the fiscal year 1971 authorization for NDEA V–A repealed by Public Law 91–230 was $54,000,000.

[2] This figure represents the appropriations for the consolidated version of ESEA III as found in Public Law 91–230.

[3] This figure represents the authorization in fiscal year 1972 for the consolidated ESEA III.

[4] The administration budget for fiscal year 1972 recommended his expenditure for ESEA III.

The picture is not impressive but does indicate the disparity between funding authorization levels and actual annual appropriations allocated to NDEA V–A, now a consolidated feature of ESEA III, P.L. 91–230.

To complete the history of NDEA V–A, its major achievements should be noted:

1. *The number of counselors providing guidance and counseling services to public school children and youth has increased sharply* (e.g.) in 1958, there were 13,000 full-time counselors for secondary schools with a counselor to pupil ratio of 1:960, there were no counselors for elementary schools; in 1968 there were 36,000 full-time secondary school counselors with a ratio of 1:450, and 4,600 elementary counselors (half of these were full-time) with a ratio, considering all elementary students, of 1:9,600.

2. *Local and state support for guidance and counseling programs has markedly improved.* Financial support of these programs considering only local and state support, is more than 27 times greater than when federal assistance began. Moreover, the federal share of support decreased from 44.5% in 1958 to less than 8.4% currently. There has been a tremendous "seed money" effect in NDEA V–A funding for guidance services.

3. *More tests and testing programs to identify interests, aptitudes, and abilities of young people have been provided.* Nine million of the 45 million tests provided students in 1966–67 were funded from NDEA V–A (400,000 of this number to non-public schools).

4. *College and post-high school vocational-technical school enrollments have increased significantly; students are staying in school longer and more are graduating from high school.*

5. *State education agency guidance and personnel service have greatly expanded.*

[1] Bruce Shertzer and Shelley C. Stone, *Fundamentals of Counseling*. Boston: Houghton-Mifflin Company, 1968, pp. 28–36.

[2] U.S. Department of Health, Education and Welfare, *Review of Progress, Title V–A National Defense Education Act*. Washington, D.C.: U.S. Government Printing Office, 1969, pp. 1–4.

Other indicators of NDEA V–A effectiveness are:

1. Minimal recommended standards for guidance programs have increased.

2. Qualifications for State Supervisors of Guidance, Counseling and Testing have been strengthened.

3. Counselor certification requirements have improved.

4. All 50 states rather than the larger or more affluent ones, have been helped to establish or strentghen guidance services.[3]

There are still many unmet needs of people which could be met through more effective guidance and counseling programs:

1. Counselor-student ratios are too high, especially in elementary schools where the ratio is 1:9,600 considering all schools.[4]

2. In 1975, the secondary schools will need 33,850 more counselors than they now have but will be able to find only two-thirds of this number; the elementary schools will need 27,905 but only one-third will be found. These figures are not based on school populations but are practical estimates gleaned from state supervisors based on conditions within the states. Stated another way only 57% of 1975's counselor needs will be met.[5]

3. There is a need for more training programs for counselors (for ghetto, rural, Appalachian, and other specialized areas); training programs for paraprofessionals to assist the counselor; in-service training and superivsion of existent counselors; and broadened experiences in career development concepts, new technology, group work, and human relations training.

4. Counselors need more training, practical experience and information to help children and youth give full consideration in their career planning to specialty oriented technical and vocational areas which this country needs filled.

5. Greater support is needed for guidance activities designed specifically to reduce school dropouts.

6. Guidance and personnel services are in urgent need of expansion. Even though expressly authorized in 1964, guidance services for junior colleges and technical institutes have not been implemented sufficiently because of limited funding.

7. More parent education and adult counseling programs are needed to lessen the generation gap and to increase the understanding by parents of the role of the school in imparting information and discussing with children and youth such controversial subjects as race, drugs, sex, war and politics.

Significant features of Public Law 91–230, ESEA III

Under amendments in P.L. 91–230, Title III, ESEA is redesignated as "Supplementary Educational Centers and Services; Guidance, Counseling and Testing."

This combination of NDEA, Title V–A with the previously authorized ESEA, Title III, which provides for the inclusion of funds for guidance, counseling, and testing within the new version of ESEA, Title III appropriations has resulted in a dual role for ESEA State Advisory Councils and has created a variety of problems or opportunities (depending on how one looks at them) related to the administration and supervision of state programs. This dual role is a consequence of the merging of two pieces of Federal legislation which were conceived and designed on the basis of different philosophical approaches to the improvement of educational practice. These different philosophies have evoked distinctly different operational procedures and evaluative criteria for the two programs. ESEA, Title III has emphasized educational innovation through the distribution of relatively massive funding to selected school systems on a competitive project basis. In contrast, NDEA Title V–A has emphasized the encouragement of guidance, counseling and testing program development and maintenance, stressing equitable distribution of funds, materials, and services to all schools meeting established standards of eligibility. That this approach has paid off is evident from the increase in the number of school guidance programs and guidance personnel during the first ten years of Federal support.

Although the combination of the two programs under ESEA, Title III now permits the expenditure of guidance, counseling and testing funds on a competitive project basis, the law is clear in its intent to permit continued expenditure of such funds in accordance with procedures established under NDEA V–A as amended. Section 303(a) of the Act states—

"It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V–A of the National Defense Education Act of 1958, and, except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles."

The intent to maintain the operational integrity of the guidance, conseling and testing programs is further indicated by including in Section 305(b) of the Act the same provisions dealing with these programs as were originally stated under Title V–A.

Programs formerly authorized by Title V–A, NDEA are *expressly modified* by the Amended Title III, ESEA with reference to the following:

1. Matching of Federal funds from state or local sources no longer applies.

2. Distinguishes, for guidance, counseling and testing purposes, administration from state supervision and leadership activities.

3. Participation of children in nonprofit private schools is now possible in guidance and counseling programs or projects, as well as in testing programs. (Under Title V–A, only testing was available to students in non-public schools.)

4. The state must assure the Commissioner of Education that an amount at least equal to 50% of Federal funds expended for guidance, counseling and testing during Fiscal Year 1970 will be spent for these programs in Fiscal Year 1971.

5. Federal funds made available under this Title will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for authorized purposes, and in no case supplant such funds.

In the light of the foregoing provisions, it seems clear that the intent of Congress is to maintain the identity and autonomy of guidance, counseling and testing programs. However, the combination of these programs within a single authorization opens up possibilities through cooperative relationships that can lead to strengthening and developing the quality of guidance and counseling, and of other pupil personnel services through new and innovative approaches.

U.S.O.E. administrative regulations

While authorizing the continuance of programs for the same purposes and of the same types previously funded under Title V–A, the amended Act also provides flexibility to fund innovative exemplary programs in accordance with criteria, policies and procedures specified for the Supplementary Educational Centers and Services component of Title III. Regulation 118.11(e) states—

"Project grants may be made to local agencies under this section for the following purposes: (1) planning programs and projects designed to provide the services and activities described in clauses 2 and 3, including pilot projects designed to test the effectiveness of such plans; (2) establishing or expanding innovative and exemplary guidance and counseling programs and projects for the purpose of stimulating the adoption of new programs; and (3) establishing, maintaining, and improving guidance and counseling services and activities, especially through new and improved approaches consistent with the purposes of Title III of the Act."

Regulations also make clear that in addition to guidance, counseling and testing programs at the local level, there shall be, "provision for supervision and leadership activities by the state educational agency with regard to the establishment, maintenance, and improvement of guidance and counseling services under the state plan," and coordination of related Federal and state programs "to provide for strong leadership in the area of guidance and counseling," Regulation 118.11(c).

Federal funds for state level supervisory and leadership activities in guidance, counseling and testing may continue to be expended as under the former Title V–A by utilizing local grant or program funds for these purposes. Under the provisions of the Act and Regulations, it is expected that such a staff will continue to be maintained and strengthened to the extent necessary to continue carrying on these functions.

Each state will determine administrative, as distinguished from state supervision and leadership activities, and will make necessary arrangements in terms of staff responsibilities and functions for the administration of the guidance, counseling and testing programs. Part of the uncertainty regarding administrative relationships of the two programs under this Title accrues from the organizational structure existing at the time of the combined authorization arrangement. "Coordinator of Title III, ESEA," originally applied only to Supplementary Educational Centers and Services. With the addition of guidance, counseling and testing, states may now want to amend staff title designations in order to reflect actual operational responsibilities under Title III.

In addition to guidance and counseling programs or projects, the Act, and Regulations 118.10 provide that—

(a) The state plan shall set forth a program for testing students in the public and private elementary and secondary schools of the state or in the public and private junior colleges and technical institutes of the state. In so doing, the plan shall describe the primary objectives of the program, identify the grade levels of students to be tested and the types of tests to be utilized for the measurement of aptitudes and abilities.

(b) The testing program set forth in subsection (a) shall include at least one test for students not beyond grade 12, and shall, (1) be utilized to identify students with outstanding aptitudes and abilities; (2) provide such information about the aptitudes and abilities of students as may be needed in connection with the guidance and counseling program required by § 118.11; and (3) provide such information as may be needed to assist other educational or training institutions and prospective employers in assessing the educational and occupational potential of students seeking admission to educational or training institutions or employment.

The combined arrangement under Title III offers state education agencies the opportunity not only to maintain, but also to explore new approaches toward improving the quality of guidance, counseling and testing programs of projects.

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[3] *Ibid.* pp. 14–44.

[4] U.S. Department of Health, Education and Welfare. *The Education Professions 1968.* Washington, D.C.: U.S. Government Printing Office, 1969, p. 165.

[5] *Ibid.* p. 166.

Implementation at the State Level

Implementation of guidance, counseling and testing programs at the state level will vary from state to state, depending on the point of view of the State Advisory Council and state educational administration, and on the nature and extent of funding available from other sources for state guidance services.

There are three important points to be considered in this effort:

1. That each state program is an outgrowth of carefully planned deliberations by appropriate administrative and advisory personnel.

2 That the state guidance, counseling and testing program does not fail by omission or commission to include appropriate guidance personnel in the planning activities.

3. That state level planners (administrative and advisory) have access to full information concerning the alternatives that may be considered when developing state policy and procedure.

State Advisory Councils should be expanded to include adequate representation by persons with professional competence in guidance, counseling and testing In addition, a state may choose to identify a subcommittee within the State Advisory Council to study and to offer recommendations concerning the state's goals with respect to guidance, counseling and testing. Other states may choose to maintain a guidance, counseling and testing advisory committee (as under NDEA, Title V–A), either on an *ad hoc* or a continuing basis, to deal more fully with state policy recommendation and other advisory matters relating to guidance, counseling and testing program development and operation. Any such advisory committee should work in close liaison with the state's Title III Advisory Council, possibly through overlapping membership.

In any state planning for ESEA Title III, consideration should be given to the information that may be provided by the guidance, counseling and testing representatives to fulfill the state responsibility for needs assessment and for evaluation Certainly, educational innovation and change in any state must be pointed toward improved approaches to meet the needs of students and, concurrently, the needs of the community Long-term goals of school (and state level) guidance services personnel encompass these same objectives, and professional guidance people are trained to analyze student needs and to propose program modifications to meet identified needs. Similarly, if state level program evaluation activities are to give attention to improvements in end-product (reduction of dropouts, increased employability, student involvement in decision-making, etc.) information available through the guidance, counseling, and testing program must be utilized

THE FUTURE OF GUIDANCE, COUNSELING AND TESTING WITHIN ESEA III

The development needs of our American society have been and will continue to be fulfilled to a large extent by our nation's schools. Unfortunately, the school too often mirrors society's problems rather than "shows the way" to resolve any of the great issues that confront the United States. This educational leadership lag must be overcome in this rapidly changing, technical world of the seventies. In order to provide the needed educational leadership, our society must allow the schools far more freedom to innovate, experiment, and develop an educational enterprise for the future because it is the future adult leaders and citizens that our schools are training. The keystone to a sound, innovative program in any school in this country is an understanding of the student body as a whole and a basic working relationship with each student, including a knowledge of his needs—social, emotional, physical, educational, and vocational. Only by fully understanding each student, and bringing this knowledge to bear on whatever program, project, technique, material, device, or teaching methodology is involved can we have adequate change in a positive direction. Prerequisite to progress is a strong guidance program as a basic component of a school-wide system of pupil services (health, social work, psychological and related specialists, including use of para-professionals). Such a team can cooperate with the rest of the professional staff to provide a real impetus to make things happen.

In January of 1971 the Nixon administration presented its Proposal for Consolidation of Federal Educational Grants and Programs. In the Nixon proposal the suggestion was made that incentive grants be made to states which focus on national priorities and achieve successful results. Seven examples were given to illustrate educational accomplishments which might be so rewarded. Each example has guidance implications. Each of these seven examples are listed below together with a vingette which describes an existing program:

1. Reduction of school dropouts: Recently one school district applied for project money to employ a full-time counselor to work with potential high school dropouts. A research of past dropouts identified 110 enrolled students who would probably quit school before graduation. The counselor, working with these 110 probable leavers and with their teachers, reduced to 13 the number that actually left in the following three years. (A dramatic example of how Title III has met a national priority need!)

2. Reduction of student absenteeism: One school district discovered a marked increase in the absences of its student body, both elementary and secondary. The district developed a project which included the employment of additional counselors to reduce pupil/counselor ratios and to increase the contacts between the schools and the pupils' families. Absenteeism was reduced by 70% and failures by more than 50%.

3. *Reduction of severe retardation in basic subject areas, such as reading and math:* A project was developed involving similar class sizes, the use of aides, and the employment of school counselors to act as liaison between teachers and students. One result of this project was improvement in basic skills an average of five grades during the three-year project period. Another was the demand by the parents for a strong guidance program. This demand resulted in an increase in the number of counselors employed by the district rather than the curtailing of services after federal funds were no longer available.

4. *Provision of job or college entry preparation for all students through curriculum reform:* The administration of a modern, progressive, suburban high school was appalled to find through its follow-up program conducted by the guidance department, that most of the 15% of its students who were not college-bound were either unemployed or employed marginally. The Guidance Director initiated a meeting at which personnel from nearby industries and businesses met with school department chairmen and discussed the vocational preparation needed by high school graduates who are entering the world of work. Within two years, a revised and comprehensive program of studies provided vocational education opportunities for the students of this school. A year later local business representatives actively recruited seniors for employment after graduation. (A complete turnabout during the three-year project program!)

5. *Proper placement of all handicapped children in the proper special education classes:* An elementary school district recognized that many children with special needs were not identified or placed in classes that best met their special needs. A project to employ a comprehensive pupil personnel team to identify, place, and help in remediation activities was initiated. The team of specialists also conducted in-service programs for teachers and several meetings for parents, both group and individual conferences. The situation was soon corrected and this district is recognized as a model program for the nation.

6. *Reduction of youth unemployment:* One large metropolitan school system has organized a Career Development Center in each of its high schools. Each Center has a job placement coordinator, a work-study coordinator, and a vocational counselor who work as a team in maintaining working contacts with employers, the Employment Service, and the school faculty in helping students make a smooth transition from school to the world of work. The city in which this program is located has one of the lowest youth unemployment rates of major cities in the country.

7. *Systematic placement of high school graduates into apprenticeships, vocational training, or college:* A school district found that many students were not successful in finding employment after high school because of the complexity of the world of work and of college placement. A project to employ both a full-time career counselor and a college counselor paid quick dividends. One year after initiating the project a follow-up study was undertaken. In comparison to district data for the previous year, the project effected the following changes; 1) student enrollment in apprenticeship programs increased three-fold and 2) college dropouts had decreased 60%. Three years later, apprenticeship enrollment had again tripled and college dropouts from this district averaged fewer than 5%.

It is apparent from these brief illustrations related to educational accomplishments which should be rewarded, that improved communication among the local project staff, the state education department staff, the federal Office of Education staff, the various advisory committees, and other branches of government must be accomplished. The need is great for the federal government to establish a realistic foundation program to insure these vital guidance counseling and testing services for *every child* regardless of his age, his need, his geographical location, his family background, or any other circumstance. Guidance services focus on the individual and help the school to relate to his needs. This premise is the very foundation of our education system; therefore, we must establish a national priority program that includes this as its base of operation. We must greatly expand the thrust of Title III because we must educate *all* of our children *better, faster,* and with *greater competency.* This is Title III.

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STATEMENT OF FREDERICK S. KLINE, DIRECTOR, SOCIETY FOR EXCELLENCE IN EDUCATION

Mr. Chairman and members of the subcommittee, I am Frederick S. Kline, founder and director of the Society for Excellence in Education. I am pleased to have this op-

portunity to discuss priority items needed to increase the effectiveness of HEW appropriations in providing equal educational opportunities for all children. My related previous testimonies given at other Congressional hearings should be included in today's record to provide additional information.

Priority items are those that directly benefit American schoolchildren instead of primarily members of the unprofessional educators' complex.

All children need a good basic education. Relevant data on academic achievement is mandatory before distribution of Title I funds is continued.

Strict accountability measurements must be enforced to more accurately determine those children who are currently receiving equal educational opportunities. Professional educators are providing their students with equal educational opportunities and must be identified and rewarded.

One specific measurement of accountability is to test each student for both scholastic aptitude and academic achievement at the beginning of the school year. Prior to the conclusion of the school year the students would be tested again for academic achievement. Standardized tests of different forms should be administered by distinguished independent testing agencies. Tests would vary depending on the grade level and would include those for reading ability and computational skills.

While any testing program has shortcomings, until a better approach is available this should be implemented. The argument about teaching for a test is irrelevant if the material on the test is worthwhile teaching.

This testing procedure will measure academic growth during the school year. Normally, those students who have attended several schools or have a high rate of absences, achieve at a lower rate than if they had remained in one school and had a consistency in attendance.

Exclusive of these students the average rate of academic growth of each classroom should be computed. Classes with similar scholastic aptitude within the same grade level should be compared. Such a comparison will show significant differences between classes. These differences are one means of identifying professional educators who have motivated their students to achieve higher rates of growth than generally expected.

In some instances classrooms with over thirty children in low income neighborhoods will show academic growth of two years, while similar classrooms will show growth of two months. The professional educators in the first mentioned case should be rewarded with a substantial sum. These professional educators are necessary to provide all children with equal educational opportunity.

Regardless of the ability of a professional educator, some students come to school with severe emotional problems that originate in the home. Such students who are overly disruptive should be assigned to individualized assistance centers. Funding of these centers is a priority item.

Assignment to these centers only applies to students who are overly disruptive with a professional educator. Unprofessional educators are often responsible for disruptive behavior of their students. In this situation, it is the unprofessional educator who should be assigned elsewhere, instead of the student.

Members of the unprofessional educators' complex have deceived many government officials into believing that a form of racial balance is necessary to increase the academic achievement of black children, as well as children from other minority groups and to provide them with equal educational opportunities.

With profesisonal educators in the classroom students should be assigned where they are best motivated to learn, regardless of racial factors.

Other priority items include funding of programs for children with learning disabilities and remedial reading programs. After more professional educators are in the classroom remedial reading may no longer be necessary, but at present it is.

Increasing the number of professional educators in the classroom is the surest way to prevent educational discrimination and provide equal educational opportunities free from artificial means such as forced assignment by race of students or teachers regardless of the number of unprofessional educators involved.

The Society for Excellence in Education will provide members of Congress, as well as other concerned citizens, with a more detailed motivational program in the near future.

ESSAY BY KATHLEEN CZAR, WARWICK, R.I.

Mr. PELL. Mr. President, the Veterans of Foreign Wars recently conducted here in Washington its annual Voice of Democracy contest. I believe the VFW is to be commended for sponsoring this competition, for it provides an opportunity and an incentive for young Americans to focus their thoughts on our American democracy and our heritage of freedom.

My own State was represented in the competition this year by Miss Kathleen Czar, of the city of Warwick. I had the pleasure of meeting Miss Czar during her visit to Washington, and I found her to be a fine representative of the youth of our country.

Mr. President, I ask unanimous consent that the text of Miss Czar's thoughtful statement on American freedom and its responsibilities be printed in the RECORD.

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

FREEDOM—OUR HERITAGE

Freedom is an important word to Americans, a term that has always played a key role in the history of the United States. For the freedom to practice their religion, the first colonists faced almost insurmountable hardships in coming to settle in the New World. To "secure the blessings of liberty", a new nation was carved out of wilderness by brave men with a dream, a vision of a country where all men could be free. To make this dream reality, to make all men free, the United States fought a civil war, discovering that a nation so conceived could endure. And to protect this liberty, Americans fought and died in two world wars, risking their lives to preserve the freedom that had come to mean so much to them.

Today we have a responsibility. A challenge has been set before us by the Americans who strove throughout history to protect liberty. They have challenged us to carry on the democratic tradition. Our responsibility is great. We must face the challenge, and work to keep freedom from becoming nothing more than a hollow, meaningless word, tossed about casually.

In order to accomplish this difficult task, we must first dispel the illusion that freedom is guaranteed to every man merely by the fact of his birth. Freedom is not a static quantity to be passed from one generation to the next like a tarnished antique watch. We, as citizens of the United States, are not automatically the heirs of liberty. We are given the heritage of freedom, but it is the task of each generation to win once again the right to exercise its independence; it is the duty of every American to earn his liberty.

In the seventies, we can at least begin to merit our heritage by the wise, judicious use of our power. On a large scale, the United States can use her strength and wealth to aid weaker nations, countries with the same desire for life, liberty and happiness that sparked the American battle for independence. Closer to home, the citizen himself can make responsible use of the power of democracy. By keeping abreast of the major issues and problems that confront America today and by working within the system to implement the necessary changes, he can in his own way protect his freedom. Part of the responsibility inherent in democracy is the respect for the rights of others. Many of the problems facing the country today stem from the misconception that freedom can be taken for granted, that it can be accepted as no more than one's due. Democracy itself is threatened when rights taken for granted are abused, when liberty is mistaken for license, and freedom is confused with "anything goes".

It is not liberty that has been handed down to us, but rather the challenge to preserve and further the cause of freedom. We must take it upon ourselves to earn our liberty, to merit our priceless heritage, and, perhaps equally as important, to dispel the illusion that freedom is ours by birth.

RULES OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, pursuant to the Legislative Reorganization Act of 1946, as amended and incorporated in the rules of the Senate, I hereby submit for the RECORD a copy of the Rules of the Committee on Interior and Insular Affairs which were duly adopted on March 31, 1971.

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

RULES OF THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Interior and Insular Affairs and as supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting executive business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary. Subcommittee meetings or hearings shall not be scheduled nor held concurrently with full Committee meetings.

EXECUTIVE SESSION AGENDA

Rule 3. The agenda for full Committee executive sessions shall be provided to each member at least three days prior to such executive session, and no new items may be added after the agenda is published except by the approval of a majority of the members. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included on the regular published agenda.

Rule 4. A legislative measure or subject shall be included on the agenda of the next following executive meeting of the full Com-

mittee if a written request for such inclusion has been filed with the Chairman at least one week prior to such meeting. Nothing in this rule shall be construed to limit the Chairman's authority to include legislative measures or subjects on the agenda in the absence of such request.

QUORUMS

Rule 5. (a) Nine members of the Committee shall constitute a quorum for reporting legislative measures or recommendations. Proxy voting will be permitted on all matters, except that no measure or recommendation shall be reported unless a quorum of the Committee were actually present to vote at the time a measure or recommendation was ordered reported.

(b) One member of the Committee or any subcommittee shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

SUBCOMMITTEE MEMBERSHIP

Rule 6. (a) Membership of subcommittees shall be fixed by the Chairman in consultation with the ranking minority member, and, insofar as possible, shall reflect the wishes and preferences of the individual members of the Committee.

(b) Following consultation with the ranking minority member, the Chairman may, from time to time, establish such ad hoc or special subcommittees as he deems necessary to expedite committee business.

CONFIDENTIAL TESTIMONY

Rule 7. No confidential testimony taken or confidential material presented in an executive hearing of the Committee or subcommittees thereof 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 at an executive session called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 8. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, tends to defame him or otherwise adversely affect his reputation may file a (sworn) statement of facts relevant to the complained— of testimony or other evidence or comment. Such request and such statement shall be submitted to the Committee for its consideration and action.

BROADCASTING OF HEARINGS

Rule 9. During open public hearings, photographers and other reporters using mechanical recording or filming devices shall position their equipment in such fashion as will not interfere with the seating or vision of Committee Members or staff on the dais, nor with the orderly process of the hearing.

STANFORD MEDICAL SCHOOL

Mr. KENNEDY. Mr. President, Mr. John Walsh has written an informative series of articles which appeared in the February 12, February 19, and February 26 issues of the magazine Science. The articles describe the struggle of the Stanford University Medical School to achieve a balance in its program among medical education, research, and community service. Since Stanford is generally regarded as a pacesetter among medical schools, the articles have relevance far beyond the question of Stanford's medical program.

In 1959, the Stanford medical center complex was consolidated on the Stanford campus, with the clinical facility, formerly located in San Francisco, moving to Stanford. Partly due to Stanford's reputation as a research-oriented school, many of the clinicians did not make the move. According to Mr. Walsh, the newly recruited faculty members tended to fit in the research mold. Combined with the underestimation of construction costs which delayed completion of the clinical sciences research wing until 1966, the net effect was to produce some imbalances in the school's faculty.

One of Mr. Walsh's central themes is that the flow of Federal funds has resulted in a redistribution of power in regard to the medical school. He argues that the large scale funding of basic research has counterbalanced the effects of a traditional double standard within the faculty, whereby the M.D.'s make considerably more money than Ph. D.'s and where the top administrative posts go to M.D.'s rather than Ph. D.'s.

A further effect of Federal funding has been the development of clinical research which has, to some extent, blurred the distinction between the basic research and clinical programs. It also has contributed toward the development of a national trend of set salaries for medical school clinicians, as opposed to the free-for-medical-service system. This has inevitably resulted in considerable internal pressures and debate.

In the late 1960's at Stanford, there was a swing away from the emphasis on research, with more emphasis on clinical training and community services. Mr. Walsh links this shift with the national movement of social awareness among students. In 1968 an elective curriculum system was installed which provides for a large degree of student flexibility— students may now complete the M.D. course in 3½ years, but they may also take 4, 5, or 6 years. In 1969, a division of community medicine was set up. Since then, Stanford has developed links with a number of community health projects. These developments, combined with a cutback in research funding the last few years has caused real concern among researchers, although Walsh believes that these fears are unfounded. He concludes:

The real problem at Stanford is not to avoid the extremes of becoming a research institute, on the one hand, or a staffing agency for storefront clinics, on the other. It is to find better ways to provide students with varieties of medical experience, which will prepare them to meet the multiple responsibilities imposed on physicians today, and to enable them to improve the ailing American medical care system.

I ask unanimous consent that John Walsh's articles on the Stanford Medical School be printed in the RECORD.

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

STANFORD SCHOOL OF MEDICINE (1): PROBLEMS OVER MORE THAN MONEY

(By John Walsh)

(NOTE.—Since World War II the American medical school has become a highly complex institution and, like other American institutions today, the medical school is being challenged to respond to diverse and often conflicting demands. In part the pressure comes from activists who insist that the medical school more fully meet the needs of the community by reforming both training and the delivery of medical care. But another sort of pressure is exerted as a result of changes in internal relationships that have occurred in the last two decades in large measure because of the federal support of biomedical research. As in most institutional conflicts the dispute is expressed in contests over power and money, but, at a more fundamental level, what is involved is the value and reward system of academic medicine and the question of how the medical school is to be governed.

(This is the first of three articles which will attempt to discuss these issues in the context of the development of one medical school—Stanford's. The first article will describe the pattern and policies of expansion since World War II, and the other two will examine the effects of internal and external pressures for change.)

In less than a decade Stanford University School of Medicine made a national reputation as a model of the research-oriented medical school. The names the public identify most readily with Stanford are those of cardiac surgeon Norman Shumway and of Nobel laureates Arthur Kornberg and Joshua Lederberg. But in its medical-school peer group Stanford has a broad-spectrum reputation for research and advanced techniques in other forms of surgery, radiology, psychiatry, and some types of medicine, and also for curriculum innovation. Stanford's dean during the late 1960's, Robert S. Glaser, and some other members of the faculty belonged to that group of medical school representatives, foundation officers, and government officials who dominate the haute politique of academic medicine. And all in all, Stanford became one of the half-dozen schools generally regarded as setting the pace in American medical education.

Like other medical schools in the 1960's Stanford depended heavily on federal funds to finance expansion. And at Stanford, the rapidity of the buildup and the reliance on federal funds almost inevitably caused an unevenness in development. Then in the later years of the decade, Stanford was hit by the squeeze on federal funds and by demands on the school to exercise a greater measure of social responsibility by providing new forms of training and community service. As a consequence Glaser, who resigned last year after 5 years as the university's chief administrator for health affairs, says that "Stanford has an acute form of the problems of American medical schools." And Lederberg, who has been deeply involved in policy issues in both the medical school and university in the last decade, observes that Stanford "has problems of identity and leadership which override the money problems."

Ironically, these problems of identity and leadership, of which Lederberg speaks, result in large part from the two decades of federal funding of research which created the modern medical school. And the frictions tend to be particularly severe at schools which by prevailing criteria are most successful, like Stanford.

If by self-diagnosis Stanford has big problems, they arise in part because the medical school has big personalities and big expectations. Through the 1960's, Stanford attracted faculty members whose talents and prestige enabled them to bring in funds which gave them and their colleagues a measure of independence. A "star system" emerged at Stanford which, to extend the metaphor, made the medical school organizationally more like a galaxy than a universe, which a medical school resembled under the old dean-centered system.

This did not happen accidentally. For Stanford the die was cast when the decision was made in the early 1950's to consolidate the medical school on the Stanford campus. The university in 1908 had taken over the 50-year-old Cooper Medical College in San Francisco and had continued the 2-year

clinical phase of the M.D. training in the city. Preclinical courses were given on the campus. Wallace Sterling, who moved into the Stanford University presidency after World War II, was a key figure in carrying through the consolidation. Sterling recalls that a link with the campus science departments was and service were to advance scientifically, but also some far-sighted advisers convinced him that "the day was going to come when social sciences, engineering, law, and business administration were going to be more important in medicine."

The medical school had developed a strong clinical tradition in San Francisco, and the debate over the move from the city split the faculty. When the move was made in 1959 many of the clinical partisans remained in the city, while faculty members committed to greater emphasis on research generally went south to Stanford.

New faculty members had to be recruited to fill the ranks, and not surprisingly these tended to be people who shared the vision of Stanford as a new avatar of scientific medicine. The arrival in 1959 of Lederberg and Kornberg, famous for their work in the then scientifically white-hot field of molecular biology, proved to have more than symbolic significance, since both men, in rather different ways, exercised a formative influence on the school. Kornberg was recruited with his whole microbiology group from Washington University in St. Louis, and the transplant of a big, productive biochemistry department into a medical school set a precedent for Stanford and other schools. Kornberg also was active in recruiting, especially in the early years, and is regarded by his colleagues as an insistent and effective spokesman for basic research. Lederberg, although he has been active outside Stanford as a commentator on scientific and political issues in addition to carrying on his own research and administrative work at the medical school, is also said to have been a knowledgeable and hardworking member of groups grappling with basic issues in both the medical school and the university.

SOMETHING TO OFFER

That recruiting for the medical school should go successfully is hardly surprising since the recruiters represented a new and apparently amply-financed enterprise in very attractive physical and professional circumstances. In 1959 Stanford opened a medical center complex combining medical education, research, and hospital facilities. The medical center was designed by Edward Durrell Stone, then ascending the heights of his profession with his embassy and international exhibit architecture. The Stone style is evident in the center's columns and textured walls, but it is not mentioned on the architect's list of triumphs. The plan is essentially a grid of fairly narrow, interconnecting buildings. The center, considering its massive size, does not obtrude on the Stanford landscape, and there are pleasant, quite courtyards and some bright, sunlit rooms. But there are complaints about endless corridors and a lack of usable space, and local opinion is summed up by a university administrator who says the medical center "aesthetically is fine, functionally. . . ."

But the design of the center perhaps had less profound effect than the cost of building and running it. Construction costs had been seriously underestimated by medical school planners. As a result there was not enough money to construct a clinical sciences research building in the first phase, which cost well over $20 million, and the clinical sciences research wing was not completed until 1966. The effect was to retard the buildup of faculty, and so, when federal funding tightened in the later 1960's, Stanford was left with some imbalances in its faculty.

Equally important was the university trustees' reaction to the unexpectedly high costs of the move to the campus. By the late 1950's, as one observer puts it, "the trustees felt they had a tiger by the tail." The cost of construction of the medical center was essentially covered by money raised from government and private sources, but the trustees saw the budgets of the medical school and the hospital as an open-ended demand. As a result, they put a ceiling on general university funds to be allocated to the medical school. This meant that the medical school was to be dependent primarily on the funds it generated itself, and this added even greater importance to the entrepreneurial drive of the faculty.

A further serious implication of the move from San Francisco was that the school cut ties not only with individuals but with institutions, primarily with the county hospital on which the school depended for "clinical material," the euphemism for the indigent patients who occupy the teaching beds in most medical schools.

In moving to Stanford, the medical school gambled on attracting enough fee-paying patients to provide clinical material and also to pay the costs of operating the university hospital, and part at least of the cost of intern and residency training programs. The center not only started out with zero patients but also faced the task of overcoming the suspicion, if not the hostility, of local physicians who alone could send referral patients whom any medical center needs for its training programs. The town-and-gown situation was particularly complicated since the peace treaty with the local community was based on an agreement to include a community hospital financed by Palo Alto in the new medical center complex.

The community hospital was merged with the university hospital in the late 1960's under an agreement that guarantees priority in a large block of beds to patients from the community and assures local physicians of staff rights. Criticism persists that the university hospital, with something over 500 beds, is too small by teaching hospital standards. One medical student said "there are more people in white coats than patients." Defenders of the system point out that Stanford also has arrangements with a nearby veterans hospital and a county hospital in San Jose which provide highly satisfactory training experience for students, interns, and residents. In addition there is a small, separate pavillion for chronically ill children on the campus, and the medical school provides some services for San Mateo County Hospital, although that relationship seems to be on the wane.

The trajectory of expansion at Stanford in the 1960's can be traced in the figures for budget and personnel. The budget rose from $5.7 million in 1959–60 to $25.5 million in 1969–70. Over the same period, income from federal grants rose from $2.3 million to $14 million, or from 41 percent of the total budget to 60 percent. The hospital budget increased at about the same rate as the medical school's, so that now the combined budget tops $50 million a year.

The reliance on federal funding has obviously influenced the shape of Stanford's educational program. The number of medical students increased only from 230 to 357 between 1959 and 1970. In the same years the interns and residents rose from 152 to 279—with the big increase affecting residents, who now number 240. The greatest percentage increase came in the number of postdoctoral fellows, which went up from 44 at the beginning of the decade to 218 in the current year. There were 35 Ph.D. candidates 10 years ago and there are 76 this year, but that number represents a sharp drop from 110 last year and reflects the cuts in federal support of research and training. Full-time faculty numbers 375 of whom 193 are tenured.

In all, the medical school has slightly over 1000 students in various categories. Only about a third are in the M.D. program. There is a small nursing school which has only about 62 students, down about a third from a decade ago, and a relatively small number of students are taking subprofessional training. Stanford, therefore, has an unusually large number of postgraduate students.

The mix was achieved deliberately and through the maximum use of federal and hospital service funds. As one financial official phrased it, "We couldn't afford a conservative financial program. We're living on soft money." Up to now the medical school has managed to avoid an operating deficit. Research just about paid for itself. But now expenses are increasing more rapidly and federal funding is not keeping up. And the administrator observes, "We're dug in for a sustaining operation. I don't think everybody realizes that."

Just as Stanford has depended on funds from federal research grants to underwrite graduate students and pay part of faculty salaries, it has had to follow an even older practice of "bootlegging" the costs of clinical training, including the salaries of interns and residents, from funds paid by patients for hospital service. This is standard practice among medical schools and the funds, in effect, are paid for services rendered, but now, because of inflation in medical costs including the salaries of house staff, the budget for clinical training is under very heavy pressure.

Things look particularly tight for Stanford in the immediate future. California Governor Ronald Reagan has ordered a sharp cut in funds for MediCal, the state's version of the federal Medicaid program for medical indigents. In addition there is a dispute over government billing requirements on surgical cases, which specify that the faculty member named as attending surgeon must himself perform the operation. Under the surgical-team system of teaching used at Stanford and elsewhere, a resident learns by wielding the scalpel under close supervision. Accounts receivable of some $1.5 million are tied up in the dispute.

Stanford, incidentally, cannot look to the state government for support, in the way that other private medical schools in several states have done, since the California constitution specifically prohibits such assistance.

At Stanford, however, almost everyone agrees that the problems run deeper than the threat of deficits. For example, departmental chairmanships in anatomy and physiology have remained unfilled for several years. In part this is because the cutback in federal funds has made it impossible to offer the inducements in space and staff positions that have been proffered to high-level recruits in earlier days. But there are also disagreements about what direction research and teaching in anatomy and physiology should take at Stanford, and the difficulty in settling issues such as these make some faculty feel that the medical school is suffering from a case of arrested development. And the feeling is sharpened by the fact that the search for a dean to replace Glaser has been on for almost a year.

The days when medical school policy was decided by the dean and a few influential senior faculty are over. One effect of the flow of federal funds into the medical schools has been a redistribution of power. This has created pressures for major change in governance and even in the structure of the medical school which will be discussed in forthcoming articles.

STANFORD SCHOOL OF MEDICINE (II): CLINICIANS MAKE AN ISSUE

There's no academic status in seeing patients. The guy who stays in the lab gets tenure. The guy who sees patients gets kicked out after 3 years.—A former administrator at the Stanford Medical School.

Modern medical education was created when high-quality instruction and research in the biomedical sciences was united with clinical training, but, even at a research-oriented medical school like Stanford, the alliance remains an uneasy one. Some faculty members contend that the research ideal has triumphed at the expense of medical care. Professional pride and prejudice doubtless inspire part of it, but the criticism is potentially strong enough to change the structure of the medical school.

In oversimplified terms, the objections are that some clinical faculty are spending too much time on the wrong kind of research, with the result that they are not pulling their weight scientifically or financially. As inflation and the cutbacks in federal funding put heavy pressure on medical school budgets, this kind of dissatisfaction has mounted and some clinical departments, which have become power centers because of the income they generate from fees, are seeking greater control over their own finances and policy. This is a complex, multilevel argument, which is probably best approached by looking at the anatomy of the medical school.

Some friction persists because medical schools operate under their own double standard. Faculties are divided between Ph.D.'s and M.D.'s, concentrated in the basic sciences and clinical programs, respectively. Top administrative posts in academic medicine continue to go to physicians rather than Ph.D.'s, and in most schools substantial salary differentials favor the M.D.'s.

Since World War II, however, the second-class status of the basic sciences faculty has been considerably assuaged by large-scale funding of basic research by the federal government, principally through the National Institutes of Health (NIH) and also by such victories of research as polio vaccine and by the apparently boundless promise of such disciplines as molecular biology.

The availability of federal funding and prestige accruing from research has caused a blurring of the demarcation line between basic science and clinical programs. Clinicians found it possible to get their own research grants, and clinical departments tooled up programs of clinical research—efforts to apply the results of basic research and technology to medical care. Across the country, the trend has been particularly evident in departments of medicine. The number of subspecialties has multiplied, and developments in chemical therapy and in instrumentation have opened new avenues for clinical research in almost all areas. To achieve interdisciplinary breadth, some clinical departments added Ph. D.'s to their rolls, on occasion outbidding basic sciences departments for their services. Many clinicians, of course, had been doing research, very good research, before NIH support became available. The famous report on medical schools by Abraham Flexner early in the century had urged on physician members of the medical school faculty the self-image of teacher-researcher-clinician. What had changed was that making at least a modest mark in research became obligatory for anyone hoping for tenure and advancement in academic medicine.

At Stanford, critics of clinical research do not fault the clinicians for doing research but for taking the basic sciences departments as their model and straining to make their work as "basic" as possible. The effort to emulate work done in labs headed by men such as Nobel laureates Arthur Kornberg and Joshua Lederberg is understandable, but the result, say the critics, is that many of the clinical researchers are neither very good researchers nor very good clinicians.

Clinical departments, of course, remain responsible for care of patients in medical center hospitals as well as for the training of medical students, interns, and residents—and, as research and training activities have increased, so, not surprisingly, has the size of clinical facilities.*

This has inevitably affected the budget and a score of interviews at Stanford yielded the impression that the criticism of clinical research was directed not so much at its quality but at its costs in the context of medical school financing.

In the leading medical schools there has been a steady trend away from the old practice of basing clinical faculty members' salaries in part on fees they earn through providing medical service. The alternative is the so-called "full-full-time" system under which faculty members are paid set salaries while fees go into medical school coffers. The full-time system permits losses in some sectors to be counterbalanced by surpluses in others and, theoretically, at least, an equalization of quality in departments to be achieved throughout the school.

One of the constants of academic medicine is that some departments, notably, surgery, radiology, and anesthesiology, make money on their services, while others, especially pediatrics, produce deficits. In private practice, surgeons, radiologists, and anesthesiologists are the most highly paid specialists. Stanford salaries for senior clinical faculty—in the $30,000 to $40,000 range—look more than adequate by university standards but amount to only about a half or a third of what their colleagues in the premium specialties earn in private practice. The main complaint in these clinical departments is not that they are underpaid, although they are not oblivious of that aspect, but that what they regard as a fair share of funds earned by their departments is not returned to finance research and needed expansion or renovations of facilities. And what they seem to find most galling is their belief that their colleagues in other departments are not putting sufficient time and effort into medical care to pay their department's way.

It is worth emphasizing that the animus is not directed toward researchers in the basic sciences departments. Those engaged in fundamental research at Stanford have not only imparted an aura of excellence but have been sufficiently successful in competing for available NIH funds to be still regarded as self-financing.

The strongest expression of resentment comes from the surgeons. Considering the surgeons' earning power and the proverbial "surgical personality," this should not be unexpected. Self-confidence and an extreme sense of the value of his work are, after all, basic qualifications for a surgeon; temperamentally, the surgeons are to medicine what fighter pilots are to air forces.

Roy B. Cohn, a distinguished renal surgeon whose tenure at Stanford predates the move from San Francisco and who plays the irascible elder statesman with zest, says, "The full-time system denigrates medical care. The exception is the surgeons. Surgeons would do [their work] for nothing. We work harder." Speaking of some of his colleagues in other departments, Cohn says, "Those fellows are very intellectual—once they establish a diagnosis, they lose interest."

Robert A. Chase, chairman of the department of surgery, emphasizes the interdependence of departments in a good medical school by saying, for example, "The department of surgery can be no better than the weakest department in the school." But in discussing the issue there is no mistaking the firmness of his views. "Care of patients is a tough job. There should be appropriate recognition in the institution, and it is not always given. Surgery makes a greater effort than any department." And Chase footnotes a Rand study which, he says, found that Stanford per patient costs are high and that faculty in general don't spend a great deal of time in the clinics. "An economic incentive is not provided," says Chase, "in fact, the incentive is perverse."

Chase goes on to insist that Stanford medical school cannot maintain its position if salaries are not competitive with peer medical schools across the country. Chase gave some examples of medical schools with higher salaries and noted, "The men in the department feel the full-time system is best so long as the constraints don't become terribly discouraging."

The critique of clinical research and the claim that the full-time system has an adverse effect on medical care must, of course, be examined for fairness.

CLINICAL RESEARCH COMPLEXITIES

Even the sharpest critics concede that clinical research is both necessary and difficult. No matter how intellectually challenging, basic research customarily uses such relatively amenable experimental objects as bacteria, viruses, or laboratory animals, whereas clinical researchers must ultimately work on human beings. The primary concern for the patient's well-being infinitely complicates the clinical researcher's task in designing and carrying out his work. And the critics tend to ignore the large amount of good clinical work being done. A few of the names that were frequently cited for high quality research in clinical departments at Stanford were Thomas C. Merigan for his work on interferon inducers, Rose O. Payne for advances in tissue typing for human organ transplants, and Judith G. Pool, an expert in the pathophysiology of blood typing, for developing a simplified method of preparing cryoprecipitated antihemophiliac globulin which makes surgery possible for hemophiliac patients. Work on immunology by department of medicine chairman Halsted R. Holman and his colleagues was often mentioned.

The charge that clinicians are not working hard enough to pay their own way apparently should be amended in many cases to a complaint that money due them is not collected. It is relatively easy to compute and bill charges for surgery or for radiological examination and treatment. The nature of treatment required by patients of the departments of pediatrics, psychiatry, and medicine often make it much harder. In the case of medical treatment, patients' insurance may provide for only marginal reimbursement. Physicians in these services may be faced with a large number of patients and may decide to see more patients and fill out fewer forms. Other dimensions of the issue are opened when the rewards of anesthesiologists or the total resources required for sophisticated surgery are questioned. But the point is not so much whether the critics are justified but that they feel intensely aggrieved and tend to be those who, because they are big earners for the school, exert real leverage.

Norman E. Shumway, head of the division of cardiovascular surgery and a pioneer in the heart transplant operation, is a strong proponent and participant of research in surgery. His view of how to organize it is a highly personal one. "I don't think you can do good research while carrying a heavy clinical schedule," says Shumway. "Research is a young man's game, and you find yourself providing a place for younger and brighter guys."

An ideal way to do this, Shumway thinks, would be to establish a cardiac center, "a

*At Stanford, for example, of 123 tenured faculty in 1960–61, 75 were clinical faculty and 47 were basic sciences faculty. Of a total of 290 tenured faculty in 1969–70, 224 were clinical faculty and 66 were basic sciences faculty.

miniature Manhattan project," which would combine preclinical teaching with research and care on "cross-departmental lines." Shumway says the center "would have more to do with cardiology than surgery. It can't be a specialty hospital—there's too much overlap in areas such as infectious diseases." Such a center he sees as necessarily a part of the university medical center.

Understanding it somewhat, Shumway admits, "Some people won't like this, but suppose a whole school goes this way. It might be very attractive to federal agencies."

Rather similar views are held by Henry S. Kaplan, the astute and tough-minded chairman of the department of radiology. Kaplan was one of the engineers of the medical school's consolidation on the Stanford campus in 1959, and he has remained influential in the policy counsels of the medical school.

Kaplan, like Shumway, is attracted by the prospects of establishing a center or institute which would focus treatment and interdisciplinary research in a particular field. Kaplan envisions a cancer center and thinks that the push for a massive attack on cancer advocated in Congress and now proposed in the President's budget (*Science*, 12 February 1971) may provide the funds. The real question, says Kaplan, is "how to create an institute which is a fiscal and physical entity yet is still in the main stream of the educational process. I would not want to see a cancer center or cardiac center which is not part of the teaching process. We don't want watertight compartments."

Kaplan also bluntly concurs with the surgeons in saying, "A heavy degree of subsidization of those departments is going on needlessly. We wouldn't mind so long as people in those departments were working as hard as possible. It's time to blow the whistle," says Kaplan.

As critic, Kaplan's flanks are well covered. His department not only operates deeply in the black but has a strong reputation for clinical research. He himself is a successful researcher who pioneered development of the linear medical accelerator for radiation treatment of cancer and is, among other things, an authority on Hodgkin's disease and malignant lymphoma.

Kaplan's analysis of the ills of the medical schools is broader than a simple indictment of the handling of fees. In the period of rapid growth he feels that "too much reliance was placed on the federal government." A source of the trouble was the "extension into the NIH easy money era of the Flexner concept of the triple threat man (teaching, research, patient care). In some departments the feeling that a man should be a great clinician fell into disuse. If you stay with the idea of the triple threat man, as patient load increases you must increase the staff. But where is the lab space and free time to work in the labs coming from?

"This is the problem of the medical schools. We must find a way to diversify the function of the faculty. One solution would be to create two kinds of faculty appointments. You might create a postgraduate medical school to exist side by side with the undergraduate medical school."

An immediate problem, as Kaplan sees it, is to create an incentive plan to provide Stanford with competitive salaries and funds for research.

The problem of incentives and the question of such new departures in organization as creation of a cancer center and cardiac center are in abeyance while Stanford searches for a new dean to replace Robert S. Glaser, who resigned last spring to become a Commonwealth Fund executive.

The acting dean is John L. Wilson, who came to Stanford as an associate dean when Stanford took on administration of a regional medical program. Wilson is held in generally high regard by the faculty. In style he is anything but a confrontationist, but he is credited with taking relatively strong initiatives in the area of budget and day-to-day administration, considering his acting capacity. But the tougher policy problems have been tabled in the interim.

Internal pressures building at Stanford, such as those for creation of semiautonomous cancer and cardiac centers, some pessimists feel could dismember the medical school. Others, like geneticist Joshua Lederberg, think it may be possible to establish a new form of specialized treatment center connected to medical schools which would allow the schools to increase income without breaching the integrity of medical education.

Those familiar with the realpolitik of medical schools feel that something substantial must be done soon, since the resentments that produced the demand for an incentive plan and the center proposals are near the flash point in many schools. How Stanford deals with these problems or fails to deal with them will be important beyond Stanford, because, in making its reputation, Stanford inevitably made itself a model for other schools.

Stanford is being subjected to other strong centrifugal forces. Among the strongest is the demand from activists that the school commit itself more deeply to meeting the needs of the community. The implications for research and governance at Stanford of these demands will be the subject of a third article.

Stanford School of Medicine (III): Varieties of Medical Experience

In the late 1950's Stanford medical school broke with convention by lengthening the regular 4-year course for the M.D. degree to 5 years. A decade later Stanford switched to an elective system which offers the medical student an option of acquiring his M.D. in about 3 years.

This reversal was seen by many as representing a swing away from a research bias in the Stanford curriculum and toward a greater stress on clinical training and community service. The shift occurred during a period when social and political awareness was growing at Stanford and at other medical schools, but the causes of the shift were too complex to be attributed simply to a surge in medical populism.

Improved teaching in the sciences in high school and college produced a better prepared and more scientifically sophisticated incoming medical student. And the fact that almost all new M.D.'s go on to specialty training these days means that medical schools no longer need concentrate on producing physicians ready to enter practice after a year's internship.

Medical schools have also been faced with the task of preparing their graduates for a proliferating variety of careers in academic medicine, medical administration, and group and private practice. Stanford's 5-year plan, in fact, was devised in part to break the lock-step system of medical education and to allow a variety of study plans.

The key to flexibility under the 5-year program was to have been a block of open time in both the basic science and clinical training programs. The idea was that the student would spend about half the assigned time at any stage learning what the department or teaching group felt was important and the other half pursuing his special medical interests.

The Stanford plan developed an essential pattern of 3 years of basic sciences and 2 years of clinical training. Students complained that there was no early, meaningful exposure to patients, and there were a lot of wry, local jokes about Stanford offering the "DNA degree."

What was ambiguous from the start was whether open time was to be devoted to elective courses or was to be really free time. With Stanford's strength in basic research, there was a perhaps inevitable emphasis on research experience for the medical student. As one former medical school administrator put it, "The kids saw the free time as an opportunity to get out into the community; the faculty saw it as an opportunity to get the kids into the lab."

For all these reasons and because of the accelerating increase in medical knowledge, it was becoming more difficult for the faculty to agree on core material for the curriculum. Bernard W. Nelson, associate dean for student affairs, who watched the process from this special perspective, thinks the fact that the faculty could not agree on a body of knowledge essential to the training of a physician hastened an overhaul of curriculum. But the major factor in bringing about modification, he suggests, was the better preparation of students—with a resulting dissatisfaction with the heavy emphasis on basic sciences. The students who benefitted especially from the 5-year plan proved to be a relatively small, research-oriented group but by the mid-1960's student complaints were growing about the uneveness of teaching and the limitations of the free-time options.

Revision Necessary

By 1966 it became clear that a major effort at revision of the curriculum was necessary. The existing curriculum committee was disbanded and a new, blue-ribbon committee formed. Robert A. Chase, chairman of the department of surgery, who served on this new committee on medical education, recalls that at first the group made another attempt at developing the ideal core curriculum, but soon gave that up. A consensus developed in the committee that a totally elective system would provide the best chance of achieving the original aims of the Stanford plan. The major aims had been to make medical education more like graduate education by creating a preceptor-student relationship between the faculty member and medical student and to open alternative "pathways" through medical school to fit graduates for the differing roles played by physicians today.

To qualify for a degree under the elective system the student had to satisfy the requirements of 4000 hours of instruction laid down by California law, pass all the sections of the National Board examinations, and satisfy school requirements on clinical competence. There was no legislation of which courses the student had to take, and a flexible pass-fail grading system was prescribed.

The changeover to the elective system was made in 1968 with less opposition than might have been anticipated. Some observers say that a general acceptance by faculty of the difficulty of establishing a viable core curriculum did much to move the faculty to acquiesce.

The flexibility provided by the 5-year plan is preserved under the elective system. Students may complete the M.D. course in about 3½ years, but they may also take 4, 5, or 6 years.

In the theoretical model of the new plan it was essential that faculty advisers maintain close contact with students, helping them to plan their studies with close reference to the student's background and career goals. In practice, the advisory system appears not to have developed as planned, and many students, in fact, seem to obtain the advice they need from their peers.

The elective system has not, as a matter of fact, ushered in an era of wild improvisation in curriculum at Stanford. Anything but, it seems. Nelson and others observe that the students have proved quite conservative in curriculum matters. If anything, the trend is toward a heavier concentration on traditional medical school studies.

For the faculty, the elective system creates a new market situation and, because there are no captive audiences, a potential ego

problem. The results seem to be mixed. On the one hand, faculty members are offering courses in what most interests them and what they feel is most important, and there is some indication that the quality of teaching has improved. On the other hand, as one faculty member said of his colleagues, "People are allowed to do what they damn well please without regard to what it does to total education." Some students complain that faculty members don't take the trouble to integrate material and give it continuity.

The elective system was adopted at a time when the demand for social relevance in medical education was growing. At a research-oriented medical school like Stanford the idea went somewhat against the grain, but during the later years of the decade a number of things were done to advance the claims of "social medicine." Probably the most significant event was the arrival in 1969 of Count Gibson who, while at Tufts, had been involved in setting up trailblazing community health centers in Boston and Mound Bayou, Mississippi. Gibson came to Stanford to establish a division of community medicine in the department of preventive medicine. Stanford soon had links with three Office of Economic Opportunity-sponsored health centers. These were in Palo Alto, whose inhabitants are predominantly low income black people; in Alviso at the foot of San Francisco Bay, with a largely Mexican-American population; and in King City in a rural area.

ANOTHER "OUTREACH" PROGRAM

Another form of "outreach" program was established at Livingston, about a 2-hour drive from Stanford in agricultural Merced County. An unusual plan for a group practice based on a partnership between the medical school and people living in the area evolved when the town's only physician, an overworked Stanford alumnus, gave up his practice and turned over his office facilities to the medical school for use as a clinic. Livingston is not a poor community, and what has developed is a unique group practice staffed by medical school faculty members, residents, and medical students serving an economically heterogeneous population defined by high school district lines.

The community medicine program at Stanford is in its early stages and has not yet, for example, developed residencies, master's, or doctoral programs. The future of the program would seem to depend on how seriously the medical school pursues experimentation with the forms of delivery of medical care.

Participation in community health projects is, of course, not the only way in which students and faculty members have expressed the impulse toward greater political and social engagement. But until the Cambodia incursion last spring, few Stanford medical school students or faculty members had been actively involved in protest actions which had erupted on the Stanford campus fairly frequently. The events of last spring, however, led to the organization of a Stanford Medical Community for Peace involving students, faculty, and staff in a variety of nonviolent political activities, on and off campus, against the war.

Jeff Brown, president of the medical school student body at the time, observed that one effect of the Cambodia crisis was to raise in a nontheoretical way the "question of the responsibility of the medical student and physician to the profession and society." Many students and faculty members were willing to suspend professional training during the Cambodia reaction, but there was a free choice of whether to carry on with classes or to engage in political activity. Brown noted that there was some friction between groups. "Those who were heavily involved in political activity sacrificed education and resented those who did not." Brown says the experience forced consideration of the "fundamental question of the relation of medicine to the rest of society. Is it the responsibility of the physician to get involved in politics, education, mental health programs, social criticism?" After Cambodia the price of involvement was better understood, and some faculty members think the passion for activism was tempered.

This year's student body president, John Battista, says that organized political activity at the medical center has gone downhill since the peak period during Cambodia, but he feels that the upheaval of the spring did "teach the necessity for the medical school to have a superordinate goal."

The role of medical students in establishing goals and setting policy for the medical school has increased substantially in recent years. Students serve on many committees but complain that they still have relatively little impact on such basic issues as budget and admissions. The size of the entering class was increased from about 65 to 75, and 10 places were allotted for admission of minority students on special terms. A separate admissions subcommittee was established to deal with these applicants, and a dispute has simmered over whether the special committee should have acceptance powers or should revert to an advisory capacity, as the faculty last year voted.

If the power of students, including graduate students, interns, and residents, is still limited, their influence is considerable. This influence is exercised less through the formal apparatus of student government than by the weight of their background, attitudes, and choices. The intellectual quality of Stanford applicants is very high—about 3000 applicants for 77 places in the entering medical school class last year. Medical students, graduate students, and interns and residents tend to come from the country's elite institutions where the index of social and political consciousness is highest, and Stanford, like other elite medical school, tries to live up to its students' expectations.

It would be an error to regard Stanford medical students as a homogeneous lot. Battista, for example, thinks his classmates fall into three fairly distinct categories. First, there are the "competitive" types aiming at a rather standard medical school experience followed by the best possible specialty training and, probably, careers on rather traditional lines. Next are a smaller group, whom Battista calls "individualistic," who are attracted by Stanford's reputation in biomedical research and are headed for careers in research or, at any rate, in academic medicine. Finally, there is a new breed of medical student interested in community medicine and committed to entering practice as a member of a group. It was characteristic of students of this persuasion that a number of them wanted to start a national campaign to refuse to serve in a fee-for-service system.

INTEREST IN SOCIAL ISSUES

Stanford's 5-year plan, especially in the early 1960's, seems to have attracted a group of students who, typically, were very bright but lacked the conventional premedical training and med' student orientation. Many of them had particular interest in the social and behavioral sciences and social issues, and the longer training period made it possible for them to follow these interests while at the same time training as physicians.

The elective system seems to have had most effect on this group. One administrator observed, "We're getting fewer social relations types from Harvard and more scientifically oriented types." Administrators deny an assertion by some students that the admissions office is showing a new partiality to the conventionally prepared and motivated applicant. An increase in the numbers of applicants with backgrounds in the physical sciences and engineering, a fair number with Ph.D.'s, is noted, but the reasons for this have not been adequately analyzed.

In this area, as in others at Stanford, the trends are hardly clear. Stanford set out more than a decade ago with the primary objective of achieving excellence in training medical scientists and specialists. As preceding articles have suggested, the school's development has shown a decided unevenness, but by ordinary criteria, and particularly in postgraduate areas, its performance has been impressive. At the same time, Stanford's program for training M.D.'s has had shortcomings. The medical curriculum has been under almost constant revision, and David Korn, chairman of the pathology department, expresses a fairly general view when he says, "We're in an evolutionary phase. Maybe we overshot. I don't feel that we're necessarily on the optimal path in curriculum." The elective system, however, seems to be regarded by a majority as the best hope for maintaining genuine flexibility in the curriculum.

A matter of real concern at the moment at Stanford among many faculty members, especially basic science researchers like Arthur Kornberg, is that the demand for social relevance will cause a shift in resources and emphasis away from research.

Retrenchment in research funding has had an undeniable impact on Stanford, but there seems little danger of NIH's going out of business or of Stanford losing its competitive edge in garnering research grants.

The real problem at Stanford is not to avoid the extremes of becoming a research institute, on the one hand, or a staffing agency for storefront clinics, on the other. It is to find better ways to provide students with varieties of medical experience, which will prepare them to meet the multiple reponsibilities imposed on physicians today, and to enable them to improve the ailing American medical care system.

To do this at Stanford means altering the way decisions are made. The effect of federal support so far has been to create departmental fiefdoms, to relegate the dean to the role of mediator and power broker, and to put the premium and priority almost uncritically on growth.

What has happened at Stanford and at other medical schools is put in longer perspective by Joshua Lederberg, who thinks, "It is no longer possible to follow a policy of maximum growth." He traces a basic flaw in the relation between the federal government and the medical schools to the fact that "we never had a mandate to pursue a balanced program of medical training, research, and service." In the long run, only federal funds and a change in federal policy can foster such a balance.

SENATOR CHILES ON THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, the distinguished Senator from Florida (Mr. CHILES), recently addressed an Orlando audience on the subject of American foreign policy in the Middle East.

In a most eloquent and lucid manner, Senator CHILES expressed his support for direct negotiations between the parties to the conflict and, in addition, for "realistic borders." I agree completely with the Senator's observation that there are strategic portions of territory which Israel should retain in the context of a negotiated peace agreement.

I commend Senator CHILES' remarks to all who share a desire for the establishment of a genuine lasting peace in the Middle East.

I ask unanimous consent that the following portion of Senator CHILES' speech be printed in the RECORD.

There being no objection, the speech

was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR CHILES OF FLORIDA

I appreciate the honor of being invited to meet with you this evening and to discuss a complex and dangerous situation to which I readily confess I have no instant answers or guaranteed solutions.

I admit this with more regret than humility for the problem is one of the oldest in the annals of international relations.

All of us are familiar with the Book of Exodus, and of the story it tells of the tremendous courage of the Children of Israel. Lay historians place the flight from bondage as between 1300 B.C. and 1800 B.C., depending, I guess, on the historian. So the problem of relations between the Jews and the Egyptians goes back at least 3300 years and we are still trying to find a solution.

I should like at this time to share some thoughts with you about the present situation.

With the death of Nasser and the emergence of Sadat Egypt appears to have made a drastic about-face and now says they are ready to recognize the state of Israel and discuss a final peace.

Hopefully, Sadat does not have the dream of being the Messiah of the Arab nations that Nasser had. Hopefully, he would like to turn his attention to the great internal problems that Egypt has. Hopefully, he realizes there is a high price to pay for the Russian help Egypt has received and history shows what has happened to nations who thought they could seek arms and aid from the Russians and try to control their own destiny. I say hopefully because I fervently hope they are all true and what Israel has been asking for all these years. Recognize us as a nation—and the establishment of permanent boundaries.

The State Department appears to be calling for Israel's total withdrawal back to the borders existing before the "6 days war" in 1967. To compensate, Israel is being offered vague assurances by the Arabs and uncertain promises by the United States and the U.N.

Lately, we have seen our policy makers overcome with the fantasy that the recent display of reasonableness on Egypt's part is substantive enough to ignore the vital American interests in the Middle East. We are playing with the key element to any lasting negotiated settlement—the lands that Israel presently holds. Why would the Arabs want to guarantee the future security of Israel if there were no incentive to do so.

It is untenable for the United States to push Israel into a situation similar to the 1957 Sinai withdrawal. Perhaps, I should submit as others who have been critically looking at our present position have submitted, that we call for the withdrawal of the Soviet forces in Egypt and Sinai instead.

Seemingly, the massive Soviet military involvement in Egypt and Syria has been somewhat discounted. The opinion comes forth that this is an element of the problem which has little relationship to the establishment of definsible borders. With the Soviet transfusion of military machinery, it could only be a matter of time before the Arabs would feel that they were ready for another try.

I think that such a move—and it appears that that is the direction we are headed—would imperil the future security of Israel. This past Monday, Senator Ribicoff made a statement that sums up the situation: "If Israel's survival must depend on the wisdom and foresight of our current policies, we must also take into account how much we can trust Israel, and how little we should rely on vague Arab assurances backed by Russian promises."

I feel that it is time that Jews and non-Jews alike in this nation reaffirm their commitment to and support of the Democratic State of Israel.

I think there needs to be more public demonstration of this support, and I think there needs to be more public indication to the Administration that the people of the United States feel a deep kinship with and fondness for the State of Israel and recognize in the heroic fight for survival by the Israeli not only a reminder of our own nation's early days, but an inspiration badly needed in the present era.

I think more Americans need to remember too, that not too long ago, sixty-eight members of the United States Senate and 279 members of the House of Representatives signed a declaration in favor of direct Arab-Israel peace talks. That statement declared that the United States should make it clear to all the nations in the Middle East that we do not condone a state of war, that we persist in supporting efforts for a negotiated and contractual peace between the nations in that part of the world.

This, as I understand it, is also the policy of the State of Israel.

I said earlier that I have no instant answers and no guaranteed solutions. But, I do have some firm beliefs.

I believe that there can be no peace in the Middle East that is imposed upon the people there by outsiders, whether it be the United States or the Soviet Union.

I believe, therefore, that there can be no peace until the Israeli and the Arabs sit down at the conference table and work one out.

I believe, also, that any such negotiated peace cannot hope to last unless there are realistic borders and by this I mean that parts of the newly-held lands from which Israel can properly withdraw—when a peace is signed. I believe also that there are parts which Israel has every right, even a duty, to retain.

I believe the role of the major powers and especially of the United States, should be and must be to help create a climate in which the Nations involved can sit down and talk and that we should and must be ready to guarantee that the peace, once negotiated, is kept.

I believe moreover that in all of this, the United States must never slacken in its spiritual support of the State of Israel, and of its people and never lose sight of the fact that in doing so, we will be supporting democracy and freedom in the only spot in that part of the world where they grow.

HEW'S INCOMPLETE REPORT TO THE CONGRESS ON NATIONAL HEALTH CARE PLANS

Mr. PELL. Mr. President, in this last year Congress enacted into law an amendment which I had offered to require the Department of Health, Education, and Welfare to make a cost evaluation of the national health care plans introduced in the 91st Congress and to undertake a comprehensive systems analysis of alternative means of providing adequate health care services to all Americans.

The cost study was required to be completed by March 31 of this year and the systems study was required to be completed by September 30 of this year.

It was my hope that the systems study of national health care plans would enable the Congress to engage in a cooperative working dialog with the executive branch on means of improving our nation's health care system.

Yet, I am sorry to say that the initial report furnished by the Department of Health, Education, and Welfare under the requirements of my amendment and received by the Congress yesterday was incomplete.

It did not include the most crucial information the study requires, that is, no information was provided to the Congress on the cost of the different national health care plans that were offered. All that was furnished was a simple comparative analysis of the health care plans. A comparative analysis which the Congress could have easily had the Library of Congress complete.

While I am glad to know that the cost figures that the study required by March 31 are now going to be submitted to the Congress at the end of April, I am very concerned about this delay in submitting these figures to Congress.

Also, on February 22, 1971, the administration assured the Health Subcommittee that the President's proposals for health coverage for working men would be submitted to the Congress within a few days of that date.

Yet, since that hearing on February 22, we have neither received the employees health benefits bill that the administration assured the Congress it would receive in a few days from that date nor have we received cooperation from the higher reaches of the administration in considering the jurisdictional aspects of the employees benefits bill.

In the last year, the administration was quick to criticize the Congress for not acting upon its proposals.

And now we find that the administration is neither providing on schedule the essential information that the Congress has requested on health care plans nor is it providing the basic legislation upon which it expects the Congress to act.

In view of these facts, it is hard to see why it is the Congress that is the subject of criticism when it comes to moving ahead in the field of health care legislation.

Mr. President, I ask unanimous consent that the covering letter, the introduction, and the table of contents of the Department of Health, Education, and Welfare's report to Congress as required by Public Law 91–515 be printed in the RECORD.

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

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., March 31, 1971.

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

DEAR MR. PRESIDENT: In accordance with the requirements of Public Law 91–515, I am transmitting to you the enclosed report on "A Study of National Health Insurance Proposals." Title II directed the Secretary of Health, Education, and Welfare to conduct a study of each legislative proposal introduced in the Ninety-first Congress "which undertakes to establish a national health insurance plan or similar plan designed to meet the needs of health insurance or for health services of all or the overwhelming majority of the people of the United States."

The law required each legislative proposal be analyzed in terms of the costs of the plan, and the adequacy of the proposals with respect to (1) population coverage, (2) type of

health care provided, and (3) the development of new and improved methods of delivering health care. The report examines these and other related aspects of the proposals.

This report includes all thirteen legislative propsals for national health insurance plans which were submitted in the Ninety-first Congress. Identical bills are listed in an appendix to the report.

It has not been possible to prepare the estimates of the cost of the proposals in the time available. Work is proceeding on these estimates and we expect to be able to transmit them about the end of April.

I hope this report will be useful to the Congress in achieving the President's promise to the Nation that good health care should be readily available to all our citizens.

Sincerely,

——— ———,
Secretary.

(Enclosure.)

A STUDY OF NATIONAL HEALTH INSURANCE PROPOSALS—A REPORT TO THE CONGRESS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—ELLIOT L. RICHARDSON, SECRETARY

INTRODUCTION

An amendment to the Public Health Service Act, Public Law 91–515, October 30, 1970 directed the Secretary of the Department of Health, Education, and Welfare to conduct a study of each legislative proposal introduced in the Senate or the House of Representatives during the Ninety-first Congress which undertakes to establish a national health insurance plan to meet the health care needs of the majority of the people of the United States.

Section 201(b)(2)(B) of Public Law 91–515 stated the following:

"In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

"(i) the costs of carrying out the proposal; and

"(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services."

In analyzing the proposals, additional aspects were studied including administration, financing, reimbursment and standards for providers of services and relationship to other government programs.

The listing below identifies the proposals which have been included in the report. The listing groups the proposals according to the degree of public and private involvement, but shows those establishing catastrophic protection separately because of their special characteristics. In the report, the proposals are analyzed in this order. Some of the proposals have been endorsed by and are closely identified with various organizations, as indicated.

For each proposal, the bill listed is the one introduced earliest in the Congress and identical bills are noted in appendix A.

Analysis of the proposals requires an understanding of the background facts relating to the financing of health care services in the United States. Appendix C describes the services and distribution of funds for health care expenditures, and reviews the major trends and developments in the financing and organization of medical care services. The report was prepared in the Office of Research and Statistics of the Social Security Administration.

The estimates of the cost of the proposals are not included in this report. They will be transmitted separately.

NATIONAL HEALTH INSURANCE PROPOSALS INTRODUCED IN 91ST CONGRESS, BY TYPE OF PROPOSAL IN ORDER OF DATE OF INTRODUCTION

Major sponsor	Bill No.	Endorsing organization
Mixed public and private:		
Javits	S. 3711	
Burleson	H.R. 19935	Health Insurance Association of America.
Pell-Mondale	S. 4594	
Mainly public:		
Dingell	H R. 24	
Griffiths	H.R. 15779	AFL–CIO.
Kennedy	S. 4297	Committee for National Health Insurance.
Yarborough	S. 4323	
Mainly private (tax credits):		
Fulton	H.R. 9835	
Fulton-Broyhill	H.R. 18567	American Medical Association.
Fannin	S. 4419	
Catastrophic protection:		
Hogan	H.R. 18008	
Hall	H.R. 19643	
Long Amendment	H.R. 17550	

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PROPER EXERCISE OF TREATY POWER

Mr. PROXMIRE. Mr. President, ratification of the Genocide Convention is a proper exercise of the treaty power. The Convention flows directly from the many provisions of the United Nations Charter. The member nations of the United Nations joined together to promote and encourage respect for human freedom and dignity. The human rights convenants were drawn up as a means of enacting these sentiments into international law.

Rita Hauser, testifying before the Senate Foreign Relations Committee last year stated that "multinational treaties have become the prime legal mechanism by which states have entered into mutual commitments for common purposes, many of which are codes of conduct. Treaties now range far beyond the narrow scope of commercial arrangements or boundary settlements which characterized international treaties of the last centuries."

These multinational treaties deal with such matters as common defense, economic development, cultural programs. The legislative history of the Genocide Convention makes it clear that the nations of the United Nations clearly felt that genocide was a crime of such magnitude that it had to be dealt with on an international or multinational basis and it was therefore a proper subject of the treatymaking power.

Such crimes against the law of nations, which genocide is, are often connected with breaches of international security and peace. It is therefore true that such acts committed in other countries do affect the citizens of other nations. Seventy-five nations have recognized this and have ratified the Genocide Convention.

The crime of genocide can, therefore, be properly regulated by the United States through the exercise of its treaty making power.

The U.S. Constitution grants Congress the power in article I, section 8, to "define and punish Piracies and Felonies committed on the high seas and Offenses against the Law of Nations."

The world community has defined genocide as a crime against the "law of nations" as evidenced by the fact that 75 nations have signed the Genocide Convention. By its express power, granted under the Constitution, Congress can proscribe the crime of genocide.

It is past the time when we should have given our advice and consent to this Convention. The time to act is now.

STRIP MINING NEED NOT BE BAD

Mr. FANNIN. Mr. President, men in government frequently try to come up with ironclad rules that will apply in each and every case across this great Nation of ours. In Washington, it is hard to realize the great differences in geography, weather, and circumstances that exist not only from section to section, but even from State to State and from county to county within the States.

This must be kept in mind especially when we are discussing the environmental issues that are so important in our time.

Industrial processes that may be acceptable in the water rich areas in some of the Southern or Eastern States would be totally unacceptable in arid States such as Arizona. We have had precious little water pollution in Arizona because our water is too precious to pollute.

We do have plenty of land in Arizona. This land is the only resource for some Indian reservations. The tribes must develop the mineral deposits in the land, or the oil deposits beneath it, if they are to build the economic base necessary to win their just share of progress.

"Strip mining" is a bad phrase in some parts of our Nation. Much land has been laid to waste. This need not be true. It is possible to strip the vital materials from the earth and to restore the land—in many cases even improve it.

Mr. President, an article and editorial in the March 21, 1971, Arizona Republic described the importance of a major strip mining operation by Peabody Coal Co. on Black Mesa in Arizona. I believe that this article is testimony that strip mining

need not be bad, that it can be compatible with the environment. I ask unanimous consent that the article and editorial be printed in the RECORD.

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

[From the Arizona Republic, Mar. 21, 1971]

STRIP MINING AND BLACK MESA

A lasting impression that emerges from today's article about the Black Mesa mining operation, elsewhere in today's Republic, is the precautions Peabody Coal Co. officials are taking.

For example, the article says, "It might be said that the archeologists are running the mine." For early in negotiations with the Navajo and Hopi tribal councils, the company agreed to preserve Black Mesa's rich archeological heritage. It agreed to restore and reseed the land after it has stripped away the coal. Its agronomist and reclamation advisers are on guard to see that the land is not simply used and abandoned.

Anyone who is familiar with strip mining operations elsewhere knows that concern for the land has been largely nonexistent. The coal fields are gouged with deep scars, huge soil banks add to the defacement, the remaining arid and acidic soil won't sustain vegetation, and nearby streams are often contaminated by sediment and acids drained from the exposed coal beds.

No wonder then that, even at a time when the nation's power plants require the cheap coal that only strip mining can provide, a West Virginia congressman recently proposed federal legislation to ban strip mining entirely.

Obviously, that is not a realistic solution—not when America's energy demands are rising, and when strip mining tonnage, presently about 40 per cent of total coal output, is rising. For strip mining is not only twice as productive per man day as underground mining, meaning that it holds down the cost of electric power, but it is also considerably safer.

What is needed is legislation similar to that President Nixon requested of Congress, the establishment of federal standards for states that refuse within the next two years to set standards for reclamation (usually grading and replanting) of abandoned strip mines.

It goes without saying that this added cost will be passed on to coal consumers. But it also bears repeating that the fight to preserve and enhance the environment, which opinion polls put at or near the top of every list of public concerns, requires more than merely a rhetorical commitment. It is going to require a financial commitment as well.

What Peabody has promised to do at Black Mesa far exceeds the proposed federal standards. And there is every reason to believe that the company is sincere—both because it has restored and reseeded in its Colorado coal fields, and because it has given repeated public assurances that it respects the Indian lands from which it will mine coal during the next 35 years.

As today's story points out, the Navajos and Hopis will receive $100 million in royalties during the lease period if the two power plants operate at the expected 85 per cent capacity. That is a tremendous amount of money, particularly for tribes that have suffered from economic privation throughout their history.

Nevertheless, it would be hardly worth it if the Black Mesa mining operation left the tribes with slag heaps that defaced the land and rendered it useless for hundreds of years. That is why the environmental guarantees given by Peabody are every bit as important as the royalties the tribes will collect for the coal mined from their land.

[From the Arizona Republic, Mar. 21, 1971]

COAL IS BRINGING PROSPERITY TO BLACK MESA—SALARIES, ROYALTIES FOR INDIANS WILL CONTINUE FOR MANY YEARS

(By John J. Harrigan)

BLACK MESA.—Leo Frank, a young Navajo from Lukachukai, is a contradiction both as an Indian and by job description.

As a typical Navajo male, he should be earning less than $3,000 a year, but his pay is well in excess of $10,000.

His job title at Peabody Coal Company's Mine No. 1 is "oiler" but he is never seen with an oil can. The term is a throwback to the days of more primitive diesel equipment that required constant oiling.

He is mechanically responsible for a self-lubricating, $2.5 million, gargantuan dragline boasting 180 feet of boom and a scoop that will remove 35 yards of dirt, about 50 tons, in a single bite. He is more mechanic, welder and operator trainee than oiler.

No one is probably more aware than he of the unpleasant fact of life that you cannot efficiently move 13 million tons of coal a year from depths of 55 to 110 feet without bothering some of the land, or overburden, above it. But you won't hear him or any of his fellow 66 Indians and 16 companion Caucasian workers complaining.

There is little doubt, he would acknowledge, that coal mining has begun in earnest on Black Mesa. Deep black canyons surrounded by mountains of overburden on this year's 525-acre mining plot attest to it. And mining will move forward at the rate of about 400 acres a year, with the previous 400 acres being continuously replanted as it goes along.

Ecologists worried about whether Peabody Coal Company's intentions with Mother Earth are honorable will just have to wait and see. It's too early to tell.

The first load of coal was hauled April 25, 1970—by trucker Leroy Arnold who said he drove like crazy to get it to the nearby crushing plant.

Ecologists and Navajos like Frank who have lived near here all their lives have the assurances of Peabody that the mining company has a full-time agronomist and the support of a half dozen other agencies to handle reclamation.

The company reassures in its official brochures that it will stick with its agreement with the Hopi and Navajo tribes to return Black Mesa "to as good a condition as received, except for ordinary wear, tear and depletion incident to mining operations."

Foremen, superintendents and employees in conversation, however, claim that the land will be better than when they started. Five deep wells, more than 3,000 feet, will be turned over to the Indians. Small lakes and ponds are expected to fill pits engineered with gentle slopes to allow cattle to drink safely from them.

Thirteen different grass varieties are being tested to find the best possible replacements for the present, overgrazed stands. The company also promises replanting of other landscaping to replace the pinyon and juniper now being bulldozed.

A 35-year coal mining lease here covers 65,000 acres, or an area roughly 12 by 16 miles, on land designated as Navajo-Hopi joint use area by presidential order of 1882. Of the 64,858 acres in the lease, only 14,000 have coal.

Present mining appears minimal from the air but massive from the ground. It represents a mere toe-in-the-door. Mine No. 1 will strip 24.5 million tons of high-grade coal over a five-year period for the Mojave generating plant near Bullhead City.

Peabody reduces the coal to chunks two inches and smaller. Conveyor belts transport it to nearby Black Mesa Pipeline, Inc. It is then pulverized, mixed with water and pumped at 4 miles per hour through a 275-mile pipeline to the Mohave plant under 800 pounds per square inch of pressure.

A second mine will open soon on the north end of the Mesa to provide coal for the Navajo generating plant at Page. Work will begin in a month on a railroad to transport it from here to Page.

Eventually the mines will produce 13 million tons of coal a year, eight for Navajo and five for Mohave.

Some of the Indians who have lived all their lives on these rolling, grass-covered hills are alarmed at the destruction, however, temporary. Most are the Chee and Yazzie descendants of a single family—Manymules. Others have accepted the reality and are benefiting from it.

Of the 78 Navajo families within the lease area, 53 have their homes over coal deposits. They will be temporarily relocated at the company's expense.

They are well remunerated for their trouble, sometimes in more ways than one. The company in one case is not only paying a father for moving from his ancestral hogan but has hired three of his sons. They bring home combined incomes of more than $3,000 a month.

Stan Begay, one of Peabody's best Caterpillar operators, is one of the company's highest paid employes, often earning more than $1,200 a month. His brother, Wally, drives a company supply truck. They both grew up on the mesa they are now helping to dissect.

While reconstruction of the landscape and its possible success is still a question mark, the company has recognized the mesa's rich archeological heritage. It is sponsoring research by archeological teams at Prescott College. It provides summer mobile home quarters for student archeologists and often assists them by bulldozing large earth masses.

It might be said that the archeologists are running the mine. No strip mining will be done where major archeological finds have been located. So far, they have located 138 sites, of which 29 have been considered valuable enough to excavate. Ruins date back to a Pueblo people, the Kayenta Anasazi Indians, who farmed there between 600 A.D. and 1200 A.D.

Aside from cultural pluses, the mine will be a boon to Indians and the tribes for years. The tribes will receive $100 million in royalties during the 35-year anticipated lease period if the two power plants operate at an expected 85 per cent capacity. The $3.25 million-a-year royalties are based on a 25-cents-a-ton commission, "a higher royalty than had ever been negotiated for coal developed on Indian or public lands," Peabody said.

Some Indians—usually off in far-away Window Rock or Chinle—have complained that the 25-cent-a-ton commission was too small. They see traders selling back their coal at $3 a hundred pounds to them.

But local Indians here enjoy another fringe benefit—free coal. The company doesn't advertise it. It neither encourages nor discourages local Indians from loading up their pickup trucks and driving away.

Company officials report they seldom see the same pickup trucks twice—a testimonial to the high bituminous thermal unit rating of the anthracite. It is rated at 11,000 BTU per pound, with an ash content of 8 per cent—which will be the generating plants' filtering problem—and a sulfur content of 0.5 per cent, which is considered low.

Apparently one pickup load of the 11,000 BTU fuel will last one family a year or more.

Almost all of the workers at Peabody earn more than $10,000 a year, including laborers. It is not uncommon for an Indian with no more than a sixth grade education to walk home with a paycheck of more than $1,000 for a two-week pay period with some over-

time. Understandably, there is a backlog of some 300 applications from Indians and non-Indians alike for jobs.

Eventually, the plant will hire 250 with about 75 percent of them Indians. Potential employees must be qualified, either by experience or by trainability. The company has been unable to locate qualified Indian electricians and diesel mechanics.

The highly skilled jobs mean big checks and big checks cause their own problems: Local traders don't have the financial resources to cash them.

Loren Crank a Navajo employee here sent out a recent letter to the editor that insisted, "The opportunity is here for the people who would just open their eyes and start a business of their own, such as banks, laundromats, grocery stores, good garages, trailer and car sales, theater, etc. (in nearby Kayenta) . . .

"I've heard so much of sheep, cattle and land. We had these since the beginning of time but so far I haven't seen anyone become self-supporting with it except anglos off the reservation, but they have them in large quantities, not just two or three hundred sheep, cows, but thousands . . ."

NAVAJO WITH HUGE DRILL RIG OPENS RICH SEAMS OF COAL

BLACK MESA.—At times, Frank Gray's job is a cliff-hanger. His rambling, twin-tracked, drill rig bores holes often 75 feet into solid rock to reach coal seams. Sometimes it operates on a hair-raising downhill slope within two feet of a 60-foot cliff.

The giant machine sometimes slips cliffward a few inches "and it scares me to death" but so far both man and machine have always held the line against gravity.

Running a 12-inch-diameter drill is a choice job at Peabody Coal Co., ranking right up there with other top paying ones such as dragline operator, shovel operator and Caterpillar operator.

Gray, a 32-year-old Navajo from nearby Kayenta and his wife, Helen, have five children.

Just over a year ago they were struggling to get by on his salary as a gas station attendant at Tuba City.

"I had fooled around with a welding torch at the station and took the test for welder here. I guess they thought I knew enough about it because they hired me," he said. Assistant mining supt. Red Walker called Gray one of the mine's best employes.

Later they taught him crane operation and, after two months, moved him over to driller. He earns about $600 every two weeks and with a little double time on Sundays, often tops $500 a week.

Although the job has its occasional moments of terror, it is fairly simple as told by Gray, "You just keep drilling down until coal starts comi_g up. Then you go down another 18 inches." The equipment looks more complicated than he makes it sound.

A Navajo buddy then fills the holes with nitrate explosive and blasts loose an area the size of a football field to a depth ranging from 50 to 75 feet. Later a giant, duck-walking dragline shovel will scoop away this overburden to get at the pure seam of coal below.

Kayenta residents, Gray noted, are about 50–50 for and against the mining here. "The Kayenta bunch doesn't gripe too much but the Black Mesa people do," he said, adding:

"If they'd look at it from the long run, they'd see that this place will improve when the mining is finished. They'll plant grass and trees and leave deep pits to fill with water and plant with fish. Right now Lake Powell is the nearest fishing area and it's over 100 miles. This'll probably be a big recreational area."

Gray obviously was grateful for a chance to make more money and to work in a more challenging occupation than he'd had before. "I don't know what I'd do if I had to go back to a job and salary of a gas station attendant," he said, "but we'll always have something to do here."

They will for at least 35 years—the length of the lease. A three-man shift runs the drill 24 hours a day, frequently through solid rock. It's hard on equipment and Gray at the moment is waiting for a welding truck to repair a broken steel track.

He would use the delay to fix an air filter "that's about ready to fall off," he worried aloud.

UNIVERSAL VOTER ENROLLMENT ACT

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by political writer Alan L. Otten, published in the Thursday, March 25, Wall Street Journal. I believe it merits our attention.

On March 11, I, together with 16 other Senators, introduced S. 1199, the Universal Voter Enrollment Act. As I stated at that time, the purpose of the bill is to seek a solution to the problems which have caused so many Americans to fail to participate in the electoral process. As Mr. Otten notes in his article, the need is great and the interest is broad both within and without this body. I am most hopeful the bill will receive the early consideration it so clearly merits.

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

POLITICS AND PEOPLE

(By Alan L. Otten)

MORE VOTERS

WASHINGTON.—The number of American voters is about to swell dramatically. A constitutional amendment lowering the voting age to 18 heads for adoption, possibly in time for all 1972 voting; even if it's too late, the 18-to-21s can vote for President and Congress under a 1970 law. That law also cut residence rules for presidential voting to 30 days and outlawed all literacy tests.

Yet even after these changes, too many millions of Americans still won't be able to vote each year. In the 1968 presidential election, only 67.8% of voting-age Americans actually voted, in contrast to 80% or more in most European democracies. Some 47 million Americans of voting-age didn't vote in 1968, exceeding by 16 million the number voting for either Republican Nixon or Democrat Humphrey.

Many of these Americans simply don't want to vote; they find the process frightening or frustrating, incomprehensible or irrelevant. Millions more, however, would very much like to vote but are barred by residence, registration and other archaically restrictive rules, most of which remain despite the recent law changes. A number of groups, hoping to ride piggyback on the interest arising from the 18-year-old vote change, are trying now to knock down these outdated barriers.

Some people don't vote because of the difficulty of casting a ballot on Election Day. In most states that day isn't a holiday, and inadequate facilities often result in long, slow-moving lines that discourage many would-be voters. Absentee ballot procedures, requiring application long in advance, penalize those unexpectedly ill or traveling on Election Day.

Tough registration requirements are an even higher barrier to wider voting, however; more than 90% of the registered voters voted in 1968. Most states still have long residence requirements—a year in the state, two to six months in the county. Registration deadlines usually fall one to four months in advance of voting; by the time many voters get caught up in the campaign it's too late to register.

In most places, would-be registrants must go to a central location, often remote, hard-to-find, open only a few hours a day at times least convenient for working people. Governor Jimmy Carter of Georgia found one county registrar's office closed except from three to six each Thursday.

Many of these requirements were deliberately imposed to restrict voting by poorer and less educated groups. They were aimed at minimizing fraud by corrupt machines in Northern cities, at holding down Negro voting in the South.

And many people believe there are still great advantages to restricting the vote to the more well-to-do, the more settled, the more thoughtful—and that voting should not be made too easy for those new to a community or to less sophisticated voters who might be emotionally stirred by last-minute demagoguery.

"Any time you go out and drag people to vote, you are getting a less well-informed electorate, and that can be dangerous in a democracy," argues one Republican leader.

Obviously, too, most Republicans and conservative Democrats fear that the overwhelming majority of those new voters would be blacks, poor whites and others inclined to support liberal Democratic candidates, and that their enfranchisement should be resisted on practical political grounds if not on high political theory.

Liberal Democratic leaders agree with this analysis of the unregistered, and, naturally, push for wider registration and voting. Still other politicians, including so certified a conservative as Senator Barry Goldwater, believe partisan worry must yield to the traditional democratic goal of the broadest possible popular participation.

Moreover, the political impact might not be so one-sided; Mr. Goldwater, for instance, believes there are plenty of conservatives among those would-be voters. Corporate executives and other upper-bracket taxpayers, for instance, are increasingly on the move, and lengthy residence requirements originally aimed at the mobile poor now disenfranchise many more prosperous Americans.

* * * * *

Various state and local party units and national non-party groups such as the League of Women Voters and the AFL–CIO have long campaigned to lower voting barriers. A more recent entrant into the lists is John Gardner's new citizens' action group, Common Cause.

In the coming months these and similar organizations will be pushing many changes through legislative lobbying, court challenges and other devices. They'll seek shorter residence rules, and registration cutoffs far closer to voting time. "With modern technology, there's no reason for registration long in advance," contends Anne Wexler, a dynamic liberal Democrat from Connecticut who heads Common Cause's voting drive. "So many people don't get interested in a campaign until the last few weeks." Another major goal: Far easier registration, by mobile registrars in shopping centers and other neighborhood locations, or even door-to-door.

A Democratic Party task force has proposed door-to-door canvassing by government officials to enroll every eligible voter; a national election holiday, along with more adequate voting facilities and longer voting hours; and much simplified absentee balloting. Sen. Goldwater has introduced legislation for a 24-hour voting period, from 6 p.m. Monday to 6 p.m. Tuesday.

Changes are already coming fast, anyway—in addition to those contained in the 1970 voting law and the 18-year-old amendment. Not too long ago, a federal court declared

unconstitutional Texas' law requiring annual registration of voters, with the books closing each Jan. 31; this was the most restrictive registration law in the nation. In Massachusetts, leaders of both parties are working out legislation to permit late registration, possibly right up to the day of voting.

Georgia Gov. Carter is ready to sign a measure permitting all high school principals to act as voting registrars—to register not only the young people as they turn 18 but also older Georgians who can't easily get to the regular county registrar's office. The Supreme Court has already taken for argument, probably in the fall, a case challenging Tennessee's one-year residence requirement, and a slew of cases involving other state residence rules have reached, or are heading to, the court.

No one should have to vote if he doesn't want to, of course. On the other hand, the trip to the polls shouldn't be quite as encumbered as it is now for those who want to make it.

OMBUDSMAN IN DEPARTMENT OF COMMERCE

Mr. BROCK. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent to have printed in the RECORD a statement by him relative to the appointment of an ombudsman for business in the Department of Commerce.

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

STATEMENT BY SENATOR TOWER

Mr. President, I am pleased to note that Secretary of Commerce Maurice Stans has announced the appointment of an ombudsman for business in the Commerce Department.

According to an announcement by the Secretary, the ombudsman will serve as a focal point to whom the business community may bring their inquiries, criticisms, and suggestions concerning Government matters.

The new Special Assistant will be Mr. Thomas E. Drumm, Jr., a senior Commerce Department official with extensive experience in Government-business relations.

I believe this step by the Secretary will be helpful to all businessmen, large and small, and I commend the Administration and the Secretary of Commerce, in particular, for this effort to improve communications between Government and the businessmen. A copy of the release announcing the program follows; I ask unanimous consent that it be printed at this point in the RECORD.

SECRETARY STANS CREATES OMBUDSMAN FOR BUSINESS

The Secretary of Commerce Maurice H. Stans today created in the U.S. Department of Commerce an Ombudsman for Business.

The Ombudsman will serve as a Special Assistant to the Secretary and will provide the business community with a high level person to whom businessmen may bring their inquiries, criticisms and suggestions and obtain information, guidance and assistance on government matters.

The Secretary named Thomas E. Drumm, Jr., a senior Commerce official with extensive experience in government-business relationships to fill the post.

In creating the new position the Secretary said "My action today is part of a continuing effort to improve communication between government and the businessmen." The Ombudsman will provide information and answer inquiries in regard to Federal programs of interest to business—within and without the Department of Commerce.

The Secretary cited as an example of improved government-business relationships, the International Business Assistance Service which he established in the Department in September 1969 to provide government-wide assistance to businessmen with specific international trade problems. "By helping U.S. businessmen on a case-by-case basis, we have been able to speed the solution of problems faced by our companies in specific international transactions and thereby increase sales abroad."

While the assistance to be rendered by the Ombudsman will be government wide it will not include intervention a) on specific cases before Federal regulating agencies or in Federal Departments exercising a regulatory function, or b) in negotiation or renegotiation of contracts between business and the government.

The functions and responsibilities of the Ombudsman will, at the outset, include the following four-point program.

1. Receive and answer questions on Federal programs of interest to business.

2. Assist business by providing a focal point for receiving and handling communications involving information, complaints, criticisms and suggestions about government activities relating to business.

3. Arrange conferences with appropriate officials within the Department and in other departments and agencies and follow up on referrals to determine whether further assistance is necessary and appropriate.

4. Develop suggested changes to remedy the causes of legitimate business complaints about the Federal Government, and refer them to the Secretary of Commerce for further action.

Mr. Drumm before entering government service was a practicing attorney. He is a member of the New York and New Jersey bars, and is admitted to practice before the U.S. Supreme Court and other courts and commissions. Mr. Drumm has served in high level positions in government here and abroad. He was Administrator of the Department's Business and Defense Services Administration; Commercial Counsellor, U.S. Embassy, Paris; Deputy Administrator, War Assets Administration; Secretary of NATO Defense Production Board (London); Deputy Director, Office of Business Services of the Commerce Department. Mr. Drumm has a Bachelor of Laws degree from Rutgers; Bachelors degree in Business Administration and Masters degree in Law from New York University. He has done post graduate work in Business Administration at New York University Graduate School.

Mr. Drumm may be reached by phone at 202-967-3178. His mailing address will be c/o Office of the Secretary, Department of Commerce, Washington, D.C. 20230.

THE WAR AGAINST CANCER

Mr. KENNEDY. Mr. President, the February 22, 1971, issue of Newsweek for February 22, 1971, contains an article entitled "The War Against Cancer," written by Mr. Matt Clark. The article provides a status report on the fight to conquer this dread disease which is expected to kill 330,000 Americans this year alone.

Mr. Clark points out that considerable progress has already been made against cancer—that whereas 30 years ago only one in five patients had a chance of survival, the current figure is close to 40 percent. Progress has been made in a number of areas of cancer therapy. For example, inproved knowledge of physiology and advances in anesthesia allow for more radical surgery than was previously possible. Also, the development of more powerful radiotherapy devices has had a significant impact, most notably in the treatment of Hodgkin's disease. And drug therapy has been dramatically prolonging the lives of children with acute leukemia, and a few have even been pronounced cured.

Experimentation with immunological techniques is an area of particular current interest. An immunization treatment method developed by Dr. Loren Humphrey of Emory University in Atlanta shows promise—one patient with bowel cancer has remained free of disease for 3 years and other patients treated have improved. And Dr. Phil Gold of Montreal's McGill University has found an antigen, detectable in the blood, which has proved 95 percent reliable in detecting cancer of the colon and rectum, often long before it is detectable by X-rays.

Of considerable interest in Mr. Clark's article is the description of the recent research by Dr. Howard Temin and others on enzyme activity in RNA viruses which results in making DNA. Although the full implications of this research are not yet clear, many researchers believe that further investigation in this area holds a key to discovering important information about the nature of the cancer cell.

The general conclusion of the Newsweek article is that although no one-shot cure for all types of cancer is likely, the new developments in research and the progress in methods of treatment suggest that it is not unreasonable to expect that the war against cancer may be won in this century.

As an informative piece on an issue of vital concern to us all, I ask unanimous consent that Mr. Clark's article, "The War Against Cancer," be printed in the RECORD.

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

THE WAR ON CANCER: PROGRESS REPORT

No affliction that man is heir to is quite so heavily freighted with dread and mystery as cancer. One reason for this is that, to many, the word itself is synonymous with death—and with protracted suffering. For no part of the human body is immune to cancer. The malignancy eats into nerve and muscle, bone and organ, blood and lymph alike; and it acquires an extra measure of terror because of the stealth with which it arises and because its deadly origins are inexplicably intertwined with the secret of life itself.

This year alone some 330,000 Americans will die of cancer. Of the 200-odd million Americans now alive and well, fully 25 per cent, or some 50 million, will one day hear their doctors pronounce the dread diagnosis. Of these, about 34 million will die, and even some of those who are saved may not consider themselves lucky. Thousands will be disfigured by the therapists' attempts to excise or burn away the malignancy. Other thousands will linger on for months for years, some for quite a few years. Perhaps the cruelest truth of all is that of those doomed to die this year of cancer 4,000 are children.

Faced with these grim statistics it is small wonder that the U.S. Congress almost routinely designates the National Cancer Institute to receive the biggest single slice of Federal medical research funds, or that concerned ordinary citizens last year contributed $65 million to the American Cancer Society. It is also small wonder that the war

against cancer has regularly enlisted the talents and dedication of so many of the nation's most outstanding scientists and researchers. What is new in the war against cancer is that this year for perhaps the first time in memory, there is in the making a dramatic concatenation of major scientific achievement on the one hand, and of massive public commitment on the other.

The result is that despite the picture of almost unrelieved gloom projected by the statistics the war against cancer has entered a new and hopeful phase. There is no cure in sight. That must be said at once. But scientific discoveries in recent years, months and even weeks have lifted the level of cancer research to a dramatic new plateau. And, coincidentally or not, the White House itself has called for a massive commitment of public funds. "The time has come in America," said President Richard M. Nixon in his State of the Union message this year "when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease."

War: For the moment, the ultimate size and shape—not to mention the efficacy—of this kind of campaign, are uncertain; this will probably remain so for some time, while partisans of both political parties maneuver for the credit and the limelight in what is to come. But it seems certain enough that something substantially beyond any past similiar commitment will emerge. Meanwhile the war proceeds ever more encouragingly at almost every tactical salient—in the diagnostician's office, in the operating room, in the radiotherapists' chambers and, above all, in the laboratories of the quiet, patient and painstaking men whose researches into the mystery of life itself may one day solve the deathly riddle of the cancer cell that lurks there. There is no lack of evidence that the new optimism is warranted. Just three decades ago, only one cancer patient in five had a chance of survival. Today the figure stands at nearly 40 percent. In some forms of cancer, the survival rate has risen even more dramatically. Now 60 to 80 percent of the female patients with breast cancer are being saved by the surgeon's knife. New advances in radiation therapy have drastically improved the chances of patients with Hodgkin's disease, a cancer of the lymph glands. Drug therapy is prolonging the lives of children with leukemia, and in some cases doctors are now even going so far as to pronounce their patients cured of this tragic killer.

Dogma: But of all recent therapeutic and research breakthroughs, few have evoked quite so much attention and reaction as the discovery announced almost diffidently in Houston last May by a shy, intense young University of Wisconsin researcher named Dr. Howard M. Temin. What Temin did was prove in effect that the rules for the transmittal of genetic information within the cell (rules generally accepted as dogma since Watson and Crick first elucidated them in their famed double helix theory in 1953) can be reversed by cancer viruses. If these findings can now be applied to the cancer cell itself, the result could not only prove whether viruses are the main cause of cancer in man, but could also lead to new methods of diagnosis and treatment—methods that might go to the very heart of the disease: the cell nucleus.

"This new finding," says Dr. Frank J. Rauscher, a top NCI virologist and administrator, "is as important as the discovery of the first animal tumor virus in 1908." Dr. R. Lee Clark, director of Houston's M.D. Anderson Hospital and Tumor Institute, calls Temin's discovery "the most dramatic thing to occur in virus research in years."

Clark and others agree that the basic nature of cancer is just now being unraveled by molecular biologists such as Temin and his fellows—scientists who study life and growth at the level of the chemicals within the cell. The fundamental object of their interest is deoxyribonucleic acid, DNA, the substance of the genes whose structure Watson and Crick described.

Sequences: DNA's genetic message is spelled out by four chemical subunits, called bases, that can be arranged in an almost infinite variety of sequences along the molecule. Each molecule in a cell nucleus acts as a template, or pattern, for the formation of a closely similar molecule of ribonucleic acid, or RNA. The RNA carries the DNA message into the cytoplasm around the nucleus and directs the synthesis of enzymes and other proteins that are necessary for cell function. During cell division, the DNA molecules, replicate themselves exactly, and the duplicate set enters the chromosomes of the daughter cell. To Temin and other researchers, it has long been obvious that damage to any RNA base could alter the chemical activities of the cell; if the defect occurred in the DNA, such an alteration could become permanent in future generations of cells. Radiation and chemicals no doubt induce cancer in just this way. And so do viruses.

Viruses are nothing more than tiny strands of DNA or RNA enclosed in a protein coat. The virus usually causes disease by invading cells, depositing its genetic material and directing the cells to manufacture new viruses. In so doing, it usually kills the cell it invades; cell death and the production of new viruses account for the symptoms of familiar viral infections like flu and mumps. But in causing cancer, a virus behaves in a more subtle way. After invading the cell, the virus changes the cell's hereditary characteristics by synthesizing new DNA and transforms it into a cancer cell capable of reproducing into a growing tumor.

Since DNA is the master molecule of heredity, it has been easy for virologists to imagine how a virus containing DNA could initiate the cancerous change that would be perpetuated through succeeding generations of cells. But they were baffled as to how an RNA-containing virus (such as those known to cause leukemia in animals, and suspected of causing it in man) could accomplish this feat. According to the "central dogma" that has grown up around the Watson and Crick model, DNA could serve as a template for the production of RNA, or new DNA. But RNA could not be the template for making new DNA, which would be required to make the malignant transformation permanent. At least that's what the virologists believed until the 36-year-old Professor Temin quietly shattered the central dogma last May.

Temin first began to suspect that the accepted theory might be wrong more than six years ago. Working with cultures of Rous sarcoma virus, an RNA-type that causes cancer in chicken cells, Temin found evidence that cells so transformed contained new DNA with a sequence of bases resembling that of the viral RNA. Temin couldn't account for how this new DNA was produced, unless the viral RNA had directed its synthesis. At first his findings were met with disbelief, if not ridicule. Undeterred, however, the self-effacing scientist bent quietly but single-mindedly to the task of confirming his heresy.

Last winter, Temin and Satoshi Mizutani, a post-doctoral fellow who had just come to Temin's lab, began looking for an enzyme, or chemical catalyst, in the Rous virus that would be capable of transcribing the RNA virus message into DNA. "We expected it would take two years, since we weren't biochemists," Temin recalled last week. But he and Mitzutani methodically checked the scientific literature to learn the methods for detecting enzyme activity in viruses and adapted them for their use. They concentrated the virus particles in a centrifuge and then treated them with a detergent to expose the cores containing the viral RNA. Then they mixed the disrupted viruses with chemical building blocks of DNA that had been labeled with radioactive hydrogen. When the reaction was over, to Temin's delight, the radioactive ingredients could be detected in molecules of new DNA. "The scintillation counter showed an increase in counts," he recalls. "As soon as we saw that, we knew what we had." It was now clear that an enzyme from the virus had produced the long-doubted RNA-DNA transcription.

Surprise: Temin and Mizutani kept the news from even their closest associates until they had done more experiments to double-check their initial results. "We knew," says Temin, "that if there was any hint, everyone around the world would know in a couple of days." But in the end, he did include a brief report about his discovery in a talk in Houston.

Then came a major surprise. No sooner had Temin returned to Madison than he got a phone call from David Baltimore, a 32-year-old MIT biologist who had known Temin since they had spent a summer together in a program for high-school students at the Jackson Laboratory in Bar Harbor, Maine. Baltimore was calling, he said, because he thought Temin would be interested in knowing that RNA viruses do contain an enzyme that makes DNA. "I know," Temin replied, "but where did you her?" "I did it," said Baltimore. "*You* did it," Temin exclaimed. "*We did it.*" Baltimore hadn't heard a word about the Houston report.

Working independently, the MIT researcher had been looking for an RNA-to-RNA enzyme in certain viruses. And in testing a sample of RNA leukemia viruses for this enzyme he had found the RNA-to-DNA enzyme that his old friend had postulated. Both Temin and Baltimore quickly sent their reports to the British journal Nature, where they were published back-to-back in June. For his part, Baltimore is not at all put out that Temin got priority on the finding by presenting his verbal report first. "Howard's whole life has been devoted to the understanding of the replication of tumor viruses," he said last week. "I was very much a newcomer to the field."

Activity: Further developments followed in rapid succession. Dr. Sol Spiegelman, a widely respected geneticist at New York's Columbia University, heard about the Houston report and ran some tests of his own. In a few days, he had detected the Temin enzyme, called RNA-dependent DNA polymerase, in eight different cancer viruses, but in none of several viruses not known to produce tumors. Three months later, Dr. Robert C. Gallo of the National Cancer Institute, collaborating with Drs. Sue Yang and Robert C. Ting of Bionetics Research Laboratories in Bethesda, Md., found an enzyme activity closely resembling that of the Temin enzyme in the cancerous white cells of three acute leukemia patients. Significantly, it could not be found in cells from control subjects who did not have cancer. Meanwhile, Spiegelman went on to test some 120 leukemia patients. He found that the enzyme activity was greatest when the disease was most severe, that it tended to diminish when the patients improved and disappeared when they went into remission.

All this has immense importance. Detection of the polymerase activity in human cancer cells strongly supports the contention that cancer in humans is caused by a virus. In addition, measurement of the enzyme can be employed to diagnose certain cancers and follow the course of treatment. Finally, some investigators think a drug the blocks the activity of the enzyme would be an ideal anti-cancer chemical: since normal cells don't seem to have the enzyme, they would be unaffected by the treatment, but the cancer cells would be vulnerable. Indeed, Dr. Maurice Green of St. Louis University has

tested a group of chemicals derived from the antibiotic rifampicin and found some that totally block the activity of the enzyme in virus particles. At NCI, Gallo and his colleagues are testing rifampicin derivatives in human leukemia cells, and other researchers are testing them in laboratory animals. A trial in humans may be some time away, however.

Despite the excitement sparked by Temin's discovery, a cautionary note has been sounded in the wake of other recent research results. One young NCI investigator, Dr. George Todaro, has now found the polymerase activity in normal human tissues grown in culture, suggesting that its presence isn't necessarily indicative of viral activity or malignancy, after all. Thus for the moment, the Temin enzyme has triggered so much feverish investigation that clear interpretations are difficult. Even so, the original consensus holds. "I still believe," adds Spiegelman, "that what we're finding is central information about the nature of the cancer cell."

Temin himself has serious doubts about the quick applicability of his finding to the treatment of cancer. Even if the same enzyme exists in the cancer cell as in the virus, he notes, it may not be essential to the growth of the cancer once it has accomplished its job in DNA synthesis. A drug to counteract the enzyme might therefore be of little use. "It would require fantastic luck for a useful therapy to come immediately," he says, "and people shouldn't count on it. What is important is that this gives us entirely new tools to look at human cancer and ask questions about causation."

Sense: For his part, Temin wouldn't be surprised if the polymerase is proven to exist in normal tissues. In fact, he welcomes the notion because his "protovirus" theory envisions a role for his enzyme in normal development. According to this hypothesis, the polymerase might help embryonic cells differentiate during early development into the specialized cells, such as those of muscle, nerve and skin. RNA molecules, the theory holds, could carry information from cell to cell, and, using the enzyme, make DNA that would bring about generations of cells with new features. "The theory was originally proposed as more of an intellectual exercise," Temin notes, "and the more I thought about it, the more sense it made. So we are now looking for a similar enzyme in normal cells."

Temin is also in vigorous agreement with another expert consensus on the implications of his discovery—namely, that there is no reason whatever for any suggestion that the Temin enzyme might somehow lead to the development of a one-shot, "magic bullet" type of cure for cancer. The main reasoning behind this view is simply that cancer is not a single, specific malady, but rather a group of nearly 200 different diseases, each with its own particular characteristics. Dr. H. Marvin Pollard of the University of Michigan puts it this way: "Cancers originate for different reasons, develop for different reasons, and their treatment involves totally different approaches." But even though skin cancer, for instance, may be as different from lung cancer as a hangnail is from athlete's foot, all cancers nonetheless do have one deadly common denominator: all are normal cells that have lost their growth controls. The most common result of this runway growth is a tumor that invades normal tissues, saps nutrients from the patient's blood to nourish itself, and emits more cancer cells into the bloodstream and lymphatic channels to establish further malignancy throughout the body.

While the debate over the Temin-Baltimore discovery reverberates in the research laboratories, improvements in cancer therapy are proceeding apace. One area of intense current interest is immunology, and some of the most recent evidence for the importance of immunity in cancer has come from the field of organ transplantation. Recipients of donor organs must take drugs continually to prevent rejection, and researchers have recently observed that such patients have an unusually large risk of developing cancer. Normally, rejection of foreign tissue occurs because lymphocytes, white blood cells produced by the spleen and lymph nodes, respond to proteins called antigens on the surface of the "foreign" cells and attack them.

Sentinels: Recently, research has suggested that many types of cancer cells have unique antigens that should trigger an immune response. No one knows why this response fails. It may be that the cancer patient cannot produce enough lymphocytes for all the tumor cells in the body, or that the cells themselves may have ways of concealing their antigens from the lymphocyte sentinels. At Atlanta's Emory University, Dr. Loren Humphrey has tried immunizing pairs of terminal cancer patients by inoculating them with fragmented tissue from tumors similar to their own. After eight weeks, the patients are given injections of each other's lymphocytes, which presumably have been sensitized to the tumor antigens. Although the effectiveness of such treatment is far from proven, Humphrey notes that one patient with bowel cancer has remained free of disease for three years, and a number of other patients he has treated have shown definite reduction in the size of their tumors.

A more direct method of arousing the immune response against tumors is being worked out in animals by Drs. Fritz Bach and Richard Hong of the University of Wisconsin. They inoculate an animal with dinitrochlorobenzine (DNCB), a chemical that sensitizes lymphocytes so that the animal will respond with a strong allergic reaction the next time it receives the drug. Then, they chemically link DNCB to an antibody prepared in another animal to the tissue of a certain organ. The DNCB-antibody compound, injected into the sensitized animal, would hopefully target on that organ and destroy it. The same technique, they hope, may work in cancer.

Killer: While immunologists may have far to go in providing an effective way actually to treat cancer, at least one immunological technique seems close to providing an excellent way of diagnosing one form of the disease. At Montreal's McGill University, Dr. Phil Gold has found a specific antigen in tumors of the bowel, one of the leading killers, that can be detected in the blood. Tried in 1,500 patients so far, the blood test has proved 95 per cent reliable in detecting cancer of the colon and rectum—in many cases long before it is visible by X-rays. Currently, half a dozen institutions are studying the test in the hope that it could become as effective a mass screening test as the famous Pap smear that has made possible the sharp reduction in deaths from cancer of the cervix.

While the promising new tools of treatment and diagnosis are being forged in the laboratory, the foot soldier's war against cancer is being waged by the surgeon, the radiotherapist and the physician with his drugs. The surgeon can rightly claim credit for most of today's cures, since a large proportion of cancer patients end up in the operating room. Obviously the extent of a surgeon's success depends on the ability to excise all the cancer. Thanks to better knowledge of physiology and advances in anesthesia, he can now perform more radical surgery than ever before. Moreover, new techniques in plastic surgery can remedy much of the gross disfigurement that radical procedures may entail.

Future: At the same time, surgeons are doing their best to spare patients from disfigurement whenever possible. Many now question whether radical mastectomy—removal of the breast, underlying muscle and the lymph nodes of the arm and chest—is really necessary to maintain the present cure rate for cancer of the breast: in the near future, NCI plans to launch a study involving some 1,000 patients to find out whether simple removal of the breast, perhaps augmented by X-ray treatment of the lymph nodes, will not do the job just as well.

On balance, the major reason for surgical failures is the spread of the cancer elsewhere. To try to prevent tumor cells in the blood stream from establishing colonies in other parts of the body, the NCI's Dr. Alfred S. Ketcham is giving patients anticoagulants. The rationale for this has come from animal studies suggesting that tumor cells in the blood get stuck to the walls of blood vessels and form clusters that become tumor growths. "By anticoagulating," says Ketcham, "we hope to decrease cell adhesiveness."

In radiotherapy, cure rates have improved steadily through the development of more powerful hardware. The 200,000- to 250,000-kilovolt X-ray machines of the 1950s have given way to 1.3 million-volt cobalt bombs and 4 million- to 8 million-volt linear accelerators (LINAC). Such devices hit tumors with a high intensity X-ray and gamma ray energy with a minimum of "scatter" radiation to normal tissues. Says Dr. Ralph E. Johnson of NCI: "As a result of this escalation in power, some 90 percent of early cancers of the larynx can be cured by radiation, sparing the patient from disfiguring surgery and the loss of his voice."

Most dramatic has been the improvement for patients with Hodgkin's disease. At Stanford Medical Center, patients afflicted with this form of cancer receive high-intensity radiation to every node, notes Dr. Henry Kaplan. Over the past decade, 50 to 60 percent of patients with advanced Hodgkin's disease have become long-term survivors.

To hit tumors with even higher doses, Kaplan and other radiotherapists hope to replace the X-ray with a new subatomic particle, the pi meson. A $64 million proton accelerator that will generate these particles is under development by the Atomic Energy Commission at the Los Alamos Meson Physics Facility. The pi meson is a negatively charged particle whose beams can be "focused" by means of magnets and brought to bear at any depth of the body. As it travels, it emits low-intensity X-rays that can be read by the radiologist, enabling him to guide the beam to the target. On its way through the body, the meson is harmless. But when it enters the target cell it collides with atoms of oxygen, carbon or nitrogen and produces a minuscule atomic explosion within the cell.

Chemotherapy, an experimental frontier just a few years ago, has also come into its own. Some 30 drugs are now available which, used alone or in combination with surgery and radiation, can shrink tumors. Formerly, acute leukemia, the most common cancer in children, was uniformly fatal within weeks or months. Now, nine out of ten children with the disease go into remission after drug therapy, half are alive and well after five years and a few have been pronounced cured. One reason for the improvement is that doctors have learned to administer drugs in combination or in sequence, thus preventing the cancer from developing a resistance to any one drug, a common cause of failure a decade ago.

Hopeful: Equally effective drugs against solid tumors such as breast cancers have yet to be developed. Most of the presently available drugs interfere with the synthesis of DNA, which means that they exert their killing effect only during cell division. They are therefore least effective against cancers in which relatively small numbers of cells are dividing at any one time. Now, researchers are screening some 15,000 compounds a year for drugs that will act on cells at a different stage of the life cycle. Ideally, they would

like to find a drug that would arrest abnormal cell division altogether, stopping the cancer in its tracks.

Taken all in all, the advances made in cancer research and therapy in the past few years add up to the most hopeful view of the future that has ever been possible. What now remains to be seen is how quickly the latest breakthroughs may lead to yet more dramatic and productive ones so that, as some cautious physicians and researchers envision, the war against cancer may be won by the end of the century. NCI's Frank Rauscher sums up his own feelings this way: "I think the prospects for even greater strides into prevention are so great that our target of reducing the incidence of mortality by one third by the year 1980 is very real. I think that with additional information, the target of a two-thirds reduction by the year 2000 is also a very real one."

THE INVASION OF LAOS

Mr. BAYH. Mr. President, on February 25, when the South Vietnamese invasion of Laos was less than 3 weeks old, I expressed my grave concern about the outcome and effect of that operation. Subsequent events have justified that concern.

At that time I also noted the inconsistencies in the facts and figures which were being used to demonstrate how successful the Laos operation was supposed to be.

In an article which appeared in the New York Times on April 1, Alvin Shuster has made an analysis which, in effect, up dates these points raised 5 weeks ago. In it he examines the final, unbelievable figures that the South Vietnamese Government is now giving out to demonstrate the results of that operation.

I ask unanimous consent that my remarks on February 25 and the article be printed in the RECORD.

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

THE INVASION OF LAOS

Mr. BAYH. Mr. President, by President Nixon's conscious decision to support the South Vietnamese invasion the southern panhandle of Laos has now become the testground of Vietnamization. And the evidence to date seems to be proving that Vietnamization will not end the war.

Vietnamization was supposed to buy enough time to make the South Vietnamese Army competent to cope with the military situation in South Vietnam on its own. We were led to hope that Vietnamization would, thereby, permit the withdrawal of American fighting men so that in the foreseeable future none of our forces would be left in Vietnam. Vietnamization was going to end the war, principally by demonstrating to the enemy that they could never win and ought therefore to compromise in Paris.

The reports already in from the Laos operation contradict each of these assumptions.

In fairness, it does appear that the ARVN are fighting more competently than they did several years ago. But that is not the real question. The real question is whether, after nearly 2 years of Vietnamization, the ARVN show signs of improving enough to handle the military situation by themselves. The Laotian invasion raises serious questions about this. So far it appears that the North Vietnamese still have the ability to pick the ground on which to fight, and when they do, to inflict serious defeats even on the ARVN's crack units—despite the most massive application of American air power Indochina has yet seen.

The Laotian operation, like the Cambodian one before it, was supposed to buy time to make the ARVN capable of defending South Vietnam. The Cambodian operation expanded the area which they must defend to include yet another country. The current operation is not only expanding the area of the conflict, but also apparently exposing the South Vietnamese to a decisive military reverse. The result could be a South Vietnamese Army which must fight three wars instead of one—after some of its best fighting units have been destroyed.

And what of hopes for American disengagement in the foreseeable future?

The President's statement on unlimited use of American airpower and the military's estimates of when the South Vietnamese will be able to take over the air war pose the real possibility of a U.S. air umbrella over operations across Indochina for the next 4 or 5 years. The scope of that kind of involvement is suggested by the fact that during the current invasion of Laos our airmen are flying up to 1,000 sorties a day.

And beyond that, what will a serious reverse for the ARVN—now or later—do to the pace of withdrawal of U.S. ground troops? American boys may well be bogged down longer in Vietnam because the South Vietnamese Army is spread too thin and too badly weakened to defend its own country.

The administration's explanations of the objectives and progress of this operation have been marked by dramatic inconsistencies.

The President either deluded himself or sought to delude others when he indicated that the "lifeline" from North Vietnam south could be choked off by such a mission, thus convincing the Communists to give up the fight. First, the capacity of the ARVN to achieve that objective, even temporarily, is at this point in serious doubt. Despite their incursion and intense air raids, reports persist that heavy traffic along the Ho Chi Minh Trail has continued during the last 2 weeks. Even if the South Vietnamese were able to block all the supply lines in the eastern half of the Laos panhandle the North Vietnamese could reroute their supplies further to the west, suffering only a temporary delay and loss of supplies. But in pushing the Communist supply lines westward we run the risk of spreading the major action of the war to areas heretofore unaffected—the heartland of Laos and even parts of Thailand. On how many more innocent bystanders do we have to visit the horrors of modern warfare before we realize that expanding the war is not the way to end it?

Now we are being told that an operation that has stalled and is in danger of becoming a disastrous setback is on schedule, that its objective is being achieved and that its progress is satisfactory.

Last week we were told that the ARVN were 22 miles into Laos. Two days ago it was 17½ miles. Yesterday it was 16 miles.

Both United States and South Vietnamese military authorities are giving the impression that a battle in which a crack ARVN Ranger battalion fled the field after losing three-fourths of its men was at least a standoff if not a triumph.

The town of Tchepone which was described as the hub of the trail network and a key objective when the operation began has now become a nonobjective.

Furthermore, eyewitness reports contradict the statistical evidence Saigon and the Pentagon are citing. There is apparently some considerable divergence between the official figures and the reality of South Vietnamese losses, of North Vietnamese losses and American helicopters shot down.

Again a fundamental question is arising—the right of the American people to know what has really happened.

Finally and most importantly, there is the question of the effect of this Laos adventure on the chances of peace. Contrary to the President's claims. I see no reasonable hope that the Laotian operation will convince Hanoi that its chances of winning are really diminished and that it ought to sue for peace. In fact, if the South Vietnamese reverses continue, Hanoi may well end up believing they are much closer to a military victory than they themselves had thought. In any case, nothing about this operation would seem to serve the cause of a negotiated settlement and final peace.

Plainly we should now be on a very different course. We should not be expanding the war, but trying to find ways to deescalate it. We should not be taking actions in Indochina which seem to assure our further and deeper entanglement. We should, instead, be deciding on a date on which to end our involvement. We should not be seeking a military solution in southern Laos; we should be seeking a political solution in Paris to end the war in Vietnam.

REPORTS BY SAIGON ON TOLL INFLICTED ON ENEMY IN LAOS ARE AROUSING DOUBTS

(By Alvin Shuster)

SAIGON, SOUTH VIETNAM, March 31.—The campaign against Communist supply lines in Laos is over, but statistical warfare continues to rage, reminiscent of the days when American commanders put the stress on "the body count" to demonstrate success in the Vietnam war.

The figures at issue these days are those provided by the South Vietnamese Government on the invasion of Laos—numbers tacitly accepted by the Americans though some are so obviously exaggerated as to be meaningless. As a South Vietnamese lieutenant acknowledged, "the more political the operation, the higher the chances of exaggeration of what we did to the enemy."

It is an old controversy, now attracting new interest because the Saigon Government and, to a lesser degree, the American command are still providing a heavy dose of numbers to try to cure the public discomfort over the Laos campaign. The list is long, from enemy killed and munitions destroyed to field radios, trucks, antimalaria pills and chickens and ducks captured.

CONSIDERABLE DOUBT RAISED

Considerable doubt was cast on the statistics all during the 45-day campaign. Official briefers talked solemnly of counting bodies in the jungles of Laos, of estimates of explosives used, of heavy engagements where the toll of the enemy ran into thousands, as against a few wounded.

There were several days when the South Vietnamese command reported every detail of a fight, down to the number of rifles captured, and then said, "There is no word yet on our casualties."

In a war without front lines, it has long been a practice to measure progress in numbers, credible or not. The Americans, during the period of heavy ground combat, were the original sinners, as underscored in the trial of First Lieut. William L. Calley Jr., who testified:

"It was very important to tell the people back home we're killing more of the enemy than they were killing us. You just made a body count off the top of your head. Anything went into the body count: V C, buffalo, pigs, cows. Something was dead. You put it into your body count."

LOWER U.S. CASUALTIES

American commanders say the "body count" period for them is over, largely because the nature of the war has changed. Americans are no longer in massive search-and-destroy operations or big battles and,

with the enemy pursuing a protracted war of small units in this country, the engagements involving Americans usually show low casualty figures.

The theory is that the smaller the figure, the more credible it is.

General Michael S. Davidson, commander of American forces in the military region surrounding Saigon, who is soon to become Army commander in Europe, said: "I never liked the body count and the stress on kill ratios because I always found they could lead to bad practices. When I decided to come here I decided never to mention kill ratios and body counts to a single subordinate commander."

American and South Vietnamese commanders like to look at figures as benchmarks of progress, nevertheless, because, in their view, the figures help to show what is happening to the enemy.

What happened to the enemy in Laos is still a big mystery. The South Vietnamese claim 13,815 North Vietnamese soldiers killed. The American command, which limits itself to estimates based on aerial observation, put the figure at 4,100. The clear implication, accordingly, is that more than 9,500 were killed by the South Vietnamese themselves, which is difficult for some officers to believe.

SOME "MINUSES" FOR HANOI

"Look at it this way," a doubtful American officer said. "The Vietnamese say they have killed nearly 14,000 Communists in Laos.

"If you figure that at least two are wounded for every soldier killed, that means 42,000 Communists were put out of action. Since there were supposed to be only 30,000 Communists in the area in Laos, they are now minus 12,000."

"Now the command says we killed something like 15,000 trucks along the trail since the dry season began in October," he continued. "They only had about 12,000, so again Hanoi is minus, this time about 2,000 trucks."

"So, if they are minus 9,000 men and 2,000 trucks, it's a wonder they can still keep going on the trail."

The South Vietnamese casualty figures for the troops in Laos are also open to question. Saigon says that 1,163 were killed and 4,299 wounded, with 240 missing, for a total of almost 5,700 or about 25 per cent of the force involved. Some unconfirmed reports circulating in Saigon put the total casualties at 10,000, or about 50 percent, which the Saigon command absolutely denies.

FEW CHANCES TO CHECK

Because of the nature of the Laotian operation—no Americans allowed in on the ground—few of the statistics gathered by the South Vietnamese could be checked. The Saigon command insists that its men counted the bodies, but officers acknowledge privately that the figures are estimates. The lower American figure is also an estimate, based on reports by pilots of small observation planes and helicopters.

Duplication is unavoidable, with pilots sometimes counting the same bodies the South Vietnamese on the ground locate.

In a sense, the United States command is more interested in the accuracy of casualty figures for the South Vietnamese than for the enemy. As a result, American officers are assessing the figures with the help of American advisers at the scene who tried to count the members of their units as they returned.

An officer engaged in the work said that the South Vietnamese figures were on the low side but did not appear to be near the 10,000 mark. He said that the figures were probably off by a few hundred in each category, implying that the South Vietnamese probably suffered something under seven thousand casualties.

In any event, the South Vietnamese are not particularly interested in statistics, although they recognize the political possibilities of favorable ones.

"Statistics means very little to us," a South Vietnamese official remarked. "We only started them because the Americans seem to be interested along with the press."

FIGURE ON MUNITIONS WAS HIGH

The most striking example of statistical warfare during the operation in Laos was the figure provided by the South Vietnamese on the amount of munitions destroyed—176,246 tons, or more than the equivalent load of 10,000 of the largest cargo plane at work in Vietnam.

The American command was surprised by the figure, which jumped more than 160,000 in one week, and asked the South Vietnamese for clarification. The answer came back that it was "a verified amount." The American estimate is 14,000 tons.

At the briefing yesterday a Saigon spokesman insisted that the huge figure was accurate but added, "You should use your own judgment in using it."

The Americans are still not without their own attempts at manipulating the figures. The most frequently cited example was the deliberate leak in Washington of low American casualty figures—figures usually disclosed in Saigon on Thursday afternoons—early in election week last November.

During the incursion in Laos the command provided statistics only for the helicopters shot down and destroyed in Laos, not the much larger number shot down and then brought back to Vietnam. The rationale was that such information would help the enemy determine helicopter strength.

The casualties suffered in the "recovered" aircraft were also not reported daily, although they were included in the weekly figures, so the job of isolating the number of American casualties became almost impossible.

"The statistics still seem to be important in this war because of the limited tangible measurements," a diplomat commented. "The only problem is that they don't show whether you are winning or whether you really disrupted the trail."

WATER RIGHTS IN COLORADO

Mr. DOMINICK. Mr. President, on March 24, the Supreme Court decided two cases involving water rights in Colorado. In United States against District Court in and for the County of Eagle, the Court held that the United States must submit its claims to reserved water rights, which are based on withdrawals from the public domain, for adjudication in State court water adjudication proceedings. In United States against District Court in and for Water Division No. 5, the Court held that the United States, like any private party who claims water rights, is required to submit all of its water rights for adjudication under the new Colorado water statute—the "Colorado Water Right Determination and Administration Act of 1969."

Needless to say, I am delighted with these two decisions. Their net effect in Colorado is to put the United States in the same position with regard to water adjudication proceedings as any private party who claims water rights. Although these cases primarily involved water rights claimed by the United States in four national forests in Colorado—the White River, Arapahoe, Routt, and Grand Mesa-Uncompahgre—the decisions have enormous significance throughout the entire West.

Water is of vital importance in the semiarid western States, and is increasing in importance as our population expands. Of necessity, water rights in the West have been governed by the "appropriation system" of water law, as opposed to the riparian system which prevails east of the Mississippi, where water is more plentiful. The primary difference is that under the appropriation system, ownership of land does not carry with it the right to use water which is found there. A water right is acquired by diverting water and applying it to a beneficial use. The amount of the water right is determined by how much water was originally used, and the right carries with it a "priority date" according to when it was first initiated. This means that when there is not enough water to accommodate all users, water rights will be recognized in accordance with their priority dates. Water usage will be curtailed starting with the latest priority dates. Under this system, it is absolutely crucial that each owner of a water right—whether farmer, cattle rancher, municipality, et cetera—knows exactly the amount and priority date of every other right to use water from that same source. Without that knowledge, decisions with respect to planning and investment are difficult to make. The only means for making this knowledge available is through water adjudication proceedings in State courts.

Mr. President, this has been the problem with the United States. The United States claims water rights—"reserved rights"—which are based on withdrawals of land from the public domain. This means, essentially, that when the United States withdraws land from the public domain to establish, say, a national forest, it claims the right to use whatever amount of water is necessary to carry out the purposes for which the land was withdrawn. But over the years, the United States has consistently refused to submit these claims in State water adjudication proceedings, on the ground that as the sovereign, it was not required to do so, except by act of Congress. The result has been that the undetermined water claims of the United States have cast a "cloud on the title" of all water rights in the West.

The potential size of this cloud on title is illustrated by the fact that the United States owns 725,000,000 acres of public land in the 17 contiguous western States and Alaska, 443,000,000 of which have been withdrawn, carrying with them many undetermined claims to water rights. One example is the withdrawal of oil shale lands in western Colorado, Wyoming and Utah for the Naval Petroleum and Oil Reserves. Development of oil shale will require substantial quantities of water.

Well, Mr. President, I am very satisfied to see these decisions which will go a long way toward removing this uncertainty. I think Congress intended to clear the way for that when it passed the McCarran Act in 1952. The United States has contended otherwise, but that contention was put to rest by the Supreme Court's decision in the Eagle County case.

While these decisions are very helpful, many questions concerning the nature and scope of reserved water rights remain to be clarified. This will require expensive

and time-consuming litigation. For that reason, I think the time is ripe for additional legislation, perhaps along the lines of the recommendations of the Public Land Law Review Commission, which would provide a comprehensive, rather than a piecemeal, solution.

FOUR STARS FOR GEN. FRANK T. MILDREN, OF NEVADA

Mr. BIBLE. Mr. President, the morning of March 25, 1971, had special significance for the State of Nevada, and for one of its most distinguished sons. On that date, Gen. Frank T. Mildren became the first Nevadan ever to wear four stars on his Army uniform.

I was among those privileged to attend the brief but impressive promotion ceremony conducted by Army Chief of Staff Gen. William Westmoreland. And I was among those who experienced deep pride and satisfaction in the event.

General Mildren, by any yardstick, is among the most decorated and most gifted military leaders in American history. He was an outstanding battlefield commander in three wars. He has been decorated by the governments of six nations. He has served in command positions entailing tremendous responsibility, and he has provided brilliant and inspirational leadership.

Apart from his unquestioned professional excellence, Frank Mildren is a warm and sensitive human being who is admired and respected by all who are privileged to have his friendship. I consider myself fortunate indeed to be numbered among his friends, and I always look forward to the pleasure of his company.

In many respects, the life of General Mildren represents a 20th century American success story. His parents provided the basic values and guidance destined to serve him well in later life, but the family was of modest means and young Frank receive no special privileges or favors. He is a self-made man.

A lifelong resident of Las Vegas, General Mildren is a graduate of Las Vegas High School and later attended the University of Nevada at Reno for 2 years during the peak of the depression.

In 1936, he applied for—and received—an appointment to the U.S. Military Academy at West Point, N.Y. His future was determined at that moment.

Graduated in 1939, General Mildren very shortly was among the millions of young Americans called upon to resist German and Japanese aggression. He served with valor in a series of difficult and hazardous assignments. He was a "front line" soldier—an infantryman—who commanded first a company, then a battalion and finally a regiment.

General Mildren's qualities of leadership and proven combat experience earned him a series of rapid promotions during the war and the years immediately thereafter. He was a field grade commander by the time of the Korean conflict and wore the two stars of a major general during his first assignment in Vietnam. Later, after receiving his third star on July 1, 1965, he became the Deputy Commanding General of the U.S. Army in Vietnam.

Among the many decorations won by General Mildren in more than three decades of loyal service are the Silver Star with four Oak Leaf Clusters, the Distinguished Service Medal, the Purple Heart, the Bronze Star with Oak Leaf Cluster, the Air Medal, and the Legion of Merit with Oak Leaf Cluster. He has also been decorated by the governments of France, Luxembourg, Belgium, South Korea, and South Vietnam.

Until today, General Mildren had been the Deputy Commanding General of the Continental U.S. Army Command at Fort Monroe, Va. Today, however, he begins a new assignment—Commander of the Allied Land Forces in Southeastern Europe under the North Atlantic Treaty Organization—NATO—with headquarters at Izmir, Turkey.

Mr. President, the people of the State of Nevada take exceptional pride in the extraordinary achievements of a great native son. Recently, the Nevada Legislature, on the recommendation of Senators John Foley and B. Mahlon Brown, passed a concurrent resolution saluting General Mildren. I ask unanimous consent that the resolution be printed in the RECORD.

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

SENATE CONCURRENT RESOLUTION—CONGRATULATING GEN. FRANK T. MILDREN ON BECOMING A FOUR-STAR GENERAL

Whereas, General Frank T. Mildren, a native of Las Vegas, Nevada, has become a four-star general and will assume command of Allied Land Forces, Southeastern Europe; and

Whereas, General Mildren's advance to this high rank in the United States Army is the result of his outstanding service as a combat soldier; and

Whereas, General Mildren is a 1939 graduate of the United States Military Academy, and served with the 2nd Divison in Europe in World War II, the Far East Command X Corps and the 38th Infantry Regiment in Korea, and Headquarters, U.S. Army in Vietnam as Deputy Commanding General; and

Whereas, General Mildren's decorations include the Distinguished Service Medal with oak leaf cluster, the Silver Star with four oak leaf clusters, the Bronze Star with two oak leaf clusters, the Air Medal, the Purple Heart, the Legion of Merit with oak leaf cluster and the Army Commendation Medal; and

Whereas, The outstanding service of General Frank T. Mildren is something all Nevadans can be proud of; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the members of the 56th session of the legislature extend their heartiest congratulations to General Frank T. Mildren on his becoming a four-star general and the first of such rank from the State of Nevada; and be it further

Resolved, That a copy of this resolution be transmitted forthwith by the legislative counsel to General Frank T. Mildren.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

Mr. BROCK. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent to have printed in the RECORD a statement by him on the subject of National Future Homemakers of America Week.

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

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

Mr. TOWER. Mr. President, this week, March 28 through April 3, 1971, is National Future Homemakers of America Week. I congratulate FHA for its continuing efforts to build citizenship and to develop individual character among this nation's youth.

Founded on June 11, 1945, Future Homemakers of America is an organization of high school home economics students with chapters throughout the United States, as well as in the Canal Zone, Germany, Iran, Japan, the Philippines, and the Virgin Islands. My own State of Texas has the greatest number of members—75,418—and the most chapters—1,298—in the entire organization. I am proud too that a Texan, Miss Lynn Emerson of Midlothian, is now serving as National Reporter of the FHA.

I think a key element of this group's goals lies in the word "Future." The FHA National President stated in explaining this week's theme, FHA Cares:

"In this, our twenty-fifth anniversary year as a national organization, we want National FHA Week to be a showcase for what 600,000 teenagers are doing constructively to find solutions to some of the problems confronting today's society in preparation for a better life tomorrow." FHA has worked since its establishment to educate young women in the skills of homemaking, but its goals are broader still. Members engage in community programs, such as teaching migrant and underprivileged children, caring for the handicapped, and working as volunteers in hospitals. In addition, one purpose of the organization adopted at the 1970 national meeting is:

"To become aware of the multiple roles of men and women in today's society."

Clearly, FHA is facing tommorrow and working to make the modern woman a leading and contributing element in our society.

AMENDMENT OF RULES BY COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. WILLIAMS. Mr. President, at its meeting on March 11, 1971, the Committee on Labor and Public Welfare adopted a number of amendments to the rules governing the committee's procedures.

I send to the desk a copy of the committee's amended rules, and ask unanimous consent that they be printed in the RECORD as required by section 133B of the Legislative Reorganization Act of 1946, as amended. These amended rules replace those which were printed in the RECORD on February 25, 1971.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

(As amended, March 11, 1971)

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, the Committee shall meet regularly at 10:30 a.m. on the fourth Thursday of each month in Room 4232, New Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2. The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3. Meetings of the Committee or a subcommittee shall be open to the public, except executive sessions for the considera-

tion of bills or resolutions, or for voting, or when the Committee or subcommittee by majority vote of those present orders an executive session.

Rule 4. For the purpose of transacting business, one-third of the membership of the Committee, or a subcommittee, actually present shall constitute a quorum, but no measure or matter shall be ordered reported from the Committee unless a majority of the Committee is actually present at the time such action is taken. Any quorum of the Committee or a subcommittee which is composed of less than a majority of the members of the Committee or subcommittee shall include at least one member of the Majority and one member of the Minority.

Rule 5. With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings, other than taking sworn testimony.

Rule 6. Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

Rule 7. There shall be kept a complete record of all Committee or subcommittee action. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee or a subcommittee.

Rule 8. The Committee, and each subcommittee, shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9. The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12. It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13. No person other than members of the Committee, members of the staff of the Committee, or designated assistants to members of the Committee, shall be permitted to attend the executive sessions of the Committee or a subcommittee, except by special dispensation of the Committee or subcommittee, or the Chairman thereof.

Rule 14. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are Minority or Individual views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17. Investigation Procedures—

a. The Committee, or any subcommittee, may issue subpenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by vote of the Committee.

b. For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: Provided, however, that with the concurrence of the Chairman and ranking Minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

c. The authority to issue subpoenas may be delegated by vote of the Committee or subcommittee.

d. Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

e. No confidential testimony taken or confidential material presented in an executive hearing, 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 or subcommittee.

Rule 18. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 19. In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

DEATH OF ERICH PREISER

Mr. PERCY. Mr. President, eulogies delivered on the Senate floor are customarily reserved for persons of world, national or state prominence. But I feel this precedent can and occasionally should be broken, as I wish to do today by paying tribute to a wonderful American and dear friend, Erich Preiser, with whom I worked for many years.

Erich Preiser was a remarkable individual not because of the family into which he was born nor the position he held in life, but because of the mobility of his character, his devotion to his country, the high quality of his work, his large number of friends, and his love for every living thing.

Born and educated in Germany, Erich Preiser came to this country in 1928 and became an American citizen 10 years later. He began working in the shop for Bell & Howell Co. in 1943, and shortly after my return from military service we became fast friends. In an age when pride of workmanship did not seem to hold the same significance that it did in the age of the craftsman, the quality of Erich Preiser's work was a justifiable source of satisfaction to himself as well as his follow workmen. His devotion to excellence and his capacity for hard work and sustained accomplishment were extraordinary.

To those who worked for him, he offered encouragement and a willingness to work side by side with them. To those to whom he was responsible, he inspired a feeling of awe for his accomplishments, his even disposition and his selflessness.

Once, while I was visiting with him and his family in their home, I discovered that they shared their home with an abundance and great variety of stray animal life. Though their house was small, it was characteristic of them to gladly provide shelter for any lost or abandoned pet.

In the prime of his life, Erich Preiser was stricken by a fatal heart attack. This good and generous man did not receive long obituaries in the newspapers. But he shall be long remembered and beloved, not only by his widow, Catherine, and his daughters, Mary and Catherine, but by his countless friends—whether they be the newest employee on the production line or those of many years standing, such as Peter Peterson, new assistant to the president for International Economic Affairs, and his wife, Sally; William E. Roberts, president of Ampex, and his wife, Jerri, or my own family.

THE RETIREMENT OF ROBERT GOHEEN OF PRINCETON UNIVERSITY

Mr. WILLIAMS. Mr. President, I was saddened to learn that Robert Goheen has decided to step down as president of Princeton University in June 1972, and relinquish a position he has presently held with respect and great dignity for 14 years.

Though this period of great change in our American educational system, when many colleges and universities have faced hardships and disruptions, President Goheen has intelligently and dauntlessly maintained consistently fair and flexible administrative policies that have been accepted and respected by the students of Princeton University. His responsibilities have been enormous, but his integrity and dedication have gone unchallenged.

Mr. President, I have known and admired Bob Goheen for more than a decade, and accept with regret the loss of his presence at Princeton University. But, I am hopeful and certain that he

will continue to contribute to both the people of New Jersey and the Nation, and that the field of education will not be deprived of his distinguished talents.

ALCOHOLISM

Mr. KENNEDY. Mr. President, the February 26, 1971, issue of Medical World News contains an informative article entitled "Alcoholism: America's Most Destructive Drug Problem." I recommend this article to my colleagues and to the public because although the disease of alcoholism is one of our most serious health problems, affecting the lives of many millions of our people, it has been long neglected and poorly understood.

The article reports that the generally accepted figure for the number of alcoholics in the United States is about 9 million. Yet as recently as 1969, the Federal Government spent only $7 million on the disease. Furthermore, until very recently comprehensive courses on alcoholism in medical schools were almost nonexistent.

One encouraging sign is that the medical attitude toward alcoholism has been undergoing a significant change in recent years—it is now being approached as a disease, and alcohol itself is being recognized as a drug. In treating alcoholism as a disease, early diagnosis is considered vital. Dr. Maurice Victor of Western Reserve University, claims that the early manifestations of alcoholism appear in the form of medical symptoms. And Dr. Marvin Block of the State University of New York at Buffalo, stresses the need for doctors to include a carefully phrased series of questions on drinking habits when taking a medical history.

The article provides a useful summary of recent research on alcoholism, indicating that many long-standing notions about behavior patterns associated with the disease are not supported by recent evidence. Also cited are studies on the biological effects of alcoholism. One of the most significant findings is that there is strong evidence of a direct relationship between chronic alcoholism and heart disease. Furthermore, there are indications of a possible relationship between alcoholism and tuberculosis.

Recently scientists have successfully developed techniques for using animals for research on alcoholism. These techniques may hold considerable promise for future research.

The article cites recent legislation authorizing the appropriation of $300 million to be spent by the end of fiscal 1973. It expresses the hope that the money will be channeled through a variety of means, and not just to psychiatrists. However, some pessimism is expressed about possible delays in appropriating the money.

The article reports that some medical schools are finally beginning to develop meaningful programs for the study of alcoholism. Combined with changing attitudes toward the disease, these developments provide considerable hope. The next step is for Congress to provide the needed funding.

I ask unanimous consent that the article "Alcoholism: America's Most Destructive Drug Problem," be printed in the RECORD.

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

ALCOHOLISM: AMERICA'S MOST DESTRUCTIVE DRUG PROBLEM

The alcoholic is still around; shoved into the background, perhaps, because of recent attention given to drug abuse among the young, environmental causes of disease, and other daily crises. But the excessive drinker won't go away. If anything, his numbers increase, and alcoholism continues to confound physicians with its complex of physiological and psychological causes and consequences. Says Dr. Donald W. Goodwin of Washington University in St. Louis, "In fact, there is still no definite treatment for alcoholism. Individual or group psychotherapy, plus disulfiram and membership in Alcholics Anonymous, is still widely regarded as the best combination the physician has to offer," he observes.

This is not an optimistic or comprehensive regimen for what Dr. Roger O. Egeberg has called the nation's number one health problem. HEW's Assistant Secretary for Health and Scientific Affairs added that 6½ to seven million Americans were alcoholics, and several times as many more—their families—were also victims. But many authorities on alcoholism now agree that Dr. Egeberg's figure was too low; the figure now generally accepted is about nine million alcoholics of 100 million Americans who drink.

Despite the enormity of the problem, as recently as 1969 the federal government spent only $7 million on alcoholism. In private funds, an additional $2.2 million was available for the disease, compared, for example, with $10 million raised for muscular dystrophy, which affects 200,000 Americans, and $39 million to aid the 100,000 people suffering from tuberculosis.

A major change in the medical attitude toward alcoholism is the recognition that alcohol is a drug and that dependence on it is a form of addiction, claims Dr. Marvin Block, assistant clinical professor of medicine at the State University of New York at Buffalo. Another important shift is that "the stigma of alcoholism is being removed," and in most serious discussions these days alcoholism is approached as a disease, "not a moral problem," he adds.

Meanwhile, education in the management of alcoholism has been inadequate, at best, in most medical schools. And, as pointed out, money for basic clinical and sociological research or for comprehensive treatment programs has not been available.

Many investigators, however, see major changes at hand, as relatively limited research still turns up new findings that challenge old concepts of the etiology and management of alcoholism. Faculties and medical students are pressing for comprehensive courses on alcoholism. And, truly exciting to experts in the field, Congress has authorized—but not yet appropriated—a stunning amount of money for further research and treatment. Furthermore, the act calls for elevating the NIMH Division of Alcohol Abuse and Alcoholism to a full-fledged institute.

On the investigative front, a number of long-standing ideas are being re-examined. Among these is one of the most venerable assumptions about treating acute alcoholism; that the patient usually suffers from dehydration and nutritional deficiencies, and intravenous fluids are usually indicated. "Recent evidence indicates that alcoholics during withdrawal are more likely to be *over*hydrated than dehydrated," notes Dr. Goodwin (MNW, *Psychiatry 1970*). "Intravenous fluids, therefore, should be used cautiously."

Dr. Jack H. Mendelson, chairman of the department of psychiatry at Boston City Hospital, observes that this is because diuresis occurs when the blood alcohol level is rising, but stops when a high level is reached. Alcoholics actually drink large amounts of other liquids on a binge—water, soft drinks, and other mixers—which often produce a positive water balance during early withdrawal. "We didn't have this information five years ago," he explains. "That's why one of our research goals was to establish a kind of basic pharmacology of alcohol addiction. Many of those basics are now understood, such as what chronic ethanol ingestion does to water and electrolyte balance, so that we can rationally treat people in withdrawal instead of either dehydrating them or flushing them."

"My impression, from the best studies and experience I know of," says Dr. Morris E. Chafetz, director of the Division of Alcohol Abuse and Alcoholism at NIMH, "is that the treatment programs that have the highest incidence of success are those that tailor the treatment to the individual needs and resources of the patient and that use multiple forms of evaluation of results. I think the general feeling right now is that alcoholism is a variety of disturbances expressed through a preoccupation with alcohol and its use. And if you individualize the therapeutic approach rather than have a standard technique that you try to fit the patient into, it works much better—and that's probably true for most of medicine, too."

Research is providing the knowledge of how to select the treatment that will work best for a specific patient. "Dr. Ben Kissin of the Kings County Hospital in Brooklyn has done a report on the various factors in handling chronic alcoholism that spells out very nicely the treatment tracks one needs to consider in treating alcoholism," Dr. Mendelson told MNW. "It blazes some trails for an electric approach, rather than the single-modality or panacea approach we've been confronted with for so long. This is a real advance—we can begin to say with some kind of predictability that for this kind of patient, this is the treatment that will be good for him."

As with any disease, before alcoholism can be treated it must be diagnosed. The World Health Organization defines alcoholism as a chronic behavorial disorder, manifiested by repeated drinking of alcoholic beverages in excess of the dietary and social standards of the community and to an extent that it interferes with the drinker's health or his social or economic functioning.

"The trouble with all these definitions of alcoholism is that they describe the advanced stage of the disease," says Dr. Block. "It really takes no expert to make a diagnosis at that point." Dr. Chafetz agrees. "Many doctors make a diagnosis of alcoholism only when they run into a skidrow alcoholic. But these cases represent only 3% to 5% of the total problem—this is somewhat like waiting until cancer metastasizes before starting to treat it. Early detection is vital. No condition of man has ever been brought under control by treating the casualties; you've got to turn in the direction of early identification and prevention. And while none of us is ever going to turn his back on the casualties, early detection and prevention is the direction we have to take."

"If any significant impact is to be made on the problem, it is essential that physicians take more responsibility for its management than they have until now," said Dr. Maurice Victor, professor of neurology at Case Western Reserve University's medical school, at a recent symposium. "The early manifestations of alcoholism often present in the guise of medical symptoms, so that the physician has the opportunity of detecting the disease in its early stages and perhaps modifying its evolution. And patients with a drinking problem are often willing to consult a physician at a time when they are unwilling to accept help from other sources."

Since an alcoholic rarely admits even to himself, that he has a drinking problem, the family physician or internist must go out of

his way to discover it. The way to do this, experts agree, is to include a carefully phrased series of questions on drinking habits when taking a medical history.

"What a young doctor must learn is to detect this problem in its very earliest stages," Dr. Block explains. "When he is interviewing a patient with arthritis or diabetes or some other problem, a history taken properly and professionally should also be able to reveal whether that patient is becoming dependent on alcohol, is a problem drinker, or a confirmed alcoholic. You have to go further than asking someone how much he drinks, as you ask him how much he smokes. A cocktail before dinner? Does he limit it to one? How often does he take two? Does he take a nightcap to help him sleep? Why does he think that he needs it? How does his alcohol consumption compare with what it was a year ago?

"All this must be done in a nonjudgmental way, without any implication of criticism," Dr. Block says. "Most people, when they begin to see what they're doing and why, begin to realize how vulnerable they are, first to psychological dependence and then to physiological dependence. And it's important that they know what pathology excessive drinking can produce, so that they understand that six or eight bottles of beer in an evening isn't as innocuous as they thought."

Other well-known "facts" about alcoholics and alcoholism have been contradicted by recent studies at St. Elizabeths Hospital in Washington, D.C., and at Boston City Hospital's Alcohol Study Unit:

That alcoholics can't control their drinking; given the opportunity they "programmed" their drinking.

That they drink to relieve anxiety and depression; the subjects studied were more anxious, depressed, and hostile, and less vigorous, when drinking than when sober.

That drinking enhances feelings of self-esteem; it seems instead to confirm and exacerbate feelings of guilt, inadequacy, and worthlessness.

That alcoholics can't sleep during withdrawal; some slept less than before drinking, some more, but the pattern was irregular.

Some recent findings have also been at least tentatively invalidated by newer studies. Doubt has been cast on the hypothesis put forward by two teams of investigators in recent months; that a defect in acetaldehyde metabolism produces substances in the body that are precursors of opiate alkaloids, and that therefore the body might be manufacturing its own addictive substances (MNW, Oct. 11, '68; Feb. 20, '70). Harvard's Dr. Mendelson found that there didn't seem to be any dose-response relationships between acetaldehyde levels and withdrawal phenomena, while there were dose-response relationship between blood alcohol levels and withdrawal. "So it looks to me as though the alcohol molecule per se, not the acetaldehyde molecule or one of its condensation products, is responsible for what we call the addictive process," he says.

One of the reasons that physicians in all fields of medicine are showing increased interest in alcoholism is that new research is identifying more and more alcohol-related disease. Although it has been known for some time that heavy alcohol use is associated with various acute myopathies, recent reports have pointed up its seriousness. Dr. Richard Schnieder of Emory University School of Medicine found that the mortality rate in acute alcoholic myopathy is about 22%, and as high as 50% in patients with acute renal failure.

Among the muscles that alcohol affects is the myocardium. Though a relationship between chronic alcoholism and heart disease has been long suspected, until recently the cardiomyopathy was believed to be secondary to liver disease. But Dr. Lawrence Gould and his associates at Misericordia and Fordham hospitals in New York City found that primary heart disease can occur in alcoholics without liver disease. "Alcohol is the agent that produces the cardiac dysfunction, not the liver disease," they reported. "This study also showed that alcoholic heart disease is a common abnormality."

Direct laboratory confirmation has been provided in recent weeks by Dr. George E. Burch, chairman of the department of medicine at Tulane University. Feeding pure alcohol to mice, he found that myocardial damage could be produced uniformly, and concluded that alcohol is therefore directly toxic to the heart. Earlier, he had reported that intraperitoneal alcohol produced pulmonary lesions in mice, and suggested that it is directly toxic to the lungs.

In a recent review of the surgical consequences of alcoholism, a group of surgeons and anesthesiologists at Grasslands Hospital, Valhalla, N.Y., noted that a number of factors—myocardial depression, altered blood volume, and others—increased the risk of administering anesthetics to alcoholic patients at operation.

Among their other findings:

A study of 841 tuberculosis patients in a VA hospital showed that nearly half of them were alcoholics.

Another study showed that a majority of patients with hemorrhaging gastroesophageal lacerations (Mallory-Weiss syndrome) were alcoholics.

Of a group of patients with carcinoma of the pancreas, 75% were alcoholics, compared with 14% of a matched control group.

Among 46 patients with pancreatic pseudocysts, 33 were alcoholics.

Almost all civilian patients with frostbite were alcoholics.

A survey was made of 922 employees of a large industrial firm who were known or suspected problem drinkers and who had been regularly examined by company physicians. Findings showed that compared with a control group they had a higher incidence of hypertension, cirrhosis of the liver, stomach ulcer, duodenal ulcer, asthma, diabetes, gout, neuritis, cerebrovascular disease, and heart disease. On the other hand, heavy alcohol use seemed to protect them against kidney stones.

A Navy orthopedic surgeon found that among 24 patients suffering from idiopathic avascular necrosis of the hip, 14 usually had more than two drinks a day.

Another recently recognized complication of alcoholism is thrombocytopenia. High alcohol intake has also been associated with erythropoietic suppression and sideroblastic bone marrow abnormalities.

One of the most frustrating problems in alcoholism research has been the development of a valid animal model for the condition—animals are much more resistant to alcohol addiction than human beings. Several investigators have now reported success in addicting animals. "There are three animal models now," says Dr. Mendelson enthusiastically.

Drs. C. F. Essig and R. C. Lam of the NIMH Addiction Research and Clinical Research centers in Lexington, Ky., succeeded in giving liquor to beagles through surgically implanted gastric cannulas. When the ethanol administration was stopped after two months, some of the dogs had convulsions and one appeared to be hallucinating, eyeing apparently invisible objects and snapping at them.

Drs. Fred W. Ellis and James R. Pick of the University of North Carolina medical school in Chapel Hill got similar results in rhesus monkeys and later with dogs that were given alcohol by gastric intubation. The daily dosage was roughly equivalent to a fifth of 90-proof liquor. They observed that the withdrawal syndrome followed the same pattern as in man: muscle tremors, increased reflex activity, rigid and spastic muscle movements in walking, apprehension and fright reactions, convulsions and, in some animals, death.

More recently, mice have been chronically intoxicated by Dr. Gerhard Freund of the University of Florida's medical school in Gainesville. He fed the mice a chocolate Metrecal diet mixed with alcohol. Since the mice were receiving 35% of their calories as alcohol and were eating day and night, they were both continuously intoxicated and well nourished. Removing the alcohol from their diet produced the typical withdrawal syndrome. After the survivors had recovered and had been "on the wagon" for two weeks, they and two control groups were given shock-avoidance training. The formerly alcoholic mice learned much more slowly than the controls, and forgot more easily, leading Dr. Freund to propose that chronic alcoholism impairs learning processes and damages brain function in spite of good nutrition.

Although, Dr. Mendelson and others have questioned the validity of some of Dr. Freund's findings because of alleged technical flaws in the study design, the method appears to offer a workable animal model.

If animal research can provide the pharmacological answers, medical science can thrash out the questions of who should treat alcoholics, and how. "If every psychiatrist in the country decided to treat alcoholism, there would be just enough psychiatrists to treat all the alcoholics in the state of California," Dr. Chafetz said recently, adding that psychiatry is only one of the many medical and nonmedical disciplines involved in treating alcoholism, and not everyone agrees that it should be the primary one.

"Our society has just automatically assumed that the psychiatrists are the people with know-how in this particular field," says Dr. Stanley Gitlow, associate clinical professor of medicine at the Mount Sinai School of Medicine in New York, and a long-time investigator in the field of alcoholism. "Some are, of course, but in the main, psychiatry has abandoned the alcoholic for the past quarter of a century or so. Some say this is an untreatable disease and turn their backs on it; others say it's treatable, but it's not a disease, it's just a symptom of an underlying psychiatric defect, and if you change that, the patient can safely go back to drinking.

"The primary specialist in alcoholism should be the general physician, the one whose fingertips actually touch the problem," Dr. Gitlow continues. "The psychiatrists have been the people who have been in charge of the money up till now, but they haven't been the ones treating the alcoholic patient. That's why, if important sums of money are actually appropriated under this new legislation, the critical thing will be how it's channeled. Up to now the politicians have usually fed it through departments of mental hygiene, and somehow that's like pouring water onto desert sand."

Treatment, most authorities agree, can include the efforts of a wide variety of specialists, including, in addition to psychiatrists, family physicians and internists, social workers, nurses, psychologists, clergymen, and members of Alcoholics Anonymous, among others. Moreover, treatment must be individualized for the individual patient.

And it costs money. But investigators and clinicians look to brighter days if the Administration and Congress follow through on a significant piece of legislation: the Hughes-Javits-Moss bill, signed into law by the President on January 2. Officially called the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the new legislation establishes a National Institute of Alcohol Abuse and Alcoholism within NIMH. And it authorizes the appropriation of $300 million for a war on alcoholism: $70 million in the fiscal year

ending June 30, 1971, $100 million in fiscal 1972, $130 million in fiscal 1973.

The measure includes a strongly worded bill of rights for alcoholics. It makes the Civil Service Commission responsible for setting up alcoholism prevention, treatment, and rehabilitation programs for federal employees, and requires the HEW Secretary to foster similar programs and services in state and local governments and in private industry. More, it forbids the federal government to fire or to refuse to hire anyone, or to deny or revoke a federal license solely on the grounds of former drinking habits, except where national security is involved.

Finally, general hospitals that get federal funds under the new act must admit alcoholics and problem drinkers for treatment on the basis of medical need. The act has teeth: Discrimination against alcoholics will cost the hospital its Hughes-Javits-Moss funds.

"If the bill is actually implemented, the opportunities are so great that we in the field of alcoholism will really have to put up or shut up," says Dr. Chafetz. "Until now, many of us have gotten along by saying, 'We could do it if we only had the chance,' and by making people feel guilty because they weren't interested in alcoholism."

But as medical planners have learned by bitter experience in the past few years, authorization and appropriation are very different matters, and alcoholism experts are waiting almost wistfully to see how much of the money will really be budgeted.

"Insiders tell us it will probably be at least two years before the new legislation can be implemented with any kind of real money," says Dr. Luther Cloud, president of the National Council on Alcoholism. "It's ironic," he says, "that if the feeling about research in alcoholism had been as strong ten years ago as it is now, and if the same quality of research and researchers had been available then, I think the money would have been forthcoming."

Nevertheless, Dr. Chafetz, who will probably be named director of the new institute when it replaces his division, feels that the passage of the Hughes-Javits-Moss bill is a great leap forward in the fight on alcoholism. "I've been in this field some 18 years, and I never thought I'd live to see what's included in this legislation," he says.

He believes that it is the result of momentum that has been building up ever since 1966, when the Center for the Prevention and Control of Alcoholism was established within NIMH. (It was promoted to division status last year, between the time Dr. Chafetz was appointed to head it and the time he actually arrived.)

"I think the great thing that's happened to alcoholism research since the center was set up is that a lot of respectable, sophisticated people have been attracted into the field who wouldn't have touched it before," he says. "With the new law we hope to attract even more people of this high caliber."

His predecessor, Dr. Mendelson, who is now back on the faculty of Harvard Medical School, agrees that alcoholism research and treatment have made remarkable strides. "In the past four or five years, since the federal government really got into the field, I think that both the scope and the quality—more importantly the quality—of biomedical research in alcoholism have taken a giant step forward."

He was the first chief of the alcoholism center. Dr. Mendelson recalls: "When the center was started in 1966 and I went down to Washington, NIMH had about ten grants for alcohol-related research. Last spring when I left, there were more than 110 grants in the field. Some really competent investigators have been attracted to working in alcoholism research, and a significant fund of information has been developed."

One project he considers a milestone was the center-supported *American Drinking Practices* study by Dr. Don Cahalan, Dr. Ira Cisin, and Helen Crossley, all of George Washington University in Washington, D.C. Among the new data that came out of the study was the finding that 68% of American adults drink, and 12% drink heavily. A heavy drinker was defined as one who "drinks nearly every day with five or more drinks at a time at least occasionally, or drinks at least weekly with usually five or more drinks on most occasions."

Says Dr. Mendelson: "This is the first time we've had any hard data about the extent, nature, scope, cultural determinants, and demography of drinking behavior in this country, and of problem drinking. It should be of great value in planning programs and making policies for prevention and treatment."

He is less sanguine than his successor about the chances of the new law's fund authorization being turned into real cash. "It's too much to expect that alcohol will be given as much money as cancer," he says. "When you think about the general issue of austerity versus such basic health care needs as meeting the costs of Medicare or developing a better national health insurance program—I just think those things are likely to take precedence."

Even if enough money were available, another problem would immediately arise—trained personnel. Until very recently there were almost no courses on alcoholism in the medical schools.

Although even today few medical schools have anything resembling comprehensive training in the diagnosis and treatment of alcoholism, the picture is beginning to improve, as medical authorities recognize the seriousness and scope of the problem.

"When I was graduated from medical school in 1949, my classmates and I were all experts on dengue fever, but we didn't know a thing about alsoholism," says NCA's Dr. Cloud. "We must have had 50 hours on dengue and about an hour on alcoholism.

"Of course, dengue fever isn't very common here in New York, and I have yet to see a case," he point out. "But in my first month of practice I was called on to treat members of a dozen or more families in which alcoholism was a problem—not only the individual's illness, but disruption of the family structure. But I had no training whatsoever for this."

In that brief lecture on alcoholism, he recalls: "The gist of it was mainly that alcoholics drank, they got cirrhosis of the liver, the liver got big, then it got small, and then they died. We were shown some shrunken cirrhotic livers in the pathology lab. Of course, it's a little late to worry about alcoholism at that point. Besides, only a very small percentage of alcoholics get cirrhosis."

In 1956, Buffalo's Dr. Block, then chairman of the AMA's committee on alcoholism, worked out a curriculum on alcoholism for medical colleges. He sent copies to each medical school in the country, and to each department head. A dozen years later no medical school was giving any of the recommended courses.

"The curriculum was approved by the Association of American Medical Colleges, as well as by the AMA," says Dr. Block, still a member of the AMA's alcoholism committee. "But it's up to each department head to adopt as much of it as he cares to. So we find that some schools give a little cursory course, some mention alcoholism in psychiatry, some discuss it in preventive medicine, some talk about it in internal medicine, but very few give anything like a comprehensive course—except where certain individuals on the faculty are interested in the subject. But that's beginning to change now."

Dr. Cloud agrees. "Last April the NCA held a conference on alcoholism education in professional schools. There were at least a dozen representatives of schools there that have actual courses on alcoholism. When I graduated from medical school in the 1940s I don't think there was a single one."

That's the view from Boston, too, where Dr. Mendelson finds the attitude toward alcoholism at Harvard greatly changed since he went to Washington. "There's a world of difference; it's day and night," he says. "I've only been back at Harvard since September, but I've given alcohol-related lectures in courses dealing with pharmacology, introduction to clinics, gastrointestinal disorders. I just gave a combined grand medical rounds to the Harvard services at the hospital here. The extension of invitations to talk about alcohol-related illness, to give lectures to medical students, or to take seminars—this is something new. The students, particularly, are showing great enthusiasm for this."

Medical students have actually supplied some of the impetus for increased training in alcoholism. Last year the Student American Medical Association passed a resolution urging all U.S. medical colleges to "include training in the disease concept of alcoholism in their curriculums. Such training should include early diagnosis, therapy, pathogenesis, and epidemiology of alcoholism, and should be directed toward the production of students who have both factual knowledge and a compassionate attitude with which to treat the alcoholic." Its author, William F. Jessee of the University of California at San Diego, was an invited speaker at the NCA conference last April.

Says Dr. Chafetz: "Alcoholism education in the medical schools is still pretty punk, but I expect the change to come from the students, people like Bill Jessee. It won't come from the powers that be, deans and department heads—which I recently was. To expect them to change this late in life is unrealistic and inconsistent with our knowledge of human behavior. I felt this at Harvard before I left, that the demands for education in this area and in other areas were coming from the students, not from the faculty. I think they have a greater concern for social responsibility and for the neglected social areas than their professors and the so-called leaders of medicine."

Concludes Dr. Block, "Progress is coming gradually, but a lot faster than I would have imagined when I entered this field 20 years ago."

AFL–CIO EXECUTIVE COUNCIL URGES MINIMUM WAGE

Mr. WILLIAMS. Mr. President, at a time when evils caused by inflation are rampant in our society, the benefits which can be derived from an increase in the minimum wage and an expansion of its coverage are often forgotten or neglected. But for those who must labor under the current legislative minimum wage of $1.60, or even lower for some workers, the hardships imposed by inflation are much more severe than for most other segments of our society. These people are the working poor. They are contributing to society and trying to retain their human dignity, but society permits them to work for substandard wages.

The AFL–CIO Executive Council has recently adopted a statement urging amendments to the Fair Labor Standards Act which would go a long way toward relieving some of the most unfair

hardships imposed by our society—the hardships imposed on the working poor.

Mr. President, I ask unanimous consent that the text of the AFL–CIO's Executive Council statement be printed in the RECORD.

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

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON THE FAIR LABOR STANDARDS ACT, BAL HARBOUR, FLA., FEBRUARY 19, 1971

Modernization of the Fair Labor Standards Act is urgently needed. The present minimum wage of $1.60 an hour, under the amendments adopted in 1966, was barely tolerable at that time. It is utterly inadequate in 1971, in the face of five years of an inflationary rise of living costs. Moreover, millions of the lowest-paid workers remain unprotected by the Act.

The major purpose of this statute, as outlined in its Declaration of Policy, is to correct and as rapidly as practicable to eliminate labor conditions "detrimental to the maintenance of the minimum standard of living, necessary for health, efficiency, and general well-being of workers."

To fulfill the Act's intent, it has been necessary to increase the floor under wages, as the cost of living and the nation's productivity have increased. It has also been necessary to extend the coverage of the Act. In the 33 years since enactment, FLSA has been amended four times—the minimum wage was updated four times and coverage of the Act was extended twice.

Modernization of the Act in 1971 would represent a major step in the effort to eliminate poverty. Nearly two-thirds of the 24 million poor people, according to the government's definition of poverty, are in families headed by a worker in the labor force—low-wage, part-time or unemployed workers. About one-quarter of the poor—and over 30% of all the children growing up in poverty—are in families, headed by a full-time year-round worker, whose wages are so low that his family is impoverished.

An increase in the federal minimum wage to at least $2 an hour, immediately, is now required on the basis of the economic facts. At a $2 an hour minimum wage, a full-time, year-round worker would earn approximately $4,000 a year. This is not much above the government-defined poverty line of approximately $3,700 for a non-farm family of four. But it would represent quite an improvement over the $3,200 such a worker earns at the present $1.60 federal minimum rate.

The protection of the Fair Labor Standards Act should be extended to all workers. Employees of smaller retail establishments, many state and local government employees, many hired farm workers, household domestics, and others still denied coverage of the Fair Labor Standards Act should be guaranteed the benefits of the federal minimum wage and protection against excessive hours of work. The Act's coverage, which now protects 46 million workers, should be extended to the remaining 17 million non-supervisory wage and salary employees who are still not covered by this federal law.

Approximately 6 million workers currently protected by the minimum wage provisions of the Fair Labor Standards Act are denied its hour protection because of specific exemptions. We believe that farm workers, hotel and restaurant workers, local transit employees, agricultural processing workers and other similar groups need potection from excessive hours, as well as an adequate floor under their wages. This hodgepodge of exemptions should be eliminated.

In the past session of the Congress, the House of Representatives held extensive hearings on amending the Fair Labor Standards Act. These hearings fully indicated the need to raise the minimum and extend the law's coverage.

We urge prompt Congressional action to update the Fair Labor Standards Act—to raise the minimum wage to at least $2 an hour and to extend the Act's coverage to the 17 million non-supervisory wage and salary earners who are still excluded from the law's protection.

RED WOLF

Mr. CHURCH. Mr. President, last Tuesday, March 23, the last survivor of the Nez Perce Indian War of 1877, Josiah Red Wolf, died at the age of 98 in Lewiston, Idaho.

With the death of this patriarch of the Nez Perce Indian Tribe, America has lost its last living link to that day in 1877 when Chief Joseph surrendered his people to the U.S. cavalry near the Bear Paw Mountains in Montana at the end of a 1,500 mile retreat that became known as one of the military classics of all time.

Red Wolf was 5 years' old then. Together with his mother, father, and infant sister, he took part in the long march that began after they were ordered on a new reservation based on an 1863 treaty which Chief Joseph and other leaders had refused to sign.

Rather than give in to this seizure of their land, the Nez Perce decided to resist. Badly outnumbered and burdened with 400 women and children and a large herd of horses, they valiantly fought a running battle and repeatedly outwitted the cavalry, which was attempting to herd them onto a reservation near Lapwai in north-central Idaho.

In the midst of the campaign, on August 9, 1877, U.S. troops attacked the sleeping tribe at dawn where they were camped in the Big Hole Basin of Montana near the Idaho border. In the fighting, Red Wolf's mother and infant sister were killed.

Red Wolf, who with other boys of the tribe helped to tend the horses, continued the fight with his father until October 5, 1877, when Chief Joseph gave his memorable surrender speech:

It is cold and we have no blankets and the little children are freezing to death . . . from where the sun now stands, I will fight no more forever.

Red Wolf was one of those children.

Mr. President, Idaho and the Nation have lost one of their last surviving links to the frontier. It is appropriate that we mourn the passing of the last survivor of one of the most notable campaigns in American military history.

I commend to Senators two articles published on the occasion of Red Wolf's death—one from Idaho's Lewiston Morning Tribune of March 24, the other from the Washington Post of March 26. I ask unanimous consent that both be printed in the RECORD.

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

[From the Lewiston (Idaho) Morning Tribune, Mar. 24, 1971]

LAST SURVIVOR OF INDIAN WAR DIES MARCH 24

Josiah Red Wolf, 98, the last survivor of the Nez Perce Indian War of 1877, died at 9:10 yesterday morning at St. Joseph's Hospital.

Red Wolf, a patriarch of the Nez Perce Indian tribe, had been critically ill for a week. In recent years he had been living at Somerville Home.

With the death of Red Wolf, the Nez Perce Indians lost their last living link in the chain that still connected them to the summer and fall of 1877, when the Nez Perces, badly outnumbered and burdened with women and children, fought one of the classic campaigns in military history.

Red Wolf was 5 when his father and mother joined in the battle against the U.S. Cavalry. They were members of the Looking Glass band, which linked up with the other warring Nez Perces at Kooskia.

HELPED WITH HORSES

Like other Indian boys, Red Wolf helped with the horses as the Nez Perces began their retreat through the Idaho mountains and into Montana.

Early on the morning of Aug. 9, 1877, the Indians were camped in the Big Hole Basin in Montana, just across the present border from Lemhi Pass in Idaho. Troops and volunteers under the command of Col. John Gibbon attacked the sleeping camp at daylight.

In the furious fighting that followed, Red Wolf's mother and his infant sister were killed. They died when struck by a single bullet, the girl in her mother's arms.

Red Wolf and his father continued in the retreat, which ended on Bear Paw Mountain in Montana, Oct. 5, when Chief Joseph, a leader of the Indians, gave his memorable surrender speech to Gen. O. O. Howard, saying in part ". . . It is cold and we have no blankets. The little children are freezing to death." Red Wolf was one of the little children.

When the Nez Perce were dispersed after the end of the war, Red Wolf was sent first to Baker Spring, Ariz., where he remained one year. He spent another year at Ft. Leavenworth, Kan., and five years at the Oakland Agency in Oklahoma.

He returned to Lapwai briefly and then entered the Chilloco Indian School in Oklahoma, where, he later recalled, he "liked everything and studied."

It was at Chilloco that Red Wolf acquired his lifelong custom of reading from the Bible daily.

In 1890, Red Wolf entered the Carlisle Institute for Indians in Pennsylvania and studied to be a cobbler. He spent three years at Carlisle, learning to play both the cornet and saxophone as a member of the school band. He recalled marching in a Columbus Day parade at New York City.

He worked in a shoe factory while a student at Carlisle and two pairs of shoes he made were displayed at the Columbian Exposition at Chicago in 1893.

Returning to Lapwai, Red Wolf became a cobbler at the North Idaho Indian Agency school, and was director of the eight-piece school band. His band won a first place in a musical competition and Red Wolf noted that it was the quality of the music not the number of players that carried the day.

In 1895 he worked for a time as a cashier in the Vollmer-Chase Bank at Genesee. After his marriage in 1896 to the former Frances Raboin from Luke's Gulch near Harpster, he farmed in the Stites area. He also played in the Stites town band and in an orchestra which played for Saturday night dances.

"Those were good dances," he once said. "Lots of people and no trouble."

In 1912, Mr. and Mrs. Red Wolf moved to their allotment in the Tom Beall area and farmed there for many years. They later moved to Spalding and to Lapwai. Mrs. Red Wolf died Dec. 27, 1951.

Red Wolf was born Dec. 28, 1872, at Asotin, the son of Red Wolf of the Alpowa Band of the Nez Perces. His mother was visiting at Asotin at the time of his birth.

In his later years after the death of his wife, Red Wolf made his home at Lapwai, attending the Presbyterian Church, taking a sweat bath in Lapwai Creek almost daily, reading his Bible and providing historical information for fellow tribal members and white historians.

He was often guest of honor at special occasions involving the tribe or Indian and Idaho history. One such occasion was Aug. 26, 1967, when he turned the first shovelful of dirt for the opening of a visitor center at the Big Hole National Monument, where his mother and sister met death in August, 1887.

The funeral will be Saturday morning at 10 in the Spalding Presbyterian Church. The Rev. David Miles will officiate. Burial will be at Spalding Cemetery under the direction of the Brower-Wann Funeral Home.

[From the Washington Post, Mar. 26, 1971]

JOSIAH RED WOLF, NEZ PERCE INDIAN

(By Jerry McGinn)

LEWISTON, IDAHO, March 25.—Josiah Red Wolf was 5 in 1877 when Chief Joseph, great leader of the Nez Perce Indians, surrendered his people to the U.S. cavalry in the midst of a snowstorm on Bear Paw Mountain in Montana.

Red Wolf, who had helped herd horses during the retreat of the Nez Perce, died Tuesday. He was 98.

Chief Joseph took about 600 Indians on a retreat of more than 1,500 miles through Oregon, Idaho and Montana in a classic military flight.

The Nez Perce, badly outnumbered and burdened with 400 women and children and a herd of about 7,000 horses, fought a running battle and repeatedly outwitted the cavalry, which was attempting to herd the tribe on a new reservation near Lapwai in North Central Idaho.

The Indians had been uprooted from their reservation in Wallowa County near Joseph, Ore., along the Snake River in the fall of 1877.

The U.S. Government in 1876 had signed a treaty giving the estimated 900-square-mile area to the Indians "forever."

One year later, the treaty was rescinded as settlers began squatting on the Indian lands. The Nez Perces were given 30 days to pack up and leave.

But the Indians decided to run for it after three tribesmen got drunk and killed four white men. The feeling was that the whole tribe would be blamed.

Red Wolf's family were members of the Chief Looking Glass band which joined Joseph (of the Wallowa band) at Kooskia, Idaho.

Early in the morning of Aug. 9, 1877, after several skirmishes in which the Indians came out on top, the Nez Perce were camped in Big Hole Basin in Montana near the Idaho border.

As dawn broke, troops and volunteers under the command of Col. John Gibbon attacked the sleeping camp. The soldiers opened fire on the Indian tents.

In the fighting, Red Wolf's mother and infant sister were killed. One bullet struck the child in the back and the same projectile passed through the mother.

Red Wolf and his father continued in the retreat, which ended on Bear Paw Mountain Oct. 5, 1877, when Chief Joseph gave his memorable surrender speech.

"It is cold and we have no blankets, the little children are freezing to death . . ." he said in part.

Red Wolf was one of those children. The last one.

He was taken prisoner but later was freed and attended Carlisle (Pa.) Indian Institute. He became an accomplished musician and for many years farmed in the Lapwai area.

VIETNAM "OIL FINDS"

Mr. HANSEN. Mr. President, although I have not always agreed with the distinguished senior Senator from Michigan (Mr. HART), I wish to commend him for his remarks on American oil companies and the implication of their involvement in continued American action in Vietnam.

I expressed my views on the U.S. involvement in an earlier colloquy today, but would like to join with the Senator from Michigan in exploding the myth that there is some sinister plot or conspiracy between U.S. oil companies and the Government of the United States in prolonging the war in Southeast Asia for the benefit of the oil companies.

Senator HART has done a thorough and excellent job of discrediting the ridiculous charges that have been made against the oil companies, and I would like to join in the compliment he has paid them in the exoneration of their motives.

Those who see a sinister plot between the Pentagon and the State Department and the oil companies might review their history books. What has the U.S. Government ever before done for the oil companies in their international efforts?

More than 40 years ago, Mexico expropriated all U.S. oil properties in Mexico and since then there have been numerous other cases of expropriation by other Latin American countries. Peru and Bolivia are recent examples. Algeria has taken over all U.S. oil properties and now proposes to sell products such as liquified natural gas back to U.S. companies through the nationalized company that now operates the expropriated properties.

Venezuela has enacted laws that leave little profit for the American companies that developed and operate their oil industry.

Other countries, including Libya, are threatening. In fact, Libya has already taken over all foreign marketing facilities.

Added up, the assistance U.S. international oil companies have had from their own Government amounts to about zero.

Mr. President, I commend the Senator from Michigan for his reasoned exposé of this hoax and I would also point to an NBC nightly news broadcast of last Friday, March 26, which very factually and objectively reported the background and status of "oil finds" the coastal waters of Thailand and Indochina.

Mr. President, I ask unanimous consent that a transcript of that portion of the NBC broadcast be printed in the RECORD.

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

SOUTH VIETNAM CONSIDERING BIDS FOR OFF SHORE OIL DRILLING RIGHTS

FRANK MCGEE. Since 1968, geologists have been looking for oil under the coastal waters of Thailand and Indochina. Thailand and Cambodia have already let concessions. Now, South Viet Nam is considering bids for drilling rights in the promising area off the Mekong River Delta. (FILM CLIP)

JOHN RICH. The coastline of South Viet Nam is one of the world's last unexploited oil frontiers. This strife torn country has become the focus of interest for major oil companies from all over the world. Oilmen believe the South Vietnamese might strike it rich, that the Vietnamese off shore deposits may rival the recent Alaskan North Slope discoveries.

Any oil at all will be a boon to the struggling Vietnamese economy. Viet Nam today imports all its petroleum. In Saigon and other cities where motor scooters have replaced bicycles, the demand for oil grows daily. Faced with the prospect of oil riches, the South Vietnamese government has passed a special petroleum law. It is now setting up a new petroleum board.

The inexperienced Vietnamese have asked the Iranians to help in dealing with the international oil firms. A delegation of advisers from Iran is due in Saigon in early April.

At least a dozen American companies are interested in the South Viet Nam prospects. They have sent representatives to Saigon. But so is the French, the British, the Canadians, and the Japanese, especially the Japanese. Oil experts from Japan are prominent these days in Saigon. Japan has formed a consortium of companies to pool resources for the coming Viet Nam bidding. Japan is oil hungry.

Foreign oilmen in Saigon are aware of, but scoff, at charges that the war is being prolonged to protect their interests. American businessmen are ready to concede that the Japanese, not themselves, will probably be the big winners in the Viet Nam oil sweepstakes. Some U.S. companies are so convinced of this, they are trying to tie up with the Japanese in joint ventures.

At the moment, the off shore zones have not been chartered, the final makeup of the petroleum board is incomplete, and the day for accepting bids for exploration has not been set. The experts estimate that it will be at least another couple of years before any drilling begins. The long range prospects look very bright, but until the wells are sunk, no one can be certain whether or not any oil will be found. This is John Rich, NBC News, Saigon.

MASSACHUSETTS LEGISLATURE SUPPORTS INCREASE IN FEDERAL MINIMUM WAGE

Mr. WILLIAMS. Mr. President, the Commonwealth of Massachusetts, through its legislature, has urged the Congress to enact legislation providing for a minimum wage increase to a $2 per hour level. In the resolution adopted by both the House of Representatives and the Senate of the Commonwealth of Massachusetts, two factors are cited which I believe bear continual repetition. First, every man who labors is worthy of a decent living wage. And second, the cost of living has increased.

I believe these are two simple truths with which all of us can readily agree. But we should not be misled by the simplicity of these truths. They reflect the fact that millions of working Amricans are laboring at wages below the Federal Government's poverty standard even though they are covered by Federal minimum wage legislation.

Mr. President, because of the importance of this communication, I ask unanimous consent that the resolution of the Commonwealth of Massachusetts be printed in the RECORD.

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

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A MINIMUM WAGE OF $2

Whereas, Every man who labors is worthy of a decent living wage; and

Whereas, The cost of living has increased continually from year to year; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for a minimum wage of two dollars; and be it further

Resolved, That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

BARRING U.S. AGENCIES FROM PROPAGANDIZING ON BEHALF OF FOREIGN GOVERNMENTS

Mr. CHURCH. Mr. President, on March 29, I introduced S. 1397 to bar the U.S. Information Agency—or any other U.S. agency—from engaging in propaganda activity on behalf of a foreign government. This proposal is primarily aimed at stopping the USIA from continuing its promotional program of selling the Thieu-Ky regime to the citizens of Vietnam.

As an example of why this legislation is needed, I call attention to an article in the Progressive of March 1971. It tells of the USIA taking public opinion polls for President Thieu. "Our Government provides that little service without charge" to the South Vietnamese leader, states the Progressive. The New York Times correspondent in Saigon, Gloria Emerson, is reported as finding—

That the U.S. mission in South Vietnam, which conducts monthly surveys in all 44 provinces under its Pacification Attitude Analysis System, has inserted special questions to help Thieu find out how he rates with Vietnamese voters, how they rate his political rivals, and what issues concern the people most.

This kind of support for a foreign government, using money furnished by American taxpayers, makes a mockery of our professed goal of self-determination for the people of South Vietnam.

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

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

WHAT IS A LITTLE POLL?

In his bid for reelection this year, President Thieu does not need the Messrs. Gallup or Harris to conduct polls for him—our Government provides that little service without charge. After all, when two U.S. Administrations have expended billions of dollars and thousands of American and Vietnamese lives to support the Thieu-Ky dictatorship, what's a little poll or two, or three?

Gloria Emerson, a *New York Times* correspondent in Saigon, recently reported that the U.S. mission in South Vietnam, which conducts monthly surveys in all forty-four provinces under its Pacification Attitude Analysis System, has inserted special questions to help Thieu find out how he rates with Vietnamese voters, how they rate his political rivals, and what issues concern the people most.

When Thieu and Ky were elected president and vice president in September 1967 they received only thirty-five per cent of the vote. The rest was divided among ten opposition slates in a rigged election in which seven other slates, including the regime's two most serious opponents, were kept off the ballot. Persons suspected of being Communist or neutralists could not run for office or vote, and the press was effectively muzzled. This time around, General Thieu apparently hopes to test the political mood of the Vietnamese people through the U.S. mission's polls before deciding what dictatorial measures he may need to guarantee his reelection.

Correspondent Emerson quoted from a letter by Richard Winslow, who resigned his post as a U.S. civil adviser in a delta province in protest of the use of the surveys to aid Tnieu. Winslow wrote to a friend that at a lunch last November in Saigon he had been informed by two Americans heading the pacification studies group that "Thieu asked [Ambassador] Colby to send out the teams to make a study of the people's feelings toward the 1971 Presidential election so that Thieu would know where his strong points were and where he'd have to arrange something [like quickly appointing new officials] which would make sure that he'd come out ahead in a given area."

The two U.S. officials, said Winslow, told him: "It has been decided *at the very highest levels* that Thieu's reelection is essential to the national interest of the United States."

An American official in Saigon denied to *The New York Times* correspondent that Thieu or his government had requested the survey's political questions. But a young American pacification worker, who asked that his name be withheld, said some of the questions were designed to insure Thieu's reelection. "I really object, very strongly," he said, "to this kind of direct political interference by the American Embassy in the upcoming elections here, especially in light of all the American claims to the contrary."

We strongly urge the Senate Foreign Relations Committee to look into the matter of U.S. interference in Vietnam's election. To answer our own opening question, "What's a little poll?" it is another ominous sign that we are going to help General Thieu rig another election and retain his power, no matter what further outpouring of blood and treasure it costs the poeple of Indochina and the United States in a war being waged for the survival of his military junta.

ONSLAUGHT OF THE SNOWMOBILE

Mr. BIBLE. Mr. President, America is a nation of mechanization and motorization. Just about anything we do nowadays we do with a motor or an engine—even to cleaning our teeth or brushing our clothes.

We are also a nation of fads. When something catches on it usually catches on big. Often the fads are shortlived, but sometimes they stick with us for generations.

The latest example of America's fondness for motorization and fads is the snowmobile. This is a light, maneuverable, and relatively inexpensive little vehicle that enables man to whisk himself over snow quickly and easily. And they are fun to drive. It has certainly solved the old problem of getting around in snow.

For one thing, there are suddenly a great many snowmobiles—nearly 1½ million of them, and most of them sold during the past two winters.

For another, they are powered by that arch enemy of clean air and tranquility, the internal combustion engine.

They enable man to ride roughshod over plant and animal life in winter as well as in summer.

And they can be dangerous under the control of an inexperienced or reckless driver.

Recent months have brought rising concern on the part of environmentalists and conservation-minded citizens and organizations over the spectacular increase in the number of snowmobiles and other overland motor vehicles being operated in the parks, recreation areas, forests, wildlife areas, seashores, lakeshores, and other public land areas throughout the Nation.

The growing volume of correspondence I have received and increasingly frequent articles in periodicals leave little doubt that a motorized invasion of the Nation's countryside is underway. The internal combustion engine has jumped the curb and is blazing new trails as never before.

There is also concern over accidents and injuries as well as alarm over possible environmental consequences.

Special attention has been focused on the snowmobile. The December 1970 issue of Reader's Digest contains a condensation of a Sports Illustrated article by Jack Olsen entitled "Time to Control Snowmobiles." The article states that not only are there more than 1½ million of these vehicles in use throughout the country but that something like 600,000 more were expected to be sold this past winter. It states that in the snow country of Michigan, Wisconsin, and Minnesota, it is all but impossible to escape the roar of these vehicles on weekends, and goes on to paint a grisly picture of injuries and deaths attributed to the snowmobile. Serious questions are raised concerning the dangers involved in the sport, and the prospect that increased unregulated snowmobiling may entail grave damage to wildlife and the environment.

I ask unanimous consent that this Reader's Digest article be printed in the RECORD following my remarks.

The February 26, 1971, issue of Life magazine also called attention to the snowmobile citing its usefulness to some and the dangers that can attend its misuse. According to Life, trappers, forest rangers, police, postmen, and others who have to get out in the snow find the device a great help, but others use its high speed and mobility "to ignore fences, skidding merrily over small shrubbery, rose gardens, croplands, tree farms, and through hitherto peaceful forest lands."

The December 1970, issue of Today's Health included an article entitled "Time To Tame the Abominable Snowmobiler," describing its usefulness as a service vehicle for foresters, farmers, ranchers, linemen, and others whose work carries them into areas far from plowed highways, but expressing deep concern over the accidents, injuries, and deaths that have occurred. According to the article:

One of the ugliest of snowmobiling accidents occurs when operators run into fences and other snow-concealed obstacles.

Officials have received bizarre reports of persons decapitated when driving through snowbanks that turned out to be snow-covered fences.

I ask unanimous consent that this article, written by Mr. Mike Michaelson,

also be printed in the RECORD following my remarks.

The Washington Post added its voice in an editorial of March 11, 1971, stating that "remote, snowed-in nature is also in danger of being snowed under by snowmobiles"; that "there has been damage to young trees and seedlings," and calling for action by both State and Federal agencies.

I ask unanimous consent that the text of this Post editorial; an editorial from the Milwaukee Journal of December 31, 1970, entitled "Snowmobiles and Wildlife"; and an article from the Minneapolis Tribune of November 23, 1970, entitled "Impact of Snowmobiles," also be printed in the RECORD following my statement.

In addition, I have received many letters from throughout the country. Mr. Pat Bartholomew of Sun Valley, Idaho, expresses concern over the impact of snowmobiling on the wildlife wintering areas within the Sawtooth National Forest. I ask unanimous consent that his letter of March 3, 1971, be printed in the RECORD.

Dr. Donald G. Lindmark of Buffalo, New York, Mr. and Mrs. Philip D. Straffin, Jr., of Beloit, Wisconsin, Mr. Avi Ornstein of Cambridge, Massachusetts, and M. A. Keyes of New Richmond, Wisconsin, are typical of the citizens who have written about the impact of snowmobiles and other all-terrain vehicles on our wilderness areas, parks, forests, and other public lands.

I ask unanimous consent that the letters I have received from these citizens be made a part of the RECORD.

Mr. President, I am not coming out against snowmobiles. Nor am I attempting to predict doom or disaster. However, I am directing attention to the growing alarm over safety problems and environmental consequences involved in the unrestrained operation of these vehicles.

The facts seem to be that they have captured the imagination and interest of thousands upon thousands of recreation-minded citizens, most of whom are themselves dedicated sportsmen committed to conservation and environmental protection. Indeed, besides facilitating the performance of a wide range of useful service and commercial functions, the snowmobile has unquestionably broadened the range of outdoor recreational opportunity. And this is good.

But I am concerned over alleged excesses—the lurid accounts of injury and death and the fears being expressed for our environment. And I am concerned about the broader picture.

The snowmobile joins a growing family of cross-country vehicles. Trail bikes. Motorcycles. Dune buggies. And the ingenious all-terrain vehicles that travel on water, through marshes, and over all types of land.

We are all familiar with the environmental problems bred by the automobile—traffic congestion, accelerated highway construction, parking problems, noise, air pollution, junk yards. And now some 3 million recreational vehicles of all kinds now range in rapidly increasing number across the length and breadth of open spaces in every part of the country.

Just what problems do such mechanized sports portend? What is the extent of the physical damage to the land? What harm is actually being done to plantlife? What is the impact on fish and wildlife? Do mechanized sports pose a real threat to nature's ecological balance? What conflicts do they pose in terms of more traditional types of outdoor recreation? Are land trespass and property damage a real problem? What law-enforcement problems exist and what future problems are anticipated? Are existing statutes, rules and regulations adequate to deal with whatever problems confront our national parks, recreation areas, seashores, wildlife areas, and other public lands?

At the very least, Mr. President, enough is known now to warrant a searching inquiry. Our land and wildlife resources are among our most precious national assets.

While State and local jurisdictions have primary responsibility for regulations, Congress should examine and reevaluate existing laws, regulations and policies and if necessary formulate a comprehensive land use code to govern the operation of such vehicles on the federal lands.

I have directed the staff of my Interior Subcommittee on Parks and Recreation to follow the matter closely. I invite comments from all interested parties. An an appropriate time, I expect public hearings before the subcommittee.

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

[From the Reader's Digest, December 1970]

TIME TO CONTROL SNOWMOBILES

Mr. and Mrs. Frank Look watched apprehensively as a snowmobile snarled its way up the frozen Chandler River in Jonesboro, Maine. The river ice was thin and, as the couple watched, the snowmobile reached a hole in the ice and disappeared. Rescuers alerted by the Looks worked for days and found nothing. Six weeks passed, still nothing. Six weeks passed, still nothing was found, and no one was reported missing.

Thus the booming winter sport of snowmobiling had chalked up yet another tragic mystery. It had long since registered its first snowmobile auto deaths, its first mangled children, its first wholesale vandalisms on snowmobile-back. The snowmobile was abroad in the wilds, and almost everywhere it went there was trouble.

Something like 600,000 snowmobiles will be sold this winter, and more than one and a half million are already on the trail. In snow-country states like Michigan, Wisconsin and Minnesota, it is all but impossible to escape the din of these vehicles on weekends. The first three-inch snowfall of winter turns the whole countryside into a broad, navigable highway, and the snowmobile can then take people where people do not belong. Thus, at a time when everyone else is closest to immobility, the snowmobiler is most exhilaratingly free. And dangerous. Consider:

The sports-loving wife of Quebec's minister of highways led her three children on a snowmobile safari. Under the wheels of a truck, she became Quebec's 32nd snowmobile death last winter.

Two snowmobilers were crushed by a freight train near Stratford, N.H. The noisy pounding of their machines apparently kept them from hearing the train.

A snowmobile snapped a chain across a trail in Vermont. The chain whipped back and killed a snowmobiler following close behind.

In the early days of snowmobiling, such accidents were considered rare and freakish. Now they are common. So many snowmobilers have died in collisions with cars and trucks that most states have banned the snow vehicles from public ways. But snowmobilers manage to die anyway. *John Marsh, Maine's Safety Officer for the Department of Inland Fisheries and Game, says that snowmobiling is demonstrably more dangerous than hunting. "I put 200,000 hunters or so into the woods a year and have only 50 accidents," he says. "Last season there were about 30,000 snowmobiles registered, and we had more than 300 accidents."* According to the Ontario Safety League, "Snowmobiling may have the highest fatality rate of any recreational activity in the world."

One part of the problem is that hardly a state or province places restrictions on the age of snowmobile drivers. If a child can see over the windshield (or even if he cannot) he is eligible.

Another part of the problem is power. Eleven years ago the first seven-horsepower snowmobiles whisked over the snow at speeds below 30 m.p.h. But the industry soon found itself in a horsepower race. *Today the average family snowmobile will go 60 m.p.h., and the world's snowmobile speed record is 114.5 m.p.h.* The cliché advertisement has become an airborne snowmobile, its goggled driver crouched over the windshield, his knees flexed and his clothes rippling. "Many amateur drivers try to emulate these stunts," the Royal Canadian Mounted Police *Gazette* reported, "with the result that the average production line machine, not equipped for such sport, ends up smashed and the driver seriously injured or killed." A snowmobile is not the most stable of vehicles when it is running on hard-packed snow. In the air, one would be safer on a pterodactyl.

Most snowmobilers are personable and law-abiding, but any sport that emphasizes speed is bound to attract the wild ones. *On Michigan's Upper Peninsula, the wintertime vandalizing of summer cabins has become a major problem.* Along the canals that face the Lake St. Clair area northeast of Detroit, children's hockey games were broken up by marauding gangs of snowmobilers, and nearby recreation areas reported that snowmobiling ruffians were chasing women and children. In Colorado, snowmobilers chugged up the eastern slope of the Continental Divide to see who would be first to strip a crashed airplane.

These, of course, are the actions of an irresponsible few. In the long run, they may be of less consequence than the actions of responsible operators—those well-meaning souls who roar into the woods in winter for a single reason: *because they love the outdoors and the animals and the snow. They may love them, in fact, to death.* The first unnatural ingredient they add to the forest is noise—earsplitting, pounding, reverberating noise. *"When you come on any species of wildlife with the snowmobile,"* Says Lloyd H. Clark, retired warden supervisor with the Maine Fish and Game Department, "you'll find him on the move, with a wild look of terror in his eyes." Although conservationists say that we don't know how badly wildlife needs the dead silence of winter, they are certain that most animals cannot accommodate to noise during the breeding season, particularly animals with high metabolic rates, like mink.

The snowmobile reaches its peak of mobility at a time when other inhabitants of the forest—animals, birds, rangers, wardens—are least mobile and effective. Beaver trapping in Maine is reaching dangerous levels now that trappers can race from set to set on snowmobiles. Bobcats are being annihilated in certain areas by hunters who track them by snowmobile, then release dogs that have been

towed along behind on sleds. *Until Minnesota expanded a model law prohibiting harassment of all animals by snowmobiles,* some of its hunters, aboard snowmobiles, used to enjoy chasing foxes and deer to exhaustion and death.

The menace is both blatant and subtle. A well-intentioned snowmobiler packing down a trail in deep woods has no idea of the ecological destruction he may be wreaking. Canadian *wildlife-expert Philip Corbet notes that snow is an excellent insulator, a natural protection for mice and other small animals.* But it must be thick enough, and it must not be packed (it ceases to insulate when packed). Snowmobile tracks are permanent barriers in the brush for animals under the snow.

What is to be done? For the most part, conservationists are agreed that if the silence and sanctity of the woods are to be preserved, and if nature's immutable laws are not to be flouted any further, all snow states must consider legislation that would:

Bar vast areas of public lands to snowmobiles, limit them to trails specifically marked for the noisy sport, and bar them flatly from public roads.

Forbid hunting or trapping from snowmobiles, hunting or chasing game with snowmobiles, riding snowmobiles into hunting areas during game season, or indeed using snow vehicles in any way at all connected with hunting.

Require registration and licensing of snowmobiles with state wildlife or motor-vehicle departments, application of oversized numbers on front cowlings, and serial numbers embedded in the tread so that snowmobiles will leave an identifiable trail wherever they go.

The alternative to such rigorous legislation would seem to be the passive acceptance of another forest pollutant and the continued erosion of man's fundamental right to peace and quiet. A snowmobile dealer accidentally expressed the gravamen of the matter to the New York *Times*. Extolling the wonders of the sport, he was quoted as saying, "A new world has been created in the winter months." Apparently no one thought to ask him: What was wrong with the old one?

[From Today's Health, December 1970]

TIME TO TAME THE ABOMINABLE SNOWMOBILER

(By Mike Michaelson)

Snowmobiles are sport. They whisk riders across the great expanse of winter. But there is another side to the snowmobile and the *snowmobiler*.

The versatile, go-anywhere machines have been implicated in vacation-cabin break-ins, damage to private property, and even in the escape of bank robbers. But the mosts deadly kind of trouble snowmobiles get involved in happens to those who ride them. And it is mainly because of *where* they ride them.

Heedless of danger, snowmobilers zip across busy highways and along snow-covered railroad tracks. They venture onto thinly frozen lakes and crash into snow-concealed objects. The results often are disastrous, sometimes fatal.

Last February, five snowmobiles were traveling in single file along railroad tracks near Stratford, New Hampshire. Because of the noise of their machines, the operators were unable to hear an approaching Canadian National freight train. The screen of snow the machines threw up obscured them from the engineer's view. Two of the off-limits snowmobilers were crushed to death by the train.

Less than two weeks later, a woman was killed at Warren, Minnesota, when her snowmobile collided with a passenger train. She had been out on a Sunday afternoon ride with her husband and friends.

Last winter, 338 snowmobile casualties were recorded by the National Safety Council. Of 74 fatalities reported, 30 percent involved motor vehicles, 28 percent involved fixed objects, and 22 percent were drownings. And this toll of injury and death may be higher, since comprehensive reporting systems have yet to be established.

One of the ugliest of snowmobiling accidents occurs when operators run into fences and other snow-concealed obstacles. Officials have received bizarre reports of persons decapitated when driving through "snowbanks" that turned out to be snow-covered wire fences.

In Appleton, Wisconsin, two men were seriously injured when their machine went out of control and struck a barbed-wire fence. The driver suffered a severely lacerated throat and his passenger was treated for a broken collarbone, a contusion to the right eye, and a head cut.

Encounters with telephone guy wires and strung chains, unseen by speeding snowmobile riders, have proved fatal. Seventeen-year-old James Gerald Helms, driving his snowmobile last winter on a baseball diamond in Gratiot County, Michigan, was killed when struck in the neck by a cable strung between two light poles.

Accidents are to be expected in a speed-oriented pastime whose accelerated growth has outstripped efforts to control it. Ten years ago, there were little more than 300 machines in the entire country. By 1965, there were about 25,000. Today, there are an estimated more than one million snowmobiles in North America.

This winter pursuit has snowballed into a billion-dollar industry with annual sales expected to approach one million units by 1975. It may be the country's fastest growing sport—one which already has passed skiing in popularity and which threatens to surpass boating.

Powered by a small gasoline engine and driven by a cleated track, snowmobiles can reach top speeds of 50 miles an hour. Racing models have been clocked at speeds closer to 100 miles per hour.

A snowmobile can be handled "safely and effectively," say manufacturers, after brief instruction. Drivers find that balance is important in manipulating the 300 to 400 pound machine, and that turning is similar to turning a bicycle or motorcycle. Instructors suggest "leaning" into turns, and keeping the power on to prevent stalling.

Undoubetdly, poor design has contributed to many of the accidents which flaw the phenominal growth of this young sport. Poor lighting, inadequate braking, exposed moving parts, little rider protection, susceptibility to freeze up—these all have been valid criticisms of machine design.

The industry, of course, is not oblivious to these charges, nor to the need for improved safety. "We are extremely concerned about safety," says Jack V. Hoene, director of public affairs for the International Snowmobile Industry Association (ISIA), "and aware of its responsibility for encouraging the safe use of these machines. In fact, we are so interested in safety that we are devoting $100,000—one-third of our annual ISIA operating budget—toward safety training and environmental studies."

Acknowledging that the "horsepower race" did, inevitably, hit the snowmobile industry, Hoene explains that many manufacturers have reduced and limited the power capacity of new models. He also points out that machines now have a "kill-switch" in case the throttle freezes open.

The ISIA spokesman underlines the industry's role in promoting public education through safety booklets and films and in encouraging organized user groups. "We feel that snowmobile clubs are absolutely essential to the good practices of snowmobiling," says Hoene. The ISIA also works with state agencies to establish training programs and to develop "positive legislation"—what Hoene describes as "regulatory encouragement to operate snowmobiles properly and safely as family recreational vehicles."

It is impossible, of course, to legislate good judgment and prudence, and the snowmobile brings together a familiar mix: To one million roaring machines, add a like number of drivers, a generous sprinkling of passengers, and stir in the inescapable human potential for trouble. The result is a toll of foolish, avoidable mishaps.

According to a National Safety Council report: "An alarming number of cases have come to light in which riders and passengers often children, have had their feet caught in the tracks and sprocket mechanism, resulting in painful injuries."

A study of 99 snowmobile injuries at Rhinelander, Wisconsin, by surgeons Richard D. Corzatt and George F. Pratt implicates contact with moving parts as a cause of knee lacerations. Their study also documents compound fractures resulting from explosions of the clutch mechanism into flying parts. "Recent models have a clutch cover," the researchers note, "which is foolishly removed by some drivers."

Last year, a young girl was strangled to death while riding a snowmobile in a suburb of Minnesota's twin cities. Her father had taken off the clutch guard to tune up the machine and her long, dangling scarf caught in the mechanism.

A recent medical study of snowmobile injuries notes: "The majority of injuries results from the imprudent operation of the machine rather than from the mechanical defects in it."

Says Jack Hoene: "We're trying to get proper legislation to govern the use of snowmobiles, but legislation can only go so far. We're trying to complement this with public education."

It is mportant that snowmobilers dress warmly, cautions the National Safety Council, since speed increases the chill factor in very cold weather, making frostbite a possibility. Jumpsuits, boots, and mitts that are both warm and waterproof are recommended.

"A snowmobile is so easy to operate that anybody from eight to 88 can operate it with the greatest of ease," says Hoene. "In fact, it's easier than riding a bicycle."

But some observers caution that operating a snowmobile is not necessarily the effortless snap it often is made out to be. Reporting on snowmobile injuries in *The Journal of the American Medical Association,* radiologists Stanley E. Chism and A. Bradley Soule comment: "Part of the appeal of snowmobiling lies in traveling through the hinterland in small caravans. A number of the riders are sedentary people who gladly take up a sport which requires no physical conditioning or special skill. However, the sport is fatiguing; and tired, inattentive drivers are accident prone."

"Riding a snowmobile is not like riding a bus," note surgeons Corzatt and Pratt. "It is more like riding a running horse without the natural ability of the horse in negotiating grades, turns, and bumps. The driver must learn to balance on his feet, pull with his arms, and lean."

In their Rhinelander study, the surgeons noted fractures and lacerations as the most frequent type of injury, with the lower extremities the most frequently injured parts of the body. They noted that 57 percent of mishaps occurred at night, and that many after-dark victims had been drinking.

"Bar hopping" with frequent "pit stops" also is noted by Merrill L. Petoskey, assistant regional manager of the Michigan Department of Natural Resources, as a dangerous variation of snowmobiling to which several deaths have been attributed. "The

safari starts with a cocktail party at an owner's home," he explains. "The procession begins, with frequent stops for a drink or two, at each of several taverns along a circuitous route."

Summarizing their Wisconsin study, Doctors Corzatt and Pratt observe: "There has been relatively little publicity about the possibility for injury and about safety precautions. There is at present no age restriction on driving, and some surprisingly young children are allowed to be operators."

Inexperienced young snowmobilers must be constantly supervised—even when they are within sight of home. An eight-year-old Maine boy suffered a broken nose and concussions from operating a machine on his front lawn. The accident form reported his driving experience as two days.

Last year, the Minnesota Conservation Department established a safety training program for youngsters 14 to 18. More than 25,000 young snowmobilers have completed the course—which includes written and driving tests—and have been issued certificates and shoulder patches. Because of the program's success, New York recently adopted it into its new snowmobile law. Other regions are working toward similar programs.

Jack Hoene explains the industry group helped develop this program by producing five half-hour videotapes and helping with textbook publication.

Delegates attending an International Snowmobile Congress earlier this year agreed that all snowmobiles should be registered by state conservation or natural resource authorities. The congress endorsed a report emphasizing the machines not be classified as motor vehicles—as they have in the laws of some states—but as recreational vehicles designed for off-road use.

Minnesota's two-year-old snowmobile law, which now has more than 100,000 machines registered, is cited as a model for other states to follow. One important provision prohibits snowmobile operators under age 14 from crossing highways and stipulate that youngsters 14–18 must possess a safety certificate before making such crossings.

Last winter, 22 persons were killed and 53 others were injured as a result of collisions with motor vehicles. Typical is the case of a young married couple, parents of five children, killed when their snowmobile, crossing a county road at an angle near Bagley, Minnesota, was hit by a car.

"With legislation to keep snowmobiles where they belong—in off-road use," comments Hoene, "we will not see these accidents with motor vehicles."

High-flying stunts performed by daring, goggled riders astride snowmobiles have become stereotypes in industry advertising. Yet this very jolting is cited as a prime cause in the high proportion of back injuries noted in the Vermont study of Doctors Chism and Soule. "Snowmobile advertisements often depict machine and operator flying through the air 10 to 12 feet above the ground," the radiologists observe. "Such pictures probably stimulate sales but do not promote the rational use of the vehicles."

"Helmets and more flexible windshields will doubtlessly help to prevent facial lacerations," notes a recent study in *The American Journal of Surgery*, "but many of the more severe head and neck injuries resulting from contact with unseen objects and wires will continue to occur."

Basing these findings on reports of 155 snowmobile accidents, Portland, Maine, surgeons Raymond H. Dominici and Emerson H. Drake conclude: "The frequency of back injuries should decrease with better understanding of proper riding techniques and the realization that jumping is fraught with hazard. Safety chains on sled hitches, freeze-proof throttles and brake cables, sturdier clutch and pulley covers, improved padding of the engine and forward parts, and enclosure of the rotating track are changes in product design which would improve the safety of snowmobiles."

Many who criticize the snowmobile or pinpoint its shortcomings readily acknowledge its usefulness as a recreational and service vehicle. "Snowmobiles have provided invaluable service in many areas of the country where deep snowfall presents an obstacle to travel," observe Doctors Chism and Soule. "Foresters, farmers, linemen, and others whose work carries them into areas far from plowed highways have found them extremely useful. Recently, two people, a young man with acute appendicitis and a woman in labor, were brought to hospitals from isolated farms via snowmobile."

The machines are versatile winter workhorses to ranchers and farmers in reaching broken fences and hauling feed to stranded cattle. The military uses snowmobiles to get to radar and radio equipment, and game wardens employ them for winter mobility in conservation areas. Wildlife researchers at the University of Minnesota used snowmobiles while studying moose habitats in north eastern Minnesota.

Nor has usefulness of the machines been confined to rural areas. In 1967, when some 26 inches of snow paralyzed Chicago for several days, snowmobiles shuttled workers to power plants and hospitals. Druggists used the vehicles to get medicine and supplies to snowed-in patients as hundreds of delivery trucks stalled in the heaviest snowfall in the city's history.

As a recreational conveyance, the snowmobile has opened for hundreds of thousands of Americans the doors to the feathery, white world of winter.

In hundreds of remote communities where the snow piles high and winter drags into April, the sport is becoming a new life style. The snowmobile is having an economic impact, too, with rallies and races bringing off-season revenue to communities that once lay dormant in winter.

In Maine's Acadia National Park, the old carriage roads built in the 1920's by John D. Rockefeller, Jr., have been opened to snowmobiling families who now have access to some of the state's most spectacular winter scenery. And in Minnesota more than 1000 miles of marked trails are available to snowmobiles.

It was 18° below zero and there were 42 inches of snow on the ground on the January weekend when two Minnesota conservation officials took their wives snowmobiling in a state park. "Wherever we went . . . ." relates assistant commissioner Robert H. Rygg, "we observed entire families and groups snowmobiling and enjoying the great outdoors in what had to be considered very severe conditions.

"These groups were scraping two feet of snow off picnic tables, using the summer outdoor grills that had been put there for picnickers, and entire families were sitting around picnic tables roasting hot dogs and cooking hamburgers . . . a few years past, this winter resource would have been a deserted facility. Well, I just think that this is what snowmobiling is all about and it should be encouraged," says Rygg.

Before the snowmobile era, the immense acreage of Yellowstone Park was locked in snow during winter. Now thousands of visitors pilot their machines deep into the park, penetrating areas where deer, elk, and other wildlife retreat.

Unfortunately, mechanized intrusion into winter's stillness doesn't bode well for wildlife. There are lamentable reports of wild animals being hounded to death by packs of snowmobiles.

A snowmobile "rodeo" in a small Minnesota community drew 5000 spectators to watch speeding riders compete for a $50 prize as they attempted to catch foxes by hand or with fishnets. A promoter said the event was held to build the town's image and provide "entertainment for local children."

The rules were strict—any foxes caught were to be released unharmed, and anyone who accidentally ran over a fox would be disqualified and forfeit the $5 entry fee!

"Residents of northern Wisconsin have complained of snowmobilers buzzing around the countryside," says Carroll D. Besadny, of the Wisconsin Department of Natural Resources. "They harass wildlife, chasing animals and running them down. And since the use of snowmobiles will get hunters into remote areas that heretofore have not been traveled, this could create depletion problems with some of our game species."

Already, the effects of overkill may be showing up. Farmers in Alberta, Canada, recently have been plagued with unusually large hordes of grain-eating mice and gophers. Now, there appears to be a correlation between burgeoning populations of rodents and the booming snowmobile sport of coyote hunting. Simply, the latter creatures eat large quantities of the former.

"Ecologically, this is true no matter how you take predators out of the picture," observes Fred Evenden, Ph.D., executive secretary of The Wildlife Society. "Whether it's hunting by airplane or poisoning campaigns, when you remove too many of the one kind of animal, those who have been their prey have the opportunity to expand their populations rather rapidly. This then has its chain reaction."

Most snowmobilers are innocent of such games. Unfortunately, it may be just as lethal to alarm wildlife innocently. "Probably, most harassment is done unthinkingly," says Ed Chaney of the National Wildlife Federation, "by people trying to take photographs or observe aniamls up close. They don't realize, however, that the animals are often left exhausted and far from their normal feeding grounds. Many may die on the spot, while others merely struggle away in a weakened condition to die later."

An editorial in the Federation's newsletter points out that "it's possible for one snowmobiler to kill a hundred deer by harassment—and not even know it."

Wintering animals are weak and vulnerable, points out Stewart M. Brandborg, executive director of The Wilderness Society. "They are contending with excessive depths of snow and low temperatures," he explains, "and they are placing a great demand upon their systems just to survive. If people are allowed, without restrictions, to drive snowmobiles through areas where these animals concentrate, it causes a lot of movement, a lot of stress, and it could be a serious factor in draining a lot of energy and result in the decimation of these herds."

Advocating careful planning and zoning to ensure wilderness areas are accessible only by foot, canoe, horseback, or other primitive means, Brandborg emphasizes that snowmobilers be told those areas where they *can* travel rather than those where they cannot. The objection to the latter premise, he points out, "is the assumption that everything else is open. This is an important distinction."

More planning is needed, federal conservationist Richard Griffith says: "Trails must be developed with snowmobile recreation in mind and located so as to avoid areas of wildlife concentration and to avoid areas where there could be damage to shrub and tree growth." There have been quite a number of instances of serious damage to forest plantations.

"State and federal agencies are not acting fast enough," says Griffith, who is director of the northeast region of the Bureau of Sports Fisheries and Wildlife. "If the agencies which have the responsibility for planning and regulating snowmobile use were ahead of the pressure for places to use them, we wouldn't have problems to the extent we have them today.

Griffith also points to the need to regulate snowmobile activity near communities located on the fringe of the back country. One New England villager describes the nocturnal invasion of a cross-country snowmobile caravan as a "concert of chain saws" interrupting his sleep. "These intrusions have been so objectionable," says Griffith, "that some communities have prohibited the use of snowmobiles within corporate limits."

The industry is attempting to show some initiative in defining and solving certain of these problems. A leading manufacturer, Arctic Enterprises, Inc., announced a grant of $10,300 to the University of Minnesota Department of Zoology to finance a research project on the effect of snowmobiles on the winter ecology.

Also, the industry in general is working toward a quieter machine. Beginning this year, Minnesota has set a noise level on snowmobiles of 86 decibels in the A scale at 50 feet. "This conforms to the California motor vehicle code," says ISIA's Jack Hoene, "which is the strictest."

In one man's view, at least, the fast-growing sport has wider implications. The comments of Ralph A. MacMullan, director of Michigan's Department of Natural Resources, sum up the snowmobile scene: "They're so easy to make, and we have so many of them, available to so many people, and they're so much fun, that we end up with a now-familiar conflict—too much human use of a piece of land."

[From the Washington Post, Mar. 11, 1971]

WINTER JOY RIDES

The snowmobile we are hearing so much about lately is almost exclusively a recreation vehicle, usually built for two. It is propelled by an endless rubber belt and steered by handlebars attached to two short skis at the front. Its engine ranges from nine horsepower to as much as 80 horsepower, which makes it suitable for hill-climbing, load-hauling and racing at speeds of up to 80 miles per hour. It costs between $60 and $2,500 and is, as a colleague who recently took his family snowmobiling in Yellowstone National Park assures us, a great deal of fun. "It was a thrilling experience," he said, "to be able to show our six-year-old the winter wildlife out there. Six-year-olds just never got that close to winter wonders before." He also pointed out that snowmobiles are a great help to rangers, foresters and scientists who, before the vehicles made their commercial debut a decade or so ago, did not get much closer to deeply snowed-in nature than his young child did. They have also helped save lives.

But remote, snowed-in nature is also in danger of being snowed under by snowmobiles. There are 1.5 million of them, mostly, of course, in what the Department of Agriculture calls the "snowbelt," parts of 15 states and Canadian provinces that are covered by more than one inch of snow for more than 80 days each year. Some snowmobiles are misused. Racing is popular. There have been deaths and injuries due to reckless operations. They have led to destruction of property and vandalism. People have used snowmobiles for the cruel sport of deliberately running over animals and harassing herds of elk and deer. There has been damage to young trees and seedlings, particularly in nurseries. And the noise of snowmobiles, similar to the grating whine of chain saws, is fearsome.

Controls are in order. As to noise, industry representatives admit that the machines could be half as noisy at little extra cost, but they claim, as one of them put it, that "the American male just doesn't want a quiet snowmobile." To preserve the sanity of those Americans, male or female, who do, we urgently need federal noise standards and their strict enforcement.

We also urge both state and federal agencies to sort out true outdoor recreation and motorized fun. Some states have begun to do just that by building special trails for snowmobiles and their summer cousins, the trail bikes, but banning them from state parks and forests. They must also be banned from special fish and wildlife habitats. It costs money, of course, to build those special trails and to enforce the necessary laws and regulations. We think it only fair, as the Conservation Foundation suggests, that the recreational vehicle users pay these costs in the form of registration fees and a federal excise or luxury tax on their vehicles. As one Vermont forester said, we simply must provide "some place on God's green earth for man to spend some time without hearing a damned motor."

[From the Milwaukee Journal, Dec. 31, 1970]

SNOWMOBILES AND WILDLIFE

As snowmobile manufacturing nears the million a year mark, evidence grows that the sputtering machine brings many troubles, and only a few gains, for wildlife.

A Maine hunting guide is reported by Congressional Quarterly as seeing a "wild look of terror" in the eyes of woods animals. Beaver trapping got a spurt in that state since trappers can speed from one set of traps to another. Bobcats are being threatened since they can be tracked faster.

In Quebec, however, the deer bag dropped from 12,400 to 4,000 in five years, the major cause being noise pollution from snowmobiles, which sent the deer scampering to escape.

Wisconsin wisely banned carrying of loaded guns and even strung bows on snowmobiles. It has outlawed driving bear and deer with snowmobiles, a sport as mean as shining deer with auto lights. Proposals for new snowmobile regulations should broaden protection of wildlife wherever possible. That includes destruction of habitat.

[From the Minneapolis Tribune, Nov. 23, 1970]

IMPACT OF SNOWMOBILES

Bursting upon the national scene with multi-million-dollar advertising campaigns and strenous promotion, the snowmobile seems destined to join the roster of indispensable aids to better living.

Little if anything has been heard about emission control attachments. Most of the promotion seems devoted to leaping over snowdrifts, tearing through otherwise peaceful winter landscapes and the apparently inevitable horsepower race.

But only now are studies being made of the implications to the environment of this latest feat of technology. Just recently the Minnesota Conservation Department commissioned a study of the effects of widespread snowmobiling on the general physical environment of outdoor areas.

What happens if the conclusions are that drastic changes should be made in the machine to satisfy accepted environmental norms?

Suppose the engine were found unacceptable. Would all the patterns of a booming new industry be altered, probably at a cost of many millions? Not without comprehensive legislation by a Congress that would be under severe pressures to maintain the status quo.

The mind boggles at the kind of lobbying that would be done by sport clubs, dealer associations, unions, manufacturers, suppliers and local industrial development organizations, to name a few.

While the snowmobile problems are peanuts beside those of the automobile industry—which has put 100 million cars on U.S. roads—they are parallel.

Just now, with all the enormous problems posed for the country by automobiles and their effects on environment, a whole new, virtually identical vested interest has appeared, flourished and entrenched itself, apparently with no effort to head off or answer the kind of criticism that has poured in on the automobile industry.

SUN VALLEY, IDAHO,
March 3, 1971.

Hon. ALAN BIBLE,
Senate Office Building,
Washington, D.C.

SIR: The last issue of Life Magazine ran a short cover story on snowmobilers. It was not very comprehensive and more than a report on the subject probably its purpose was to test public opinion. Enclosed is a copy of my letter to the editor.

I was pleased to learn of your concern regarding the lack of snowmobile control on our public lands. Living within the Sawtooth National Forest on private land seven miles north of Ketchum, places us in close contact with the issue. More distressing than my personal distaste for these machines is the invasion of and disregard for wildlife habitat. Even those who might practice restraint have no control over how the noise and group penetration effects wildlife wintering areas. In coverage of a Wildlife Interagency meeting by the Post-Register, Idaho Falls, February 18, 1971, a discussion with two Bureau of Land Management representatives was reported: "We observed a group of snowmobilers in the Afton area who ran a herd of elk for four miles without even knowing it. The animals would not tolerate the noise of the machines and kept at least a half mile between themselves and the snowmobilers. This movement when the animals are in a weakened condition can cause an imbalance in their blood sugar which leads to shock and death after a few days."

The same people who purposely chase wildlife for fun or just curiosity complain of the increasing scarcity of game in the fall. One local man who spoke against the establishment of a Sawtooth National Park at the hearing before the Subcommittee on National Parks and Recreation in Sun Valley gave as part of his testimony a lack of cooperation between park officials and snowmobilers: "When you call the park for information you either get the run around or just out and out lies. Like they did to me when I called about the snow conditions in the park (Yellowstone) last winter they said that there was not enough snow to ride the snow machines. I went there the same weekend and found there was over 3 feet of snow." This same man incidentally in a conversation with my husband just before the hearing said, "The deer and elk are only going to last for another ten years anyway so why don't they let us enjoy it (hunting), we don't want a park!" Hunters and snowmobilers were strong and frequent opponents of the park. Rather then save and protect the area they would use it up.

I have observed groups of snowmobilers on their way into the forest with rifles slung across their backs. I would like to insert here a little incident which happened one morning early this winter. Before driving to work I took a short run on my skis down to the river just in back of our house. Across the Wood River is Forest Service owned land. I was stopped in my tracks just short of the river by a chorus of coyote pups. It was a most beautiful song echoing from the mountains across the river and floating down to me through the frosty aspen trees. Not long after that a family of four with four snowmobiles moved into their new house across the Wood River. Of course I have not heard the coyotes since and I wonder if they were able to find another warm den so late in the season or if they were killed by people in one of the many snowmobile parties held by our neighbors at any hour of the day or night.

In Idaho there are no snowmobile restrictions or regulations other than prohibited

state highway travel. The Forest service advises safety precautions and warns of dangerous slide areas and wishes everyone happy snowmobiling. Of the three Forest Service tape recordings broadcasted daily on our local radio station not one mentions rules for back country travel regarding wildlife.

There is an urgency for Federal Legislation controlling snowmobile travel in our National Parks and Forests, and there is no doubt that it would be a challenging task. However, you would have the support of thousands of concerned individuals and all of the conservation organizations who would most certainly take an active part in the issue.

Yours very sincerely,

PAT BARTHOLOMEW.

P.S.—If you are concerned enough to finish this letter after the first three paragraphs, I know you are concerned enough to push for legislation.

BUFFALO, N.Y.,
March 2, 1971.

Senator ALAN BIBLE,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I am writing to commend you for your concern about the overabundance of snowmobiles in our wilderness areas. I ask you to continue to probe the subject with the possible result being a bill forbidding them in areas designated as wilderness.

Many thanks,

DONALD G. LINDMARK, Ph.D.

BELOIT, WIS.,
March 1, 1971.

Senator ALAN BIBLE,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: We understand that you are concerned with the problem of noise pollution and animal harassment by snowmobiles. The Wisconsin Department of Natural Resources now considers this the leading conservation problem in the state, and we personally are very concerned. If you could secured passage of a bill to ban the use of snowmobiles on Federal forest and recreation lands, with a deterrent penalty, it would greatly alleviate a serious threat to our environment. It would also aid action by the states, which by themselves will face the lobby of a powerful new industry. We would be happy to do whatever we could to support such a bill.

Yours truly,

Mr. and Mrs. PHILIP D. STRAFFIN, Jr.

CAMBRIDGE, MASS.,
March 11, 1971.

Hon. ALAN BIBLE,
Senator of the United States,
Washington, D.C.

DEAR SIR: The use of snowmobiles is beginning to become a noticeable hazard to the well-being of the "wilderness" of the United States and the animals which naturally live there. Just the presence of a snowmobile naturally detracts from the ideals of a wilderness (e.g., see the present serial of "Mark Trail").

Likewise, there is no question that the use of snowmobiles is disrupting the life-system of many wild animals and making the hunting of certain species (e.g., caribou—see *Outdoor Life*, January 1971) akin to the methods used to slaughter bison when the railroad first spanned the continent.

It has come to my attention (thru Friends of the Earth, of which I am a member) that you are contemplating introducing legislation to set some limits on the use of snowmobiles on public grounds. May I express my hearty favor toward any such action; and you can depend on me to contact my representatives to back such a bill as soon as I learn of it. Also, if possible, it would be wonderful if such legislation could include clauses to limit the similar use of motorcycles when the land is not snowbound. The same reasoning, of course, applies.

Thank you very much for taking the time to listen.

Yours in service,

MR. AVI ORNSTEIN.

NEW RICHMOND, WIS.,
March 8, 1971.

Senator ALAN BIBLE,
Chairman, Subcommittee on National Parks and Recreation, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I encourage you to probe the use of snowmobiles, motor bikes, motor scooters and other all terrain vehicles on lands managed by the National Park Service, Forest Service and the Bureau of Land Management.

Some of the results trouble me and my neighbors. We see a number of serious consequences:

A. Noise condemnation of wild lands.

B. Harassment of wildlife during very trying times of survival and the breeding season for many species.

C. Establishing a precedent for motor vehicles in lands designed as wilderness.

These machines have no place in the wilderness. Yet we have noticed very lax regulation of their use and in fact encouragement by those agencies mentioned above.

My concern has been conveyed to both my state and national representatives. I have enclosed copies of my letter of January 13, 1971 and their replies.

After seeing the farce issued by the Bureau of Land Management over the trans-Alaskan pipeline I have lost much faith in this organization's ability to manage anything much less this vast wilderness. They appear to need congressional help in managing their affairs and our wilderness.

M. A. KEYES.

DRUG ABUSE EDUCATION

Mr. HUGHES. Mr. President, the National Coordinating Council for Drug Abuse Education and Information is a private, nonprofit organization working to combat drug abuse through education and information. It coordinates the drug abuse programs of nearly 100 national organizations and 26 State affiliates, representing a wide range of interests, age groups, and ideology. In addition, it plans workshops and symposiums and publishes a wide variety of educational materials.

The council's most recent publication, "Drug Abuse Films," will be of great interest to public officials and educators at all levels. It consists of evaluations of films and other audiovisual materials dealing with drug education. The project was carried out under contract with the National Institute of Mental Health.

Obviously there has been a great need for this kind of a study. If schools and communities are going to conduct meaningful drug abuse programs, it is absolutely essential that they have access to well developed guides for selecting the materials they choose to use.

I bring this new publication to the attention of Senators and ask unanimous consent that the council's news release explaining the new publication and the publication itself be printed in the RECORD.

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

DRUG ABUSE FILMS RATED SCIENTIFICALLY UNACCEPTABLE

WASHINGTON, D.C.—Thirty-six drug abuse education films and audiovisual programs, many of them in wide circulation and use in public schools and drug education programs, have been classified "scientifically unacceptable" by an evaluation of the National Coordinating Council on Drug Abuse Education and Information. The Council today released Drug Abuse Films, a 46-page review of nearly 100 titles of drug education films, filmstrips, slides, records and transparencies.

Peter Hammond, the Council's Executive Director, said the review is designed to provide guidelines for the use of drug education films. "It is not meant to be the final word promoting some films or discounting others. Rather, we hope the evaluation will be a starting point for continued evaluation of these and other drug education materials."

He added, however, that drug "educators," in and out of schools, should "think twice" before using any films. "Misinformation, a characteristic of many drug films, does more harm than good."

The drug audiovisuals were first viewed for their accuracy by a nationally recognized panel which included psychiatrist Jerome Jaffe, Director of the Illinois Drug Abuse Program; Helen Nowlis, Chairman of the National Action Committee for Drug Education, a psychologist; and George Griffenhagen, a pharmacist who is Associate Executive Director for Communications of the American Pharmaceutical Association. This panel looked for misstatements of fact, distortion of scientific data, inaccurate portrayals of drugs and their effects and misleading inuendoes. Determining the scentific acceptability of the audiovisuals required hours of viewing, writing and discussion. It was a difficult task for the panel because most films contain some errors, and they had to determine at what point the number and kind of errors made the audiovisuals, in their opinion, potentially more harmful than educational.

If the material was considered scientifically acceptable, it was then viewed by a "communications" panel composed of twenty persons, including Peter Fonda, William F. Buckley, Jr., and Judith Crist. This panel met in groups of eight to ten to examine the central message of each audiovisual and to consider how effectively the message is conveyed. The communications panel reviewed such important aspects as each film's value as a learning tool, its credibility, its timeliness and its potential to educate, to persuade, or to entertain. The communications panel intentionally represents a variety of ages, vocations, geographic locales and attitudes toward drug use, in order to give a well-balanced perspective to the evaluation.

In addition to the panel reviews, DRUG ABUSE FILMS presents a summary of the content of each title, rental and purchase information, and details on length and year produced. The audiovisuals reviewed were produced commercially by the Federal Government and by industry as a public service. Copies of the evaluation are available from the Council for $2.00.

The National Coordinating Council began the evaluation early in 1970 under a contract from the National Institute of Mental Health. Work was completed last September. The NIMH contract has been extended for an additional year during which recently-completed drug films will be reviewed.

The Council is a private nonprofit organization which coordinates the drug education activities of its 97 national members.

DRUG ABUSE FILMS

This evaluation of films and other audiovisuals related to drug education was performed by the National Coordinating Council on Drug Abuse Education and Information, Inc. under contract #HSM-42-70-26 to the National Institute of Mental Health.

Peter G. Hammond, Executive Director of the National Coordinating Council, was Project Director. Gayle Krughoff, Assistant Director for Program Development, supervised the preparation of this book.

For NIMH, Gerald N. Kurtz served as Project Officer, Tommas J. Koehler as Associate Project Officer, and Jean McMillen as Assistant Project Officer.

This evaluation represents hours of viewing, discussing and writing on the part of the panelists whose names appear on page vi.

The National Coordinating Council on Drug Abuse Education and information, Inc., is a private, non-profit organization working to combat drug abuse through education and information. Its membership includes more than 90 national governmental, professional, educational, law enforcement, service, religious and youth organizations, and 26 states affiliations.

Publication of this evaluation does not in any way imply or constitute an endorsement by the National Institute of Mental Health.

This report classifies films and audiovisuals "scientifically unacceptable." From the very first time that the scientific review panel met, it became obvious than many of the materials reviewed fell into a "gray area" as pointed out in the introduction—namely, "their task was difficult because it is not easy to establish degrees of 'wrongness.' The final comments of this panel illustrate the point."

While the scientific review panel agreed unanimously on each of the scientific inaccuracies set forth in their report (and all of the materials reviewed had some faults in the opinion of the panel), the classification of any film or audiovisual as either scientifically acceptable or scientifically unacceptable became a value judgment. The decision to classify the materals as either scientifically acceptable or scientifically unacceptable was not always an unanimous decision of the scientific advisory panel. The decision was reached by a majority of the panel.

Readers are reminded of the statement made in the introduction about the utilization of the materials which were thus classified as scientifically unacceptable. "Although these items demonstrate how not to present drug information, they may have use . . . Some can be effectively used as a springboard for discussions when viewers are made aware of their scientific inaccuracies."

This report classifies films and audiovisual materials as "scientifically acceptable" or "scientifically unacceptable." From the very first time that the scientific review panel met, it became obvious that many of the materials reviewed fell into a "gray area" as pointed out in the introduction—namely, "their task was difficult because it is not easy to establish degrees of 'wrongness.' The final comments of this panel illustrate the point."

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INTRODUCTION

The recent growth and awareness of the problems of drug use and drug dependence have seriously affected the lives of millions. The production and use of films, filmstrips and other audiovisuals about drug abuse have proliferated within the past few years to fill the void of information on this sensitive topic. The quality of these materials ranges from very good to very bad (including materials which are clearly inaccurate). Unfortunately, few people are equipped with either the standards or the ability to judge which of the materials are good. Too often, the use of drug education audiovisuals means more misinformation than education, more misunderstanding than insight.

To meet the need for objective criticism of the flood of drug audiovisuals, the National Institute of Mental Health contracted with the National Coordinating Council on Drug Abuse Education and Information, Inc. to describe and review a large number of extant materials. This film evaluation contract with NIMH, a Federal agency with major responsibility for research and education efforts related to drugs, reflects the urgent need for more than the traditional cursory screening of films before they are integrated into drug education programs.

PROCEDURE

In performing this contract, the Council used two screening procedures. First, the audiovisuals were viewed by a "scientific review" panel concerned with the scientific accuracy of the material. This panel looked for misstatements of fact, distortions of scientific data, inaccurate portrayals of drugs and their effects, misleading innuendoes. If the material was scientifically acceptable, it was then viewed by a "communications" panel which evaluated the effectiveness of the audiovisual as a communications tool. The communications panel examined the material's central message and considered how effectively the message was conveyed. The panelists reviewed such important aspects as the item's value as a learning tool, its credibility, its timeliness, and its potential to educate, to persuade, to entertain. This panel also indicated appropriate target audiences for each of the audiovisuals.

The scientific review panel included a pharmacist, a psychiatrist, and a psychologist, all with extensive experience in some area of drug education. The communications panel represented a variety of ages, vocations, geographic locales, and attitudes toward drug use. Some of the communications panelists brought with them an expertise in education; others were sophisticated in the field of the film media, or had a "communications" background. Some were knowledgeable about drugs; others were not. The intentional variety gave this panel a well-rounded perspective.

USING THE RESULTS

As you read these evaluations, keep the following facts in mind. The scientific review panel was concerned only with the accuracy of the material. Their task was difficult because it is not easy to establish degrees of "wrongness." The final comments of this panel illustrate the point. Many of the reports label materials "scientifically accurate," and then proceed to list the inaccuracies. Generally, the panel evaluated the "accuracy" of each item on the basis of the relative absence of direct misstatements about drugs or drug effects.

A word might be said about possible utilization of the materials which are not acceptable on the basis of scientific data. Although these items demonstrate how not to present drug information, they may have use. Some have historical value. Others can be effectively used as a springboard for discussions when viewers are made aware of their scientific inaccuracies. A few contain valuable sections which can be used without showing the entire item.

The communications panel was concerned only with the effectiveness of the material presented. Determining a film's potential effectiveness, usually, was a more subjective task than determining its scientific accuracy. While the scientific review panel could utilize some objective criteria, the communications panel dealt with characteristics harder to pinpoint. The materials are not rated with a "poor," "good," or "excellent." Rather, the observations of the communications panel of the strong and weak points of the audiovisuals serve as a guideline as to which of the materials have the potential for "excellence." A very good film can be misused, just as a poor film, even one with misinformation, can be used to advantage. The evaluation process should not stop with these printed pages.

SUGGESTIONS FOR USING AUDIOVISUALS

There is no single best way to show a film or filmstrip, but these suggestions apply to using many audiovisuals.

Previewing is an essential first step. Preview with the specific viewers in mind—their age, their interests, their environment. Black, low-income high school students probably won't get excited watching middle-class white teenagers tell why they stopped using drugs.

Know what is expected from a particular film. The messages of drug audiovisuals vary greatly. If a film's theme (the life of a heroin addict is tragic) doesn't fit the audience needs (to review the extent of drug use in this country), don't use the film. The wrong film, like a bad film, can be worse than no film.

Experiment with audiovisuals: Let students preview films. Ask for audience evaluations. Use portions of audiovisuals. Combine different items. Part of a filmstrip, for example, may be effectively shown with segments of a film or a record.

Expect questions, and if possible, have professional help available to answer the questions.

SOME DETAILS

For the reader's convenience, films have been separated from other audiovisuals, which includes filmstrips, slides, records, and transparencies. The comments of the communications panelists, listed under "General Evaluation," will not be found in the reviews of materials considered scientifically unacceptable since the communications panel did not view most of those materials (see "Procedure," above).

The "audience" indicated for each audiovisual lists the age groups, in chronological order, for which the materials are best suited. The guidelines for ages and school grades follow:

Ages and grades:
Elementary, 6–8, 1, 2, 3.
Intermediate, 9–11, 4, 5, 6.
Junior high, 12–14, 7, 8, 9.
Senior high, 15–18, 10, 11, 12.
College, 19–22.
Adult.

In some cases an ethnic group, economic level or a specific professional group is also indicated after "audience" when such is particularly appropriate. These audience suggestions are not exclusive. If a film is designed for junior high students, this does not mean that parents too could not benefit from viewing.

The evaluation of drug-related audiovisuals will continue by the National Coordinating Council under contract to the National Institute of Mental Health. Results will be published on a quarterly basis.

The National Coordinating Council would appreciate responses from readers who have

used this evaluation. Your comments and suggestions will help us in our continuing evaluation.

THE PANELISTS

Scientific Review Panel

George B. Griffenhagen, R.Ph., M.S., Associate Executive Director for Communications, the American Pharmaceutical Association, and editor of the APhA Journal.

Jerome H. Jaffe, M.D., Director of the Illinois Drug Abuse Program and Associate Professor of Psychiatry at the University of Chicago.

Helen H. Nowlis, Ph. D., Research Consultant for Student Affairs at the University of Rochester in New York and Chairman of the National Action Committee for Drug Education.

Communications Panel

Howard Appelbaum, a junior at Northwood High School, Silver Spring, Maryland.

William F. Buckley, Jr., Editor-in-Chief of the *National Review*, a syndicated columnist, and host of the weekly political television show, "Firing Line."

Judith Crist, film critic for *New York* magazine and *TV Guide*, and film and theater critic for the NBC "Today" show.

Ned Doyle, retired co-founder of Doyle Dane Bernbach, Inc., Advertising in New York City.

Peter Fonda, co-producer, actor and scenarist of the film "Easy Rider" and partner in Pando Corporation, a film production company.

Basil Gaar, Coordinator of Instructional Services at the Southeastern Materials Center, University of South Florida, Tampa, Florida.

Michele Gabbay, a teacher of psychology to residents of the Arthur Kill Rehabilitation Center, Staten Island, New York.

Colden Garland, Associate Professor at the State University College, Brockport, New York.

Clarence Giarrusso, Superintendent of Police, New Orleans Police Department.

Sue Gump, a Kansas State University senior majoring in English and journalism.

Robert Habenicht, a lawyer and Director of Trade Relations of the A.H. Robins Company, Richmond, Virginia.

Juan Ibarra, Jr., Chief Consultant in the Division of Administrative Services of the Texas Education Agency in Austin.

Virgil Keels, a former drug user who spent over 20 years in penal institutions; now Program Consultant at the National Coordinating Council.

Robert Leo, Ph.D., specialist in persuasion theory, and Assistant to the Chancellor of the Dallas County Junior College District in Dallas, Texas.

Leon Lessinger, Ph.D., Callaway Professor of Education at Georgia State University in Atlanta; former Associate U.S. Commissioner for Elementary and Secondary Education.

John R. Mathiason, Assistant Professor of Communications, University of Washington, Seattle.

Louis V. Morelli, Supervisor of Health and Physical Education of the Broward County Public Schools, Fort Lauderdale, Florida.

Ruth Neumann, teacher of health education at White Bear Senior High School in White Bear Lake, Minnesota.

Thomas Price, Ph.D., Director, Department of Alcohol Problems and Drug Abuse, the United Methodist Church.

Paul Walsh, Ph.D., Vice President of Educational Assistance and Development Corporation.

The evaluations in this book are syntheses of the views of these panelists. As such, they are not intended to constitute any endorsement or condemnation of the audiovisuals by the Federal government.

[Films Rate "Scientifically Acceptable"]

ANYTHING FOR KICKS

Year: 1969.

Audience: Sr. high, adults; suburban.

Producer: Design Center.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $37.25.

Details: 11 minutes, color, 16 mm., sound.

Synopsis.—A teenage couple recall their experiences with marijuana and then heroin. Their lift style gradually disintegrates until they "end up with nothing." The narrator says the story is real, only the names have been changed. The final scenes portray communications efforts between a neighborhood group of parents and teenagers in a Northern Virginia home.

This film-a-graph (converted from slides) shows all still scenes. Non-professional actors are used. Some of the scenes duplicate frames in the filmstrip "You Gotta Even Open Your Eyes."

General evaluation of the film.—The film could be used effectively in situations involving discussions between parents and teenagers since it looks at the communication problems which exist between the generations. The film points out some of the common arguments of parents and young drug users. It also illustrates that the effects of drug abuse are not limited to the abusers, but are experienced by parents and friends. The setting for many of the scenes is realistic, particularly the scenes of the suburban group discussions. The photography is excellent.

The film lacks unity to correlate the comments from the couple and the later discussions involving the parents. The fact that the film does not "answer questions" about the drug problem will be an advantage or disadvantage depending on its use.

Evaluation of scientific accuracy.—The film is scientifically acceptable with the exception that a clear distinction is not made between use of drugs and addiction to drugs.

BEYOND LSD

Year: 1968.

Audience: Parents and their teenagers; suburban.

Producer: Paul Burnford Productions.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, California 90025.

Rental: $20.00.

Purchase: $300.00.

Details: 25 minutes, color, 16 mm., sound.

Synopsis.—The film dramatizes a medical doctor's discussions with neighborhood parents who are concerned that their teenagers' long hair, dress and music styles indicate an involvement with LSD. The physician says the parents are victims of alarmist reactions and urges them to "cool down" and channel their concern towards listening to, and communicating with, their children. In a film clip shown to the parents, J. Thomas Ungerleider, Professor of Psychiatry at the University of California at Los Angeles, relates the problem of LSD use to the communications gap which he says encourages teenagers to turn to drugs for help with their problems. He reinforces the message that understanding can bridge the generation gap by saying that LSD also stands for "Let's Simmer Down."

General evaluation of the film.—The film puts a good emphasis on the need for parents to improve communications with teenagers. The problem of the generation gap is approached in a fair and honest manner, and valid solutions are suggested to overcome the lack of communication and trust between parents and their children. The narrator and the neighborhood physician, by emphasizing the need for a non-hysterical approach to understanding why people take drugs, add credibility. The film's opening technique, which uses filmclips that conjure up association with LSD use, draws audience interest.

The portrayal of the parents is staged and exaggerated, making their roles unrealistic and unconvincing. Portions of the film are overly preachy and condescending. Parents and their teenage children should view the film together to stimulate communication.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, several references require further qualification if they are not to mislead. A statement about LSD possibly affecting unborn children needs clarification that no link between LSD use and chromosome damage has yet been conclusively documented. Calling LSD a "tragic illusion" ignores therapeutic uses of LSD and implies that no pleasure can be gotten from LSD.

The film places a valid emphasis on the need for "really" listening to youth and not overacting to drug use. Dr. Ungerleider's stress on drug use as a symptom of a complicated problem rather than the problem itself is noteworthy.

THE CIRCLE

Year: 1967.

Audience: Sr. high, college, adult; professionals.

Producer: National Film Board of Canada.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $25.00.

Purchase: $350.00.

Details: In 2 parts, 57 minutes, black/white, 16 mm., sound.

Synopsis.—This film portrays the rehabilitation process of drug addicts at Daytop Village by focusing on one individual. Don, from his first day at Daytop to the time when he is ready to leave. Don gradually adjusts to Daytop's communal work and living patterns, but resists the attempts of other residents to force reactions from him in verbal encounter sessions. Various experiences with other addicts and the Daytop technique, which concentrates on self-help for addicts through group therapy, bring Don to a point where he is better prepared to face society outside of Daytop's confines, without the aid of drugs.

The film deletes profanity from the encounter sessions.

General evaluation of the film.—The film realistically presents information on one type of rehabilitation method by concentrating on one individual in a thorough, convincing manner. The intense, personal nature of the group therapy involves the viewer, enabling him to understand the Daytop treatment.

Films

At times the film is not credible. Some of the encounter sessions seem staged. The film is too long and audience interest may be lost before the story is fully developed.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable as a description of one type of therapeutic approach to heroin addiction. Because it concentrates on one rehabilitation approach only, the film inadvertently could imply that other techniques, such as those which use medication or professional help, either do not exist or are inferior. It should be explained to viewers that other similar therapeutic communities and other treatment approaches to addiction exist.

A DAY IN THE DEATH OF DONNY B.

Year: 1970.

Audience: Intermediate students through adults; inner city.

Producer: Office of Communications, NIMH.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $27.00.

Details: 14 minutes, black/white, 16 mm., sound.

Synopsis.—The film portrays what could be a typical day in the life of a heroin addict in a ghetto slum. Donny, a young Black, wanders through the neighborhood, oblivious to the sordid surroundings, looking only for means to support his heroin habit. He attempts to obtain money by begging from friends and strangers, by stealing, and by gambling, and finally is able to buy a heroin fix. Donny's appearance, the ways he tries to get money, and the amount of money he finally spends for heroin reveal that he is not a veteran drug user; there will be other "days" in Donny's death. The final scene shows him staggering off to the lyrics of the theme song, "Goodbye Donny. . . ." Scenes of Donny are interspersed with comments by friends, Donny's mother, a policeman, a mortician, and others who are familiar with the problems of addiction.

General evaluation of the film.—The film conveys the "living death" aspects of heroin addiction and the lack of society's concern which often accompanies addiction in the ghetto. One of the strongest effects of its message is the indifference exhibited by Donny's neighbors, who, surrounded by their squalor and despair, barely notice Donny's presence. The background music and theme song, the black and white photography which accentuates the bleakness of the slum setting, and the effective portrayal of the character Donny, also add to the film's quality. Because all Black subjects are used, this film is particularly suitable for Black audiences; however, it could be shown effectively to other audiences as well.

If the film related more of Donny's background, a stronger case would be made for society's role in drug addiction. The narration does not provide much useful information and, at times, presents confusing information on drug effects.

Evaluation of Scientific accurracy.—The data in the film is scientifically acceptable; however, it presents several inaccurate portrayals of drug effects. The film tends to attribute Donny's "death" solely to a drug, ignoring any explicit discussion of the social factors in his life which, in all probability, led him to drug use. Donny's stumbling walk and lack of coordination are more appropriate for a drunk than for a heroin addict and might confuse a lay audience which is unfamiliar with addiction. The film's tone in general, which implies that all users end up either "dead or in jail" and that no help is available for heroin addicts, is negative.

THE DISTANT DRUMMER

Year: 1968.

Audience: Sr. high, college, adult; suburban.

Producer: Office of Communications, NIMH.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $153.00.

Details: 45 minutes, color, 16 mm., sound.

Synopsis.—Paul Newman narrates this edited version of two shorter films, "Flowers of Darkness" and "The Movable Scene." Beginning with a historical perspective of the origin of opium, the film discusses opium's refinement to a morphine base and to heroin. It traces the import route of heroin from the Far East to Mexico and the United States, along with the accompanying price rise. Several rehabilitation techniques are briefly discussed against a review of Federal rehabilitation laws. The film focuses on the use of drugs by young, rebellious, middle-class Americans. Spontaneous interviews with drug users depict the drug scene in San Francisco, New Orleans and New York, as well as in several foreign cities.

The sound quality of some of the interviews is poor.

General evaluation of the film.—The film presents an entertaining overview of drug information, both historical and current, and offers viewers an understanding of the drug culture among middle-class young people. Within this segment, a good representation is given to a variety of users, including some adults. The film is objective and does not explicitly moralize about drug use.

The film covers too broad an information scope; any central theme is thereby weakened.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, its information is overgeneralized. The explanation of morphine's conversion to heroin is vague. The narration mistakenly attributes the discovery of heroin to the year 1898, which is actually the accepted date for heroin's first medical use. An emphasis on the "international beatnik" set ignores the majority of drug users. The narration tends to equate Hippies with addiction. In its review of rehabilitation laws, the film mistakenly implies that the Harrison Act of 1914 makes addiction a willful, criminal act; more correctly, it is later interpretations of the Bureau of Narcotics regulations and Supreme Court decisions which emphasize the addict as a criminal.

The film presents a good description of the evolution of narcotic laws and a valuable review of treatment and rehabilitation programs, although it avoids explanation of variations in treatment methods.

DRUG ABUSE: EVERYBODY'S HANG-UP

Year: 1970.

Audience: Sr. high, college, adult.

Producer: Smith Kline and French Laboratories.

Source: Rental: Bureau of Narcotics and Dangerous Drugs, 1405 I Street, N.W., Washington, D.C. 20537; Purchase: N.E.A. Sound Studios, 1201 16th St., N.W., Washington, D.C. 22036.

Rental: Free.

Purchase: $90.00.

Details: 14 minutes, color, 16 mm., sound.

Synopsis.—The film portrays drug abuse as a problem for all ages and all classes of people. The drug abuser today is not one, but many types of people with a variety of reasons for turning to drugs. These range from people who take drugs to stay awake, to those who need identity and those who want to escape from boredom or misery. Parents can participate in solving the problem by starting a dialogue with their children which emphasizes honesty. They should expect children to be different from adults when given the advice, "Think for yourself." Most of the scenes are stills; the narration is the only voice heard.

General evaluation of the film.—The film's theme—drug abuse is a problem of concern to everyone—is reiterated in scenes which portray various age groups and social classes. The narration is frank and gives an honest assessment of legitimate drug use as well as drug abuse. Although the pictures are attractive, the film would be more entertaining if it included action scenes.

The film tends to group all drugs together in its discussion, rather than distinguish individual drugs and their peculiar effects. At times this leaves the impression that all drugs have the same effect. The film tends to play on parental fears. Its emphasis on the need for communication between parents and teenagers, while an important need, does not answer specific questions which concerned parents ask.

Evaluation or scientific accuracy.—The film is scientifically acceptable, but several references to heroin detract. For example, the film implies that abuse of some drugs will automatically lead to use of heroin. Another example is the scene which portrays heroin withdrawal in a highly dramatized setting.

The film gives a good perspective to the need for unemotional communication and the "think for yourself" approach to drug decisions.

DRUG ABUSE: ONE TOWN'S ANSWER

Year: 1969.

Audience: Jr., sr. high, adult (espec. parents); suburban.

Producer: Charles Cahill & Associates, Inc.

Source: Rental: University of South Florida, Division of Educational Resources, Tampa, Florida 33620; Purchase: Aims Instructional Media Services, P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $6.00.

Purchase: $275.00.

Details: 23 minutes, color, 16 mm., sound.

Synopsis.—The film details the formation and purpose of Awareness House in Fort Bragg, California, a teen center which was started with the help of two ex-addicts. The dialogue of the teenagers and counselors at the center illustrates that Awareness House is designed as a place where young people feel free to talk about a variety of common experiences and problems, not necessarily related to drugs. The film incorporates the message of Awareness House, "Turn on to people, not drugs."

General evaluation of the film.—The film describes a positive approach to the drug problem as successfully demonstrated in one community. However, the film is not effective in conveying the potential strength of that approach. The discussions are staged. They do not involve the participants, or the viewers, emotionally. The young people seem to agree on every issue discussed and the film does not illustrate how people learn to trust and care for each other, or solve problems, through open communication.

The attractive teenagers and the color photography make the film entertaining, although it is too long. The participants at Awareness House will probably provide an identity point for middle-class people and some of their discussions will serve as a base for additional discussions after the film has been viewed.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. The film is noteworthy in its emphasis of the drug problem involving more than drugs in themselves. The information suggests the influence of drug use in the home by adults. It correctly points out that drugs are most often spread from one young user to another rather than by a professional "pusher." The film also recognizes the social pressure of youth to use drugs. Conversations between the young people in the film note that many try drugs without apparent ill effects.

However, by uncritically presenting the opinions and observations of young people, the film presents misinformation about drug effects in some instances and in others, implies that unique, individual reactions are common, universal reactions. For example, a student mistakenly says LSD and mescaline are "not out of the body's system for two or three months." A description of an experiment with hampsters implies that LSD and mescaline are the direct cause of the animals' deaths. A reference to a marijuana user who "took pot shots at strangers and killed at least one" implies that this is usual behavior resulting from marijuana use.

DRUGS: FACTS EVERYONE NEEDS TO KNOW

Year: 1970.

Audience: Parents, teachers, community groups.

Producer: Joseph Fiorelli.

Source: Fiorelli Films, Inc., Research Drive, Stamford, Conn. 06906.

Rental: Not available.
Purchase: $300.00.
Details: 29 minutes, color, 16 mm., sound.

Synopsis.—Sanford J. Feinglass, Ph. D., presents background information to a small group of adults in a classroom setting. Dr. Feinglass discusses drugs in the categories of depressants, stimulants and psychedelics. He notes similarities and differences between drugs. Questions asked by individuals in the group include the following: Are tranquilizers and amphetamines addictive? Is alcohol as serious a problem as narcotics? Is marijuana a narcotic? What is psychological dependency? In his summary, Dr. Feinglass emphasizes that solutions to drug abuse problems must consider the reasons why people take drugs.

General evaluation of the film.—The film contains basic information of value to those who want a lecture-type presentation on drugs. The format, however, is unimaginative; as a filmed lecture the material is overly-long and uninteresting. The staged questions from the audience add to the film's stilted style.

Evaluation of scientific accuracy.—The film is scientifically acceptable. The informaton places a good emphasis on drug dosage, and non-drug factors which influence response. It includes a distinction between teratogenesis and mutagenesis which is seldom found in general drug information. Important emphasis is made on the problem of drug abuse originating not with the drugs themselves but with the reasons for their use.

The film presents some information as factual without noting that it is in part based on opinion and subject to disagreement with some authorities. This includes classifying narcotics and minor tranquilizers together as depressants, and stating that marijuana has properties similar to both depressants and stimulants. Also questionable is the statement that marijuana has a reverse tolerance effect. The term "speed" does not refer specifically to Benzedrine, as stated in the narration, but to either methamphetamine or to all amphetamines. The narration says that only true tranquilizers will end a bad LSD trip; however, sedatives have also been used successfully to combat adverse reactions to LSD.

ESCAPE TO NOWHERE

Year: 1968.
Audience: Jr., sr. high; suburban.
Producer: Professional Arts, Inc.
Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.
Rental: $27.50.
Purchase: $275.00.
Details: 25 minutes, color, 16 mm., sound.

Synopsis. This film tells the real-life story of Debbie, a teenager, who describes her attitudes and feelings, and the role drugs play in her life. Debbie hitchhikes to parks, zoos, museums and bookshops. She converses with a narrator who asks her why she takes drugs, how she started, what drugs she has used, what they do for her, whether or not she's happy. The discussion is interspersed with brief comments from other drug users and interviews with medical authorities.

The film was made in cooperation with the San Mateo Union High School District in California.

General Evaluation of the film.—Because Debbie is a teenager who has had experiences with drugs, young viewers should be able to identify with her. She is convincing as a sincere person and illustrates that drugs have led her to a purposeless life.

The story is over-dramatized. Debbie's odyssey-like wanderings are fairly carefree. She seldom worries about money yet is supporting a costly drug habit. The film subtly impiles that she obtains money from prostitution, but this is not clear. Debbie doesn't seem to suffer as a result of her involvement with drugs. She admits she is lonely, but doesn't seem to be unhappy. This lack of realism, plus the narrator's leading questions, give the film an artificial tone.

The photography makes the film enjoyable to view.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, its overall picture of a drug abuser and some vague references might be misleading. Debbie's idyllic life is not representative of drug users who are involved to the extent she seems to be involved with drugs. The dialogue between Debbie and the narrator often overgeneralizes by referring to "drugs" rather than specific drugs or drug effects. The references to amphetamine action on the body do not adequately distinguish when amphetamines produce excitement and when they produce depression. The information incorrectly implies that amphetamines cause depression rather than effect a reaction to overstimulation of the drug.

An opening statement in the film saying the only way to know about drugs is to ask someone who has taken drugs is later contradicted by Debbie when she advises, "Don't believe what other kids tell you about drugs." Debbie's story might mistakenly imply that drug-taking is a cause, rather than a result of Debbie's lack of maturity and responsibility.

The information on the dangers of methamphetamine use is thorough and in good perspective.

GROOVING

Year: 1969.
Audience: Intermediate, jr. and sr. high; suburban.
Producer: Benchmark Films, Inc.
Source: Benchmark Films, Inc., 145 Scarborough Road, Briarcliff Manor, New York 10510.
Rental: $40.00.
Purchase: $390.00.
Details: 31 minutes, color, 16 mm., sound.

Synopsis.—A group of teenagers is filmed over a period of several days of confrontations and discussions on drug use. Comprised of drug users, non-users, and ex-users, the group talks about reasons for trying various drugs and individual experiences with drugs. The informal sessions provide a setting for examining the motivations—some apparent, some hidden—for drug experimentation. The discussions proceed to other aspects of drug use: boredom with one drug which may lead to trying another drug; the lack of motivation for performing school work which might accompany drug use; the ability, or lack of it, to control drug experimentation and to stop when one chooses. The film ends with comments by individuals about how their attitudes have or have not changed since the beginning of the filmed discussion. None of the teenagers is a professional actor; the film has no set script.

General evaluation of the film.—The film's strength lies in its attempt to deal with the often unexpressed motivation behind drug use. Visually it is very attractive. The film is also technically well done and backed up with entertaining music. It will best be utilized to stimulate discussion among teenagers.

At times the film lacks credibility because some encounters are too staged and result in pre-drawn conclusions. The discussions in the film do not convincingly support the change in attitudes which most of the youth express at the end of the film. In particular, several of the teenagers who are drug users decide either to stop using drugs or to at least question their use of drugs; they are convinced by arguments that to the viewer aren't convincing. One young person, whose pro-drug position is not altered, says his problems are too serious to stop taking drugs, implying that those who continue to use drugs have psychological problems.

Evaluation of scientific accuracy.—The film cannot be faulted on a scientific ground since it is based on the beliefs and opinions of young people regarding drug use rather than facts about drugs and their effects. However, the presentation of personal experiences of drug effects, as related in the film, might incorrectly suggest a universal reaction to drug use without taking into consideration such factors as dosage, personal variabilities and length of time of use.

The young people give honest statements which reflect varying viewpoints of drug use. The film includes a good confrontation between a drug-user and a non-user.

HERE'S HELP

Year: 1970.
Audience: Jr. and sr. high, college, adult; all economic classes.
Producer: Office of Communications, NIMH.
Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution for rental; Sales Branch for purchase).
Rental: Free.
Purchase: $96.25.
Details: 28 minutes, color, 16 mm., sound.

Synopsis.—Comments from several drug addicts and parents reveal the sense of frustration that exists when addicts need help and don't know where to find it. The film focuses on the success of a variety of rehabilitation and treatment approaches, including the Federal Narcotic Addict Rehabilitation Act (NARA) Center at Lexington, Kentucky; Teen Challenge which is a religious approach; the Samaritan Halfway Society which uses "encounter" therapy; a methadone program in New Orleans; and the Illinois Drug Abuse Program which offers a variety of rehabilitation methods. The film states that no one approach seems to work for all addicts and that help for the drug addict is available, in more than one form.

General evaluation of the film.—This film presents a good overview of the variety of methods and facilities which exist for addiction rehabilitation. Its message is a positive one—that help is available. It is useful as an information tool. The racial mixture of subjects interviewed testifies that drug addiction is a problem for everyone.

However, by showing many examples of "success" stories involving rehabilitated drug addicts, there is the danger that viewers will falsely believe that treatment for addicts is easily obtainable. The film would more accurately inform the public if it noted how difficult it is for many addicts to get into the programs and also to receive adequate follow-up care once they've left the programs. The film is too long; it would be more interesting if it concentrated on fewer programs in greater detail.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It is noteworthy because it presents addiction as a social sickness which can be cured. It also shows that a variety of successful approaches to addiction exists.

Some of the narrative information could be expanded to present a more accurate portrayal of methadone use. The film implies that methadone has proved effective without referring to questions or objections which are often raised in association with methadone. A more complete explanation of how and why methadone has been successful in some programs is needed. More emphasis on the necessary precautions involved in dispensing methadone, and a discussion of other methods of treatment (such as narcotic antagonists) would strengthen the film.

HIDE AND SEEK

Year: 1966.
Audience: Jr., sr. high, college, adult; inner city.
Producer: Center for Mass Communications, Columbia University.
Source: Rental: Extension Media Center, University of Calif., Berkeley, Calif. 94720;

Purchase: Center for Mass Communications, Columbia Univ., 440 West 110th Street, New York, N.Y. 10025.

Rental: $11.00.

Purchase: $168.00.

Details: 14 minutes, color, 16 mm., sound.

Synopsis.—Carl, a teenager in New York City, tries heroin on a dare and becomes addicted. Alienated from his father and friends, he wanders around the ghetto, aware that he is "lousing up" his life but unable to help himself. Carl's first-person story is related by a narrator.

General evaluation of the film.—Carl is an attractive boy with whom young people can probably identify. The film's photography and background music add a poetic quality to the story and evoke sympathy for Carl's plight. However, the impact of his situation is lessened because the story is sketchy. The viewer learns little about Carl. His relationship with his father is mysterious, and not much is known about Carl before he became an addict. Also, Carl's life as an addict really doesn't seem so terrible. The film is too long; it contains little action and the pace drags. The overall impression is one of triteness and sentimentality.

Evaluation of scientific accuracy.—The film is generally scientifically acceptable although it includes several inaccuracies. Carl's prior use of marijuana implies that marijuana users usually end up on heroin. Several statements overemphasize a hopelessness about heroin addiction and imply that addicts can never be cured or that addiction leads only to death, such as: "He was hooked in Vietnam and came home to die." "Nobody beats it. You really can't beat it." "I never knew I could get hooked on one shot." The film blames Carl's addiction on the drug itself rather than on his personality or his environment. The mainlining scene is unrealistic and contrived.

THE HIPPIE TEMPTATION

Year: 1967.

Audience: Sr. high, college, adult; suburban.

Producer: Columbia Broadcasting System.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $40.00.

Purchase: $610.00.

Details: In 2 parts, 51 minutes, color, 16 mm., sound.

Synopsis.—Harry Reasoner of CBS visits the Hippie haven in San Francisco's Haight-Asbury district to find out "who and what" the Hippies are, how they dress, where and how they live, and why they choose their life style. Reasoner examines the Hippie behavior patterns and explores the role of drugs in their subculture. He interviews medical authorities who have worked with drug users, members of the rock group, The Grateful Dead, two teenagers brought to the McAuley Neuro-Psychiatric Institute after using LSD, and their mothers. The film weighs the positive and negative sides of the Hippie life, but Reasoner concludes that their behavior is "style without content." He calls the Hippie life childish because they criticize society without working actively towards change.

General evaluation of the film.—The film is an interesting, entertaining account of a way of life that, for the most part, has now changed. The photography, music and interviews with the Hippies give a first-hand account of their living style. The film is dated since Haight-Asbury no longer exists as a Hippie center.

Reasoner's comments, which are essentially a "put-down" of the Hippies, reveal a lack of true understanding of them and an inability to break away from the "adult, establishment" viewpoint. Because of this bias the film will do nothing to enhance an understanding of the Hippie motivations; it will probably reinforce feelings of fear or dislike for the Hippies on the part of older people. If the film is presented as a portrayal of the Hippie scene as it was in 1967, and if the narration is presented as an interpretation of that scene, the film has potential use.

Evaluation of scientific accuracy.—The film is scientifically acceptable. However, many of the opinions voiced are presented as fact. This is particularly true of the comments of the medical authorities who theorize why people turn to drugs and how drug use may hinder psychological growth. Opinions such as "Acid users have difficulty with love," "There is a universal danger that normal young people will turn into cripples," and "Drugs hold the Hippie sub-culture together," when stated by "authorities" are often heard as facts. Some of the physicians' comments are overgeneralized. The references to electroencephalogram patterns revealing brain damage imply that this is an accepted medical theory. Since conflicting data exists, the statement should be qualified.

The film tends to uncritically blame "drugs" for adolescent problems and for the Hippie style in general. It also tends to equate LSD use with the Hippies, ignoring the fact that many LSD users are not Hippies, or that Hippies do not necessarily use LSD.

LSD: LETTVIN VS. LEARY

Year: 1967.

Audience: Sr. high, college, adult.

Producer: National Educational Television.

Source: Field Services Dept., Audiovisual Center, Indiana Univ., Bloomington, Ind. 47401.

Rental: $11.25.

Purchase: $210.00.

Details: In 2 parts, 54 minutes, black/white, 16 mm., sound.

Synopsis.—Timothy Leary, a former Harvard psychologist known for advocating LSD use, expounds the doctrine of his *League for Spiritual Discovery* before a student audience at the Massachusetts Institute of Technology in Part I. MIT professor Jerome Lettvin, M.D., replies in Part II. Sitting in front of a flickering candle with film clips behind him simulating an LSD trip, Leary advances his "turn on, tune in, drop out" theory saying that man has been narcotized by convention and needs an "antidotal sacrament." He agrees that LSD involves a risk; everything "worthwhile" does, but, he adds, no substantive evidence exists which says LSD causes damage. Leary also advocates the legalization of marijuana. Lettvin agrees that marijuana laws are irrational, but says LSD and other psychedelic drugs offer no guarantee of safety and should not be legalized or used freely. He compares the LSD experience to the temporal lobe syndrome which characterizes ax-murderers and epileptics. To Lettvin, the glories of LSD are not worth the gamble.

General evaluation of the film.—This confrontation over LSD is unique because of the intelligence and credibility of both debaters. Their rhetoric is at times stronger than their logic, however, and few questions are actually resolved. Lettvin and Leary are both entertaining even though they occupy the stage alone, but the film is too long. It should be viewed in historical perspective since Leary's influence as an active proponent of LSD has declined since 1967. The film's language and reasoning require a sophisticated audience for full appreciation. The film's mechanical quality is only fair; at times it is difficult to hear.

Evaluation of scientific accuracy.—The film cannot be faulted scientifically since it presents two opposing, individual viewpoints and does not attempt to present balanced information on drugs as much as it does philosophy. If shown with a qualified resource leader, the film could promote valuable discussions.

LSD: THE SPRING GROVE EXPERIMENT

Year: 1966.

Audience: Sr. high, college, adult; special groups such as psychology and mental health classes.

Producer: CBS News.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $25.00.

Purchase: $275.00.

Details: In 2 parts, 54 minutes, black/white, 16 mm., sound.

Synopsis.—This CBS documentary film records a highly controlled experiment at the Spring Grove State Hospital in Baltimore, Maryland involving two patients in LSD-assisted psychotherapy. The two patients, a 48-year-old housewife who suffered a paranoid breakdown and a 33-year-old alcoholic, are observed as they undergo testing and preparation for their LSD psychotherapeutic treatment. During the actual LSD sessions, the patients reveal the intense emotional strains brought on by direct confrontations with their fears and conflicts. The patients are interviewed immediately after treatment, and their progress is assessed six months later. The narration and comments from medical authorities suggests that LSD has potential for positive applications but that more clinical research is needed.

General evaluation of the film.—The film presents an objective, well-documented account of a therapeutic use of LSD. It is informative as well as moving. The interjected comments from the medical authorities convey a respect for the power of the drug and distinguish between its use in a supervised setting such as these experiments, and in an uncontrolled situation. The film can be successfully shown to a variety of audiences, particularly if a knowledgeable leader can provide guidelines.

Evaluation of scientific accuracy.—The film is scientifically acceptable, it accurately presents two successful cases involving LSD therapy. The film would provide more balanced information if it emphasized more fully that it was not the LSD in itself which promoted the cures of the two patients, but LSD used with highly-skilled therapy and in a very controlled situation. Including therapy cases involving LSD which were not successful would be meaningful.

LSD-25

Year: 1967.

Audience: Jr., sr. high, college, adult.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.

Rental: $27.50.

Purchase: $275.00.

Details: 27 minutes, color, 16 mm., sound.

Synopsis.—The chemical compound LSD-25 is given a voice to tell its own story. The film emphasizes the drug's unpredictability and unknown properties. The character "LSD" discusses potential dangers from use of illegally purchased drugs, from bad trips, from possible chromosomal damage, from self-injury while under the drug's influence and from recurring effects. LSD concludes that reactions to its use depend not on LSD's chemistry but on the user's chemistry.

General evaluation of the film.—The film convincingly emphasizes LSD's potential dangers. It admits that much is unknown about how LSD works. Most of the information is well balanced and without bias, although the film tends to refer too often to extreme reactions to LSD as evidence that it is a "dangerous" drug. The film is fast-moving, interesting and likely to hold viewers' attention.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, it includes some inaccurate statements and implications. Several statements report rare reactions to LSD and incorrectly imply that these are common occurrences: "Hallucina-

tions occur at any time up to a year." "The ultimate destination for an LSD user can be suicide." "LSD is so perplexingly horrible." The narration does not point out that the effects of LSD are highly dependent on dosage, as evidenced by its statement that LSD is the "most powerful drug ever known." References to possible birth defects from chromosomal damage are overstated since data concerning chromosomal breaks and birth defects is still inconclusive.

THE MAD CHEMIST

Year: 1969.
Audience: Intermediate, jr. high.
Producer: Professional Arts, Inc.
Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.
Rental: $13.50.
Purchase: $135.00.
Details: 10 minutes, color, 16 mm., sound.

Synopsis.—The chemist in this comic satire sets out to discover which drugs will provide the ultimate happiness. He tests amphetamines, barbiturates, marijuana and LSD on his invented monster, Eugene, whom he wires to a "happiness index machine." Eugene's reactions, as recorded on the machine, lead the chemist to realize that there is no ultimate "kick" in drugs. The verse narrative was written by David W. Parker, Ph.D.

General evaluation of the film.—The comic style of the film can be effectively used with young audiences, although some might question the suitability of a humorous approach to a subject as serious as drug abuse. Such an approach can convey an important message about drugs if followed with discussions which present more factual information than the film presents. For example, the film discusses only one drug "effect"—an unhappy, negative effect—without talking about the variables of dosage, the user and the conditions of use.

The film's narration, music and characters are entertaining and likely to hold the viewers' attention. It should be pointed out to young audiences before viewing that the film's tone is deliberately light.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds since it does not convey factual information on drugs. The message, "Drugs don't lead to happiness," is presented without portraying actual drug effects on the human body.

MARIJUANA

Year: 1968.
Audience: Jr., sr. high.
Producer: Max Miller/Avanti Films, Inc.
Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.
Rental: $25.00.
Purchase: $350.00.
Details: 34 minutes, color, 16 mm., sound.

Synopsis.—The film presents arguments for and against smoking marijuana and then advises individuals to make their own decisions. Sonny Bono, of the folk group Sonny and Cher, narrates the discussion against the setting of a "pot" party which is interrupted by the police. As the teenagers are led away by the authorities, they shout out justifications for legalization and use of marijuana. Each of the arguments is then individually examined in Bono's discussion.

General evaluation of the film.—In the film's presentation of pro and con positions on marijuana use, the negative comments outweigh the reasons presented in favor of marijuana and the debate is not objective as the narration states. Exaggerated portrayals of the effects of marijuana and an emphasis on violence, which tends to associate marijuana with crime, lessen the film's credibility. Use of young people in the film, a personality like Bono, and the background music make the film entertaining. The film can be used most effectively as a springboard for discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, it presents some inaccurate portrayals of drug effects. The marijuana-produced hallucination depicted is unfair, and probably inaccurate, since marijuana does not produce such hallucinations except at extremely high and seldom-used dosages. The film's exaggerated use of violence and aggression incorrectly implies that marijuana use leads to violence. The staged interviews in the women's prison and the men's rehabilitation center create the impression that marijuana leads to heroin, although Bono says in his narration that this is not necessarily true.

If the film is trying to present an objective, factual account, it should portray more typical reactions of typical users of marijuana.

MARIJUANA

Year: 1969.
Audience: Jr., sr. high, college, adult; all economic classes.
Producer: CBS News.
Source: Rental: Extension Media Center, University of California, Berkeley, Calif. 94720; Purchase: Carousel Films, Inc., 1501 Broadway, New York, N.Y. 10036.
Rental: $17.50.
Purchase: $275.00.
Details: 52 minutes, black/white, 16 mm., sound.

Synopsis.—This CBS documentary surveys the controversy over the social and legal aspects of marijuana use. Interviews with drug users, judges, clergymen, medical authorities, policemen, and legislators present a spectrum of opinions about marijuana's use, its possible harmfulness or harmlessness, its effect on the user's creative powers, and legal consequences of its use. CBS concludes that to them marijuana has not been proven to be any more harmful than alcohol or tobacco. They deny that its use can stimulate creativity. They do not condone its use; however, they agree that the legal penalties are too stringent in proportion to any potential danger of the drug. Mike Wallace narrates.

General evaluation of the film.—The objective, broad-based survey, which includes comments from those who argue for and against marijuana use, makes this film credible. Those interviewed are articulate and present a good overview because they represent different age groups, disciplines, and varying degrees of political philosophies, although the most liberal views expressed are fairly moderate. The film is professionally produced and entertaining.

Evaluation of scientific accuracy.—The film is scientifically acceptable. The information is well-balanced. Good emphasis is given to the lack of knowledge of Cannabis. The film contains a useful historical review of marijuana use and the U.S. laws which govern its use. Both sections of the film are well-summarized.

Certain references in the film are misleading because they imply that marijuana users "move on" to heroin. This implication is presented in the interview with Phoenix House residents; the comments are related without comment or qualification.

MARIJUANA: THE GREAT ESCAPE

Year: 1970.
Audience: Jr., sr. high.
Producer: J. Gary Mitchell.
Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.
Rental: $25.00.
Purchase $265.00.
Details: 20 minutes, color, 16 mm., sound.

Synopsis.—George Willis is a teenager interested in drag racing. He ignores the advice of someone he admires, a top professional racer, and experiments with marijuana. After his girl friend is persuaded by George to try it, she is injured in a car accident and can't attend George's important race. George appears confident of winning, but the final scene involves him in a serious racing crash.

The film uses professional actors.

General evaluation of the film.—The film's photography, credible characters and settings, and background music give it a professional quality. It is an entertaining film to view. The emphasis on the disastrous automobile accidents lowers the film's credibility and makes the story unrealistic. The emphasis on the accidents seems to say "Don't smoke marijuana before driving," although it is unlikely that this is intended to be the film's central message. The film implies that marijuana users only smoke for an "escape," and that they are irresponsible and lazy. This adds to the film's lack of credibility.

Because the story and characters provide a basis of identity for many young people, the film has potential for provoking valuable discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It places a good emphasis on the variety of personal responses to marijuana use and on the various strengths of marijuana.

However, the narration and the story-line give some false impressions about drug effects. For example, the car accidents appear to be the direct results of smoking marijuana, although it is unclear how much time had passed between George's last experience with marijuana and his racing accident. Car accidents resulting from marijuana use are not frequent occurrences; the film's emphasis on the accidents makes the story overly dramatic. Statements are made in the film which are overgeneralizations about marijuana users: "Pot smokers feel compelled to turn others on," "Pot heads have one thing in common—work is a drag," and "You are not in control when smoking marijuana."

MARIJUANA—WORLD OF THE WEED

Year: 1968.
Audience: Jr., sr. high, college, adult.
Producer: KCET, Los Angeles.
Source: Field Services Dept., Audiovisual Center, Indiana University, Bloomington, Ind. 47401.
Rental: $5.50.
Purchase: $150.00.
Details: 21 minutes, black/white, 16 mm., sound.

Synopsis.—The film reviews the historical background and biological facts related to the use of marijuana. It begins with a marijuana legend from ancient China, traces the spread of marijuana to India and the Middle East, gives a capsule history of legislation and medical studies concerning marijuana, including the LaGuardia Report, and defines marijuana terms. The film uses mostly photographs and drawings.

General evaluation of the film.—The film contains, for the most part, interesting historical information about marijuana, and the narration is objective. Its format and the use of stills, however, make it overly academic and uninteresting. More information on the events which led up to the 1937 Marijuana Tax Act would add interest. The film is dated because its information does not go beyond 1966.

Evaluation of scientific accuracy.—The film is scientifically acceptable with a few exceptions. Several historical speculations are presented as fact, such as the reference to Shen Nung, which the narration does not clearly identify as legendary. Marijuana is described as a nectar in the flowers of Cannabis rather than the resin covering or protecting the buds. The narration does not make clear that resin is present in both male and female Cannabis plants. The film should also discuss THC, the main psycho-active ingredient found in Cannabis, and should discuss the relationship of growing and harvesting conditions to marijuana's varying strengths.

A NICE KID LIKE YOU

Year: 1969.
Audience: Sr. high (some), college, parents, teachers; professionals working with college students.

Producer: Gene Lichtenstein for the Group for the Advancement of Psychiatry.

Source: Extension Media Center, University of California, Berkeley, Calif. 94720.

Rental: $17.50.

Purchase: $250.00.

Details: 38 minutes, black/white, 16 mm., sound. Awarded a Blue Ribbon at the 1970 American Film Festival.

Synopsis.—Students from two unidentified eastern colleges reveal their feelings about drugs, sex, parents, the education system and American society in general. This documentary film visits college classrooms, bull sessions in dormitories, and conversations between young people and parents in their homes. The young people express very personal feelings in an informal, unrehearsed style. One girl says she is bored with using marijuana and now wants to experience life without drugs. A boy wonders, with amusement, if his father might be proud of a son who makes a successful business deal in the illegal drug market. Another girl says she feels competitive with her mother. In the variety of subjects discussed, the film presents some current student opinions rather than one single viewpoint.

General evaluation of the film.—The film's honest approach lets college youth speak without interpretation or comment. Their natural and spontaneous comments are fresh and informative, especially for adults who can seldom hear youth speak so frankly. The film gives valuable insight into the thoughts of some college students and should promote an understanding of their drug attitudes. It is not intended to represent all college students; these students are probably above average in verbal facility, intelligence, affluence and liberal attitude. The film is well-edited and moves at an entertaining pace.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific information. It presents drugs in the context of their use on the college campus rather than as substances with pharmacological effects. The film shows people who use or have used drugs and who continue to function and to have insight into the meaning of their "drug use" as well as other aspects of their living.

RAPPING

Year: 1970.

Audience: Jr., sr. high; suburban.

Producer: Filmfair Communications.

Source: Filmfair Communications, 10946 Ventura Blvd., Studio City Calif. 91604.

Rental: $20.00.

Purchase: $225.00.

Details: 15 minutes, color, 16 mm., sound; companion to the film "Tripping"; with teaching manual.

Synopsis.—In an idyllic setting, a small group of teenagers, some of them drug users, considers why teenagers use drugs and why they stop. People use drugs, they say, to join in with friends, to help search for meaning to life, to escape from problems, and to rebel against parents and society. People stop using drugs because their friends stop, because they find a meaningful alternative, such as religion, because conflicts are resolved, or because they fear getting arrested.

The group leader is Anthony Rose, Ph.D., Director of the Institute of Drug Education, Center for Studies of the Person, La Jolla, California. A manual which suggests activities and guidelines for teachers accompanies this film and a companion film, "Tripping."

General evaluation of the film.—Discussing why people use and don't use drugs is a valid approach to the subject of drug abuse. But the reasons brought out in the film seem superficial and staged. The outdoor scene beside a stream is pleasant to view, but it adds to the film's artificialness, especially since the students all sit in desks facing a blackboard and an American flag. The film may succeed in promoting discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It discusses reasons behind use of drugs rather than the pharmacological effects of drugs.

SCAG

Year: 1970.

Audience: Intermediate, jr., sr. high, college, adult; all economic classes.

Producer: Concept Films, Inc.

Source: Encyclopedia Britannica Educational Corp., 425 North Michigan Ave., Chicago, Ill. 60611.

Rental: $9.00.

Purchase: $265.00.

Details: 26 minutes, color, 16 mm., sound.

Synopsis.—This film relates the experiences of two heroin addicts—a middle-class White male and an inner city Black girl. A narrator describes how a $40 poppy crop from Turkey becomes a supply of heroin with an estimated value of $280,000 on New York City streets. The narration also focuses on several rehabilitation facilities including Gaudenzia House in Philadelphia, and the use of methadone in the rehabilitation process.

General evaluation of the film.—The film presents a comprehensive picture of the heroin problem in an accurate, objective manner. The information is up-to-date, including a section on methadone which is particularly valuable because it presents both sides of the controversy over methadone use in rehabilitation. The film deals with a variety of economic classes, educational levels and personalities. By covering so many aspects of heroin addiction, including interviews with actual addicts, treatment facilities, and import routes, the film may present an over-abundance of information for some audiences. On the other hand, its format makes the information understandable and suitable for a broad audience. The Black addict's voice is difficult to understand at times.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. The comparisons between therapeutic-type treatment and treatment utilizing methadone would be better balanced if a fuller explanation of methadone procedures, including its successful application, were presented.

THE SEEKERS

Year: 1967.

Audience: Jr., sr. high; suburban.

Producer: Myron Solin for the New York State Narcotics Addiction Control Commission.

Source: Benchmark Films, Inc., 145 Scarborough Rd., Briarcliff Manor, New York 10510.

Rental: $40.00.

Purchase: $390.00.

Details: 31 minutes, color, 16 mm., sound.

Synopsis.—Former drug users and drug addicts who are members of Encounter, an organization which uses a group therapy approach to drug abuse, discuss their experiences with drugs. In conversations among themselves, with a group of high school students, and with several "hippies," they attempt to understand reasons behind drug use. One of the girls expresses fear about having children due to possible chromosome damage from taking LSD; she consequently has a blood test and a physician briefly describes the type of genetic damage LSD may cause. The discussions result in a strong feeling shared by the ex-addicts that drugs are only a "cop-out" and provide no answers to the problems of living.

General evaluation of the film.—Any message that the ex-drug addicts in this film have for non-drug users is lost in the film's technical style. The discussions lack credibility because they appear to be staged, particularly the meetings with the high school students. The ex-addicts talk about their drug experiences in a superficial manner. The continual change in scenes is confusing and detracting. The film is too long.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It makes a good effort to understand the reasons behind drug use. However, because it gives inadequate information about such factors as dosage, pattern of use, or the individuality of the user, the film leaves the wrong implication that drugs cause these problems rather than the abusers themselves.

Some unqualified references give inaccurate impressions about drugs. One ex-addict generalizes about her physical condition while she was an addict: her "liver and kidney were wrecked," her hair fell out, her teeth rotted. This description incorrectly implies that drugs were the direct cause of the effects. The discussion on LSD damage to chromosomes needs further qualification. Data exists which suggests that LSD does not inflict chromosome damage and this is not incorporated in the discussion.

SKEZAG

Year: 1970.

Audience: Jr., sr. high (some), college, adult; all economic classes.

Producer: Joel L. Freedman and Philip F. Messina.

Source: Cinnamon Productions, Inc., 508 Broadway, New York, N.Y. 10012.

Rental: Open.

Purchase: Open.

Details: In 2 versions, 33 minutes, 16 mm., and 71 minutes, 16 mm. and 35 mm. color, sound. Won Gold Medal Special Jury Award at the Atlanta International Film Festival, 1970.

Synopsis.—The bulk of this documentary film was shot over a period of 10 hours during which Wayne, a 21-year-old Black living in New York City, talks at length about a variety of topics, including the Vietnam war, his use of heroin, why he won't become addicted, his attitude towards his mother, his friends and the white race. During the conversation, two friends drop in and the three "shoot-up" heroin. In the final portion of the film, which was made four months later, Wayne is preparing to leave New York. His physical deterioration and depressed attitude show a marked change in contrast to his former confidence in his ability to use heroin without becoming addicted.

The filming technique is informal. The filmmakers are sometimes shown during their interviews with Wayne, asking questions, sharing jokes, or holding microphones.

General evaluation of the film.—(NOTE: The panelists viewed the long version.) Wayne's tragedy is both alarming and believable. The film is credible because its inherent message is delivered in a non-theatrical way. The camera simply records a portion of life passing before it. The result is an authentic, convincing testimony of one individual's tragedy with heroin.

The film is too long; Wayne's conversation at times adds little to his character portrayal and nothing to what the film is revealing about drugs. The film contains profanity which may determine which audiences will view it.

Evaluation of scientific accuracy.—The film cannot be faulted scientifically. Much of its information does not deal with actual drugs or drug effects. The scene of Wayne "four months later" is very real and dramatic.

SPEEDSCENE: THE PROBLEM OF AMPHETAMINE ABUSE

Year: 1969.

Audience: Jr., sr. high; all economic classes; medical audiences.

Producer: Medi-Cine Films.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $15.00.

Purchase: $210.00.

Details: 17 minutes, color, 16 mm., sound.

Synopsis.—Interviews with speed users interspersed with statements from medical authorities present evidence against the use of amphetamines except for medical purposes. The physical dangers of hepatitis, malnutrition, and death are discussed. Psychological problems, which often are part of the life style of the speed culture, and the user's inability to deal with his environment are also discussed.

General evaluation of the film.—The film effectively demonstrates the results of chronic misuse of speed. The factual information related by the physicians adds authenticity although the scientific nature of their comments at times requires augmentation for lay audiences. The film tends to overemphasize the dramatic elements in speed use. The users portrayed in the film do not represent individuals who use speed on occasion, either for pleasure or for help in performing a job. The continual change in scenes is detracting.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. Limiting the scope of the film to amphetamines is helpful. The overall discussion presents valuable information.

However, the information at times confuses the occasional use of amphetamine taken orally and the chronic use of methaphetamine by injection. This confusion ignores the importance of the dosage level and the route of administration of the substance. An implied message—"speed kills"—is acceptable in the context of speed taken in massive doses over a long period of time; however, it is misleading to imply that death is the inevitable result of occasional uses of amphetamines. The narration which accompanies the laboratory experiment with mice incorrectly implies that the animal's death is due to injections of amphetamines.

THC—THE CHEMSTRY OF MARIJUANA

Year: 1968.

Audience: Sr. high, college, adult; especially students and professionals.

Producer: KCET—Los Angeles.

Source: Field Services Dept., Audiovisual Center, Indiana University, Bloomington, Ind. 47401.

Rental: $5.50.

Purchase: $125.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synopsis.—This film records an experiment at the Palo Alto Veterans Hospital which explores the physiological and psychological effects of marijuana on a volunteer subject, a young male graduate student. He is orally given the "equivalent" of three marijuana cigarettes and at timed intervals is asked to report how he feels and to perform certain tasks. The physician who is working with the subject says the experiment is designed to "settle the dispute" as to how dangerous marijuana is.

General evaluation of the film.—Showing the effects of marijuana on one person's behavior is informative and should help dispel certain myths about marijuana's potential harm. The film is low keyed; it does not try to change attitudes about marijuana use but presents the results of a controlled laboratory experiment.

The results of the experiment would be more meaningful if more than one subject were involved. It would also be helpful if the film noted that the subject's reactions are possibly controlled by the fact that he is in a laboratory setting and that he is a graduate student who has insight into behavior that average marijuana users do not have. The pleasurable effects of marijuana, as depicted in the film, might stimulate experimentation in viewers who have not tried the substance. The film would benefit from editing; it is repetitive and long.

Evaluation of scientific accuracy.—The film is scientifically accurate; however, several statements and procedures need qualification if they are not to be misleading. The film is mis-titled because the experiment demonstrates the pharmacology rather than the chemistry of THC. The information does not make clear that THC is the main psychoactive ingredient in marijuana and that other active ingredients are also found in the substance. Referring to the dose of marijuana given in the experiment as the equivalent of three marijuana cigarettes is meaningless because it does not consider the varying strengths of marijuana. Nor does the reference adequately emphasize differences in individual reactions to marijuana, the importance of setting and how the substance is administered. The film does not emphasize that the experiment results in an individualized response, but rather implies that this is "the effect" of marijuana use. The techniques used in the experiment are not always objective; the subject is often asked leading questions.

THREE

Year: 1968.

Audience: Sr. high, college, adult; all economic levels.

Producer: John Sughnuet and Company.

Source: Benchmark Films, 145 Scarborough Rd., Briarcliff Manor, N.Y. 10510.

Rental: $30.00.

Purchase: $300.00.

Details: 51 minutes, black/white, 16 mm., sound.

Synopsis.—The "three" include Johnnie, a 19-year-old who has been a successful drug pusher; Tony, a middle-aged electronics expert; and Bart, an accomplished advertising art director. They meet in a New York state rehabilitation program for drug addicts where, in group therapy sessions, they relate individual experiences of heroin addiction. With other members of the rehabilitation program, the three prepare to move into a new halfway house for drug addicts in a nearby community. The final scenes reveal violent hostilities expressed by residents of the community toward the addicts.

Actors play the parts of the addicts; the stories are composites of actual cases.

General evaluation of the film.—The film effectively points out that drug addiction can affect people from varying backgrounds, ethnic groups and ages, and that rehabilitation is possible. The ending is valuable for promoting discussions about society's attitude toward addiction and drug addicts. The film is entertaining, although at times too melodramatic.

The plot over-emphasizes the addict's individual weaknesses as a cause of his addiction because it does not take into consideration outside social factors which undoubtedly play an important role in addiction. The film thus implies that addicts are weak individuals who simply have to gain control of themselves in order to be cured. The film is dated since it includes the chairman of the New York State Narcotic Control Commission who is no longer in that position; it is also too long.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It contains no factual misinformation on drugs although it tends to over-emphasize "escape" as the prime motivation for drug use and to place all blame for addiction on the drug itself.

TRIPPING

Year: 1970.

Audience: Jr., sr. high; suburban.

Producer: Filmfair Communications.

Source: Filmfair Communications, 10946 Ventura Blvd., Studio City, Calif. 91604.

Rental: $20.00.

Purchase: $225.00.

Details: 15 minutes, color, 16 mm., sound; companion to the film "Rapping"; with teaching manual.

Synopsis.—The students who discussed reasons for using drugs in "Rapping," a companion film, attempt in this film to find some "positive alternatives" to drug use through communication with each other. Under the direction of the leader, Dr. Anthony Rose, the group demonstrates a series of Gestalt sensory awareness exercises which include verbal and non-verbal communication. They talk to each other "back-to-back" and practice "eye" and "hand" communication. The experience makes most of the participants feel happy, arouses mixed emotions in a few.

General evaluation of the film.—The film's purpose is unclear. If it is designed to show what happens to some students in the exercises it demonstrates, it is ineffective since we know very little about the students and do not identify with individual personalities. On the other hand, if a recreation of their experiences is the final goal, this is something which must be done carefully, with skilled supervision, and with more guidance than the film provides. The "alternatives" which the students experience appear superficial and staged. The participants do not convince the viewer that they believe in what they are doing.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds since it presents no information on drugs. It is an interesting film on Gestalt therapy which relies on the teacher's guide or professional interpretation if it is going to provide serious thought.

YOU CAN'T GROW A GREEN PLANT IN A CLOSET

Year: 1969.

Audience: College, adult; professional groups.

Producer: Roy Nolan Productions.

Source: Zip Film Distributing Company, 2220 B. Bridgeway, Sausalito, Calif. 94965.

Rental: $25.00 black/white; $30.00 color.

Purchase: $375.00 black/white; $425.00 color.

Details: 52 minutes, black/white or color, 16 mm., sound.

Synopsis.—This film records portions of the National Marijuana Symposium held March, 1968, at the University of California Medical Center in San Francisco. The symposium was designed to answer questions about marijuana such as whether or not it is a narcotic, whether it leads to heroin addiction, what laws control it, and what barriers exist to further research on marijuana. Most of the speakers agree on some basic issues: marijuana is legally mis-classified; this misclassfication results in overly-harsh penalties for abusers and "manufactures criminals" out of otherwise innocent people; factual information about marijuana is suppressed from the public; overaction to marijuana use is frequent on the part of legislators and parents.

The participants, made up of psychologists, medical doctors, sociologists, criminologists and writers, include Joel Fort, M.D., David E. Smith, M.D., Price Cobbs, M.D., and James Carey, Ph.D.

General evaluation of the film.—This film uses knowledgeable scientific authorities to present valuable, broad-based information on marijuana. The speakers have had direct experience with drugs or with drug users. It should be noted that the speakers share a similar liberal bias about marijuana issues and the film therefore does not present a balanced view. For example, many of the speakers would, if they don't in the discussion, advocate legalization of marijuana. Some humor in the presentations adds interest, but in spite of this, the film is too long.

Because of its technical nature, the film is particularly suited for professional audiences.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds. Most of the information is presented, as it should be, as opinions and personal viewpoints of qualified individuals with experience.

[Other Audiovisuals Rated "Scientifically Acceptable" (includes filmstrips, slides, transparencies, recordings)]

A DOCTOR ANSWERS YOUR QUESTIONS ABOUT DRUGS

Medium: Recording.
Year: 1970.
Audience: Parents; suburban.
Producer: Bernard V. Dryer, M.D.
Source: Media Medica, Inc., 555 Fifth Avenue, New York, N.Y. 10017.
Rental: Not available.
Purchase: $2.00.
Details: 20 minutes, 33⅓ rpm.

Synopsis.—Bernard V. Dryer, M.D. answers questions commonly asked by parents about drug use. The discussion covers marijuana, pep pills, and sleeping pills, heroin and LSD. Dr. Dryer says marijuana is a potentially harmful drug which can be "psychologically addictive." He distinguishes "hard" drugs from "soft" drugs, defines overdose, tolerance, and hashish. Dr. Dryer advises parents to "keep their cool" if their children are using drugs. As preventive measures against drug abuse, parents should evaluate their own pill-taking habits, and be ready and available to communicate with their children.

General evaluation of record.—The discussion tries to cover both factual information and general advice on parental attitudes and the result is a compromise in both areas. Too many facets of drug abuse are covered for any area to be meaningfully developed. The value of the "factual" information is questionable because much of it is overgeneralized or based on opinions. The narrator offers some valuable advice to parents about their children and drugs, but its impact is lost in the medium of a recording.

Evaluation of scientific accuracy.—The record is scientifically acceptable. There is a good emphasis on individual responses to drug use, the variety of motivations behind drug use and the varied sources of help available. The advice about approaching drug use with reason rather than panic is noteworthy.

However, the narration uses speculative facts and opinions which give incorrect impressions about drug effects: "One out of ten marijuana users goes on to other drugs." "Heroin is a killer." LSD use means a "wild loss of reality." The statement that "marijuana does not automatically make you an addict" implies that marijuana often leads to heroin. The terms "psychologically addicting" and "hard and soft" drugs have questionable educational value.

DRUG ABUSE, VOLUME I

Medium: Recording.
Year: 1969.
Audience: Sr. high, college.
Producer: Gaudenzia House with Frederick Glaser, M.D.
Source: Medi Disc, Benjamin Fox Pavilion, Rm. 700–25, Jenkintown, Pa. 19046.
Rental: Not available.
Purchase: $1.25 plus 50c mailing charge.
Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—Dr. Frederick B. Glaser, Assistant Professor of Psychiatry at Temple University Medical School, Philadelphia, Pennsylvania, relates possible reasons why students are predisposed to drug use and why these may or may not be valid reasons for trying drugs. He discusses the stress often associated with students' lives, their curiosity, their desire to develop close relationships with others, and their wish to be more creative. Dr. Glaser says the most serious danger students risk with drugs is the arrest of personality growth which excessive drug use can bring.

On side two, Robert "Bob" Borriello, a 22-year-old ex-addict, recalls that a desire to be respected by his peers encouraged him to try drugs. He says drug users who think they are rebeling against society are only playing into society's hands because, by "copping out" with drugs, they provide no real alternatives.

General evaluation of the record.—The information on the record might be of value to research or special study groups who are interested in individual viewpoints on particular aspects of drug abuse. For most audiences, however, the material is unimaginative, dull and has little impact.

Evaluation of scientific accuracy.—The information cannot be faulted on scientific grounds if it is presented as opinions of two individuals rather than facts. Many of Dr. Glaser's theories are stated without qualification and may be incorrectly interpreted as being accepted views of the scientific community. For example, he says "Rebellion is a must" in the process of growing up, and "Growth would not occur without novel experiences." In his remarks, Dr. Glaser overgeneralizes by referring repeatedly to "drugs" without giving adequate qualifications regarding specific drugs, dosage, and the circumstances of their use.

The comments by Robert Borriello must also be presented as one ex-addict's opinions, not as accepted facts. His opinions are open to misleading interpretation if accepted as "typical" reactions to drug use. For example, he says "When you're high on pot, you can only tune in on one thing at a time," a statement which presents one person's experience but which sounds like a universal reaction to marijuana.

It would be helpful if clearer lines were drawn between Dr. Glaser's suggested reasons for drug use and Bob's suggested reasons.

DRUG ABUSE, VOLUME II

Medium: Recording.
Year: 1969.
Audience: Sr. high, college.
Producer: Gaudenzia House with Frederick B. Glaser, M.D.
Source: Medi Disc, Benjamin Fox Pavilion, Rm, 700–25, Jenkintown, Pa. 19046.
Rental: Not available.
Purchase: $1.25 plus 50¢ mailing charge.
Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—On side one Bob Borriello, an ex-addict, tells Frederick B. Glaser, M.D., how he became a drug addict. He discusses family and neighborhood influences and problems related to his search for identity. On side two, Bob tells Dr. Glaser how he overcame his drug habit at Daytop Village. In a structured setting he was no longer able to rely on his old excuses for taking drugs, but was forced to act on his problems.

General evaluation.—The record can be useful for those who want, and don't have, the opportunity to interview an ex-addict. Bob's rehabilitation experiences might also be helpful for addicts. Unfortunately, the material is unimaginative and tends to be repetitive and dull.

Evaluation of scientific accuracy.—The information cannot be faulted for scientific inaccuracies because it recalls one ex-addict's experiences. Bob's opinions as to why he became an addict can be useful information but should be presented only as opinion and the experience of one individual.

DRUG ABUSE, VOLUME III—DRUGS WON'T GET IT, PEOPLE WILL

Medium: Recording.
Year: 1970.
Audience: Sr. high, college.
Producer: Gaudenzia House with Frederick B. Glaser, M.D.
Source: Medi Disc, Benjamin Fox Pavilion, Rm. 700–25, Jenkintown, Pa. 19046.
Rental: Not available.
Purchase: $1.25 plus 50¢ mailing charge.
Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—Frederick B. Glaser, M.D. and three ex-addicts who are residents of Gaudenzia House examine drug abuse as a symptom rather than a problem in itself. The ex-addicts recall feelings they had which led them to drug abuse and comment on the expectations parents and teenagers have of each other and the problems which result.

General evaluation of record.—The discussion among ex-addicts is not very meaningful because the conversation takes no particular direction. Few stimulating questions are asked. There is no interest device in the discussion to stimulate the listener.

Evaluation of scientific accuracy.—The material cannot be faulted for scientific inaccuracies since it presents a recall of experience of former addicts, and concentrates on their attitudes rather than actual drug experiences. It does provide a ready basis for overgeneralization by naive listeners.

DRUG ABUSE EDUCATION AND INFORMATION SLIDE RESOURCE KIT

Medium: Slides.
Year: 1970.
Audience: Jr., sr. high, college, adult; all economic classes.
Producer: Bureau of Narcotics and Dangerous Drugs for the American Pharmaceutical Association.
Source: Rental: BNDD, 1405 I Street, N.W., Washington, D.C. 20537; or APhA, 2215 Constitution Avenue, N.W., Washington, D.C. 20037; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.
Rental: Free.
Purchase: $55.00. Also available in sections.
Details: In 8 sections, 165 slides, color, 35 mm.; with printed captions.

Synopsis.—The eight sections in the kit are color-coded to match cards with brief captions for the individual slides. The section titles include the following: "The History of Drug Abuse"; "Drug Abusers' Propaganda" (illustrates material advocating drug abuse; this section is intended for professional and adult audiences); "Drugs of Abuse"; "Drugs and Your Body" (reviewing the effects of drugs on the body, this section is designed for secondary school audiences); "U.S. Bureau of Narcotics and Dangerous Drugs" (describes the duties and responsibilities of the Bureau); "Rehabilitation and Treatment Centers"; "Drug Abuse Education Material" (reviews publications, films, audiovisual programs and posters on drug abuse available to the public); and "Drug Abuse Education Programs and Councils" (reviews task forces, committees, and councils, and describes a few local programs).

The kit is designed to supplement other presentations on drug education with basic information on various aspects of drugs. Individual slides are intended to be used according to various audience levels and interests.

General evaluation of the material.—The kit presents specific and carefully researched information on drugs in a well-organized form. It has a varied use because different sections can be used with different audiences. If presented as a supplement to other information and/or activities, and if used over a period of time rather than in one or two long sessions, the material will command a high interest-level. The kit can be updated easily by replacing slides or captions.

Evaluation of scientific accuracy.—The kit is scientifically acceptable; however, it omits some information which makes certain sections inadequate or oversimplified. For example, no reference is made in the narration to tobacco or alcohol. The section on "Drugs and Your Body," which describes drug effects, oversimplifies its description of drug actions. The narration does not include dosage or patterns of use in its slide captions.

DRUG INFORMATION SERIES—NARCOTICS

Medium: Filmstrip.
Year: 1970.
Audience: Jr., sr. high, college and adults; all economic levels.
Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20,00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—"Narcotics" is one of four drug filmstrips in the Drug Information Series. The filmstrip identifies drugs in the narcotic family: opium and its derivatives (morphine, codeine and heroin), and the synthetic narcotics. It focuses on the life style of the heroin addict. Comments from medical authorities and ex-drug users cover reasons why people begin experimenting; methods by which the drugs are taken; what the term "hooked" means; how tolerance for narcotics is developed; how the illegal market results in high prices and often an impure product; and why the heroin user is endangered by overdose and poisoning. An ex-addict describes how he "kicked" his habit. Various treatment methods are discussed including specific programs which use encounter therapy or treatment with synthetic drugs.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The narration, photography and objective presentation of the information in this filmstrip all contribute to its overall quality. The use of different ethnic groups makes the material useful to a wide range of audiences.

Evaluation of scientfic accuracy.—The data in the filmstrip is scientifically acceptable with a few exceptions: a reference to the number of heroin-caused deaths is not fully documented with the proper locale; the drug chart at the end of the filmstrip refers to duration of drug effects without indicating dosage or routes of administration.

The filmstrip does, however, present good, up-to-date information on treatment approaches and the need for a variety of approaches.

DRUG INFORMATION SERIES—PSYCHEDELICS

Medium: Filmstrip.

Year: 1970.

Audience: Sr. high, college, adults.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 12 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of four drug filmstrips in the Drug Information Series. The program on psychedelics begins by naming various types of psychedelics or hallucinogens, including peyote, mescaline, psilocybin and LSD. (Marijuana is referred to as having hallucinatory effects, but in this series it is included in the filmstrip on sedatives.) Interspersed with comments from a young couple about their experiences with LSD are comments from physicians and psychologists who discuss the perceptual changes and mood alterations which the psychedelics produce. The effect an individual's personality and his immediate surroundings will have in determining what kind of "trip" he will experience is discussed. Other points include the problem of "flashbacks" for those who have had a bad trip, the possibility of long-term chromosomal damage, the legal penalties involved for sale and possession of these drugs, and the uncertain chemical nature of the black market psychedelics.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The combination of the excellent photography and the narration by medical authorities and LSD users makes this filmstrip one of the better materials available on psychedelic drugs. The narration's unemotional, unmoralizing tone contributes to the material's quality.

The filmstrip over-emphasizes the negative aspects of LSD and would be improved if it mentioned current legitimate research with LSD.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable with a few exceptions. Reference is made in the narration to evidence that LSD "causes permanent damage" genetically. In view of the fact that most objective observers consider that evidence of genetic damage is at present inconclusive, this reference gives incomplete information. A comment from a medical authority who refers to LSD producing a "very specific regressive phenomenon" implies a universal response rather than one limited to a portion of LSD users. The drug chart which appears at the end of the filmstrip refers to the "duration of effects" of various psychedelic drugs without taking into consideration the dosage of the drug or how it entered the body, factors which bear heavily on the duration of a drug's effect.

DRUG INFORMATION SERIES—SEDATIVES

Medium: Filmstrip.

Year: 1970.

Audience: Jr., sr. high, college, adult.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 14 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—The filmstrip on sedatives is one of four drug filmstrips in the Drug Information Series. The information presented on sedatives covers alcohol, barbiturates and marijuana. Medical authorities and drug users discuss who uses barbiturates and why, and what problems can result from continued use. Comparison is made between barbiturates and alcohol use, and the dangers of using the two simultaneously is discussed. "Physical dependence," "psychological dependence," "tolerance" and "withdrawal" are defined. In the discussion on marijuana, the difference between hashish and marijuana is explained. Interviews with marijuana users relate the effects of the drug. A medical authority says more research is needed to determine whether marijuana has the potential to cause physical harm to the body.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—This is an informative, unbiased presentation on sedatives which is supported with excellent photography. The comments from a variety of drug users add much to the filmstrip's entertaining qualities. The setting of many of the frames and the language of the experimenters make this a credible material.

Evaluation of scientific accuracy.—The information presented in the filmstrip is scientically accurate. The different types of sedatives are presented with good perspective. The material's emphasis on alcohol strengthens the discussion.

In the narration, inappropriate reference is made to drug effects without accounting for the dose or the route of administration. This is particularly true in the drug chart which appears at the end of the filmstrip. An exception to this oversight is the discussion on alcohol which mentions specific dosages when describing effects. The comments on marijuana rely on the "unknown" effects of marijuana to imply that dangers exist with its use. The statement "hooked" on marijuana is used, a contradictory term since it usually refers to addictive drugs.

DRUG INFORMATION SERIES—STIMULANTS

Medium: Filmstrip.

Year: 1970.

Audience: Jr. and sr. high, college, adult.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 11 minutes, color, 35 mm., sound (record or cassette), with discussion guide.

Synopsis.—The filmstrip on stimulants is one of four drug filmstrips in the Drug Information Series. This filmstrip examines the broad range of stimulants used daily in our society—from caffeine and nicotine to cocaine, amphetamines and methamphetamine ("Speed"), but it concentrates on "speed" and the life style of the chronic "speed" user. Comments from the narrator, physicians and drug users cover the effects of "speed" on the user's body as well as on his personality. The problems often involved with use of "speed" are discussed, such as infection from dirty needles, "crashing," building a tolerance and malnutrition. Reference is made to the phychological problems which often accompany the physical deterioration in chronic "speed" users. The discussion covers the legal controls and legitimate uses of amphetamines, and points out the difference between amphetamines and anti-depressants.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The information is presented in an objective, informative and professional manner. The specific information contained in the narration, along with the credible interviews with drug users, make the filmstrip both educational and entertaining. The material is timely and will probably not be dated soon.

One distracting factor is the picturing of brand name drugs.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable; however, it contains a few inaccuracies concerning drug effects. The narration says caffeine, unlike most other stimulants, does not produce a tolerance. This ignores the tolerance experienced by many coffee drinkers. The mode of action of cocaine as an anesthetic is inaccurately described as constricting the blood vessels of the skin. The chart which ends this filmstrip refers to the duration of effects of stimulants without mentioning the dosage. The chart also classifies Ritalin as an anti-depressant. When abused, Ritalin's action is basically that of a central nervous system stimulant.

DRUGS AND THE BODY

Medium: Transparencies.

Year: 1969.

Audience: Intermediate.

Producer: DCA Educational Products, Inc. with the Food and Drug Administration.

Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.

Rental: Not available.

Purchase: $61.35.

Details: 21 transparencies, color; with teaching manual.

Synopsis.—The cartoon transparencies emphasized basic concepts about general drug use including respect for drugs. the importance of following a physican's directions for

prescribed drugs or the manufacturer's directions for over-the-counter drugs, and the danger of using two drugs simultaneously without medical supervision. Drugs are discussed in relation to the portions of the body they are designed to treat, such as drugs for the endocrine glands, drugs for the muscular system and drugs for the circulatory system.

General evaluation.—The program contains basic information which may be valuable at an elementary level but the transparencies are uninteresting and require an imaginative teacher or leader. References to specific substances such as depressants, anticoagulants and vasoconstrictors is overly-technical for elementary students. At the same time, the graphic style and the fact that much of the information is elementary makes the material unsuitable for a higher-aged group.

The information does give appropriate emphasis to the need for using good sense when dealing with drugs.

Evaluation of scientific accuracy: The material is scientically acceptable with a few exceptions. One of the transparencies refers to phenacetin, a substance no longer used in over-the-counter drugs. More recognition is needed of individual differences and other non-drug factors which affect drug response.

The information places a good emphasis on dosage.

DRGUS: FRIEND OR FOE?

Medium: Filmstrip.

Year: 1970.

Audience: Kindergarten through third grade.

Producer: Marsh Film Enterprises.

Source: Marsh Film Enterprises, 7900 Rosewood Drive, Shawnee Mission, Kansas 66208.

Rental: Not available.

Purchase: $15.00 with record; $18.00 with cassette.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with teaching guide.

Synopsis.—Richard E. Davis, M.D., leads a discussion on drugs with a group of elementary children whose spontaneous comments are included in the filmstrip. The discussion is designed to create an awareness of the benefits of proper drug use and a knowledge of the dangers of drug misuse. Among the questions Dr. Davis asks the children are these: "Why should we take care of our bodies?" "Can drugs prescribed by a doctor be abused?" "What should you do if you take medicine by mistake?" "Why should we throw away old drugs?"

The brief teaching guide which accompanies the filmstrip identifies vocabulary used in the program which may be new to children and lists selected supplementary material for teachers and parents.

General evaluation of the filmstrip.—This is a good teaching tool for the specified audience because the discussion is specific, to the point and uses suitable language. The question and answer approach is used to its best advantage to convey the information in an entertaining, informative way. Another good quality is the general tone of the doctor's discussion which is kindly and not preachy. The filmstrip's concentration on one basic theme is another strong point.

Some of the frames are unimaginative and repetitious. The program will be best utilized if supplemented with additional information and activities.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable. It presents good information and encourages "respect" for drugs and the care of the human body.

The narration includes an inaccurate reference to antibiotics as a remedy for colds.

DRUGS IN OUR SOCIETY—ALCOHOL: DECISIONS ABOUT DRINKING

Medium: Filmstrip.

Year: 1968.

Audience: Jr. and sr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in the series Drugs in Our Society. The filmstrip reviews the discovery and early uses of alcoholic beverages and discusses alcohol's chemistry and psychological effects. Tolerance, dependence, damage from chronic alcoholic use and alohol as a social instrument are also discussed.

General evaluation of the filmstrip.—The impact of important scientific information is lost because the material is overly-technical, too lengthy and weighted with the message that all drinking is bad and will lead to accidents, crime, alcoholism or fatal diseases. If the data were closer related to issues of social drinking rather than chronic alcohol abuse, the filmstrip would be more relevant. The photographs date the material and generally are not attractive or entertaining.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable. Recognition is given to individual differences in response to alcohol use and the relation of dose to response. The filmstrip presents a good review of alcohol's psychological effects.

The narration mistakenly says alcohol is not physically addicting. The alcoholic concentration in the blood depends not only on the physical size of the drinker, as the filmstrip states, but also on his age and the amount of food he has recently consumed. The material tends to overemphasize an association between alcohol use and crimes, violence and traffic accidents.

DRUGS IN OUR SOCIETY—TOBACCO: THE HABIT AND THE HAZARDS

Medium: Filmstrip.

Year: 1968.

Audience: Intermediate, jr. and sr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 13 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This filmstrip is one of six in the series entitled Drugs in Our Society. The information on this filmstrip includes a historical review of the practice of smoking, including its recently recognized dangers, and a review of the respiratory tract and the body's protective devices. The discussion covers tobacco-related diseases, the chemical composition of smoke and nicotine, and the smoking habit.

General evaluation of the filmstrip.—The material presents accurate, well-documented information which is important for many age groups. The combination of photographs and cartoons makes it useful for audiences spanning a wide age range; however, its emphasis on technical language will be confusing for younger children. The pace of the filmstrip, some of the illustrations and the narrator's monotone voice, detract from the effectiveness of the material.

The filmstrip says the decision to smoke is an individual one. Its information, however, is slanted against smoking. The narration should admit its bias in the beginning, and then proceed to support its viewpoint. It would be helpful if the information on aids for the smoker who is trying to stop were discussed more completely.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable and presents valuable information about smoking and health.

In the discussion of the hazards of smoking, the references imply that smoking is the sole cause of some of the diseases mentioned, such as emphysema and lung cancer. Statistical comparisons between occurrences of such diseases between smokers and nonsmokers would be useful.

HEALTH EDUCATION SERIES—DRUGS

Medium: Filmstrips.

Year: 1969.

Audience: Intermediate, jr. high.

Producer: D. C. Heath and Company.

Source: D. C. Heath and Company, 2700 N. Richardt Avenue, Indianapolis, Ind. 46219.

Rental: Not available.

Purchase: $200.00.

Details: Set of 10 filmstrips with 10 records, color, 35 mm., sound; with teacher's guide.

Synopsis.—The filmstrips, composed of photographs and cartoons, are available as a set with a teacher's guide and student "score sheets" which correspond to the multiple choice questions posed throughout the narration. The introductory filmstrips presents an overview of drug abuse problems, notes similarities between the drugs which are covered in the series, and discusses factors which influence short-term and long-term responses to drugs. The introduction also covers legal controls over drugs and individual responsibility in making decisions about drug use. The filmstrips on the various drugs (barbiturates, amphetamines, marijuana, LSD, LSD-type drugs and narcotics) cover such topics as legitimate uses of the drugs, short-term and long-term effects, a survey of the drugs' general uses or abuses, and factors young people should consider when making decisions about drug use. The final two filmstrips review the previous material and discuss drug use from the viewpoint of student interest and concerns.

General evaluation of the material.—The series presents much valuable information on drugs. The material is basic, unbiased and up-to-date. Unfortunately, the filmstrips are slow-paced and uninteresting. The material tends to become dull because the same format—information interspersed with questions and answers—is followed for the entire series. The unimaginative style makes the series too simplistic for most teenagers although the information is appropriate for them. The set has potential use as a supplement to other material.

Evaluation of scientific accuracy.—The material is scientifically acceptable. Overall, the series presents information on drugs with a good perspective. It recognizes non-drug factors when describing drug effects. It places alcohol in a logical context and gives good definitions of psychological dependence, tolerance and physical dependence.

The narration mistakenly says that "any drug can be habit forming," and that the major effect of some drugs discussed is an "alteration of the mind," an observation which does not consider a dosage factor. The statement that one-half of all amphetamines and barbiturates which are legitimately manufactured go into illicit drug channels is exaggerated. The material does not fully distinguish between major and minor tranquilizers.

HOW SAFE ARE OUR DRUGS?

Medium: Transparencies.

Audience: Elementary, intermediate.

Producer: DCA Educational Products, Inc. with the Food and Drug Administration.

Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.

Rental: Not available.

Purchase: $54.75.

Details: 22 transparencies, color; with teaching guide.

Synopsis.—The material defines "drugs" and discusses why marketed drugs are regulated for safety. The processes of the Food and Drug Administration's pre-marketing approval of a new drug and the preparation of essential labeling information is outlined. Some information is presented about those responsible for the safety of a drug product.

General evaluation of the material.—The information will be useful only to those who wish to know about some of the FDA's functions. The transparencies are ineffectual and not likely to communicate much useful information to a general audience.

Evaluation of scientific accuracy.—The information is scientifically acceptable although a reference to FDA approval to all new types of marketed drugs is unclear. The reference should indicate that the approval is granted to a particular drug, not to every individual batch of that drug manufactured, except for certain classes which should be mentioned.

LET'S TALK ABOUT DRUGS

Medium: Filmstrip.

Year: 1969.

Audience: 9 and 10-year olds; all economic classes.

Producer: Multi-Media Productions, Inc.

Source: Multi-Media Productions, Inc., 580 College Avenue, Palo Alto, Calif. 94306.

Rental: Not available.

Purchase: $49.50.

Details: In 2 parts, 36 minutes, color, 35 mm., sound (records); with teaching guide.

Synopsis.—The guide which accompanies the program lists five questions which form the core of the program: "What is a drug?" "Why are drugs different from other things taken into the body?" "What kinds of drugs are there?" "Why do people take drugs?" and "What do drugs do?" The subject of drug use is introduced with a discussion of how people differ and how their emotional and physical needs, as well as the ways they choose to satisfy those needs, will vary. In its definition of a drug, the program reviews the basic biochemical process by which drugs cause changes. A wide variety of drugs is discussed, including coffee and tea, medicinal and mind-altering substances. The kinds of effects that result from drug groups whose action is depressant, stimulant or a combination of these are discussed. Variable factors which determine effects are discussed, including the dosage, the setting, the reason for taking the drug, and individual biochemical differences.

One of the two records, designed for teachers or parents, interviews Sanford J. Feinglass, Ph.D., who is consultant to the project. In the record Dr. Feinglass talks about the objectives of drug education, teacher training, the role of the students and evaluation of the drug program. The guide for the program includes the complete script, suggested teacher readings and discussion topics.

General evaluation of the filmstrip.—Several factors help make this program effective. The information is sectioned so that the program can be viewed in intervals, allowing time for integrated discussions and flexibility for using the program over an extended period of time. The filmstrips use multi-ethnic groups which add authenticity to the scenes. The information is presented in an objective, low-keyed manner, which does not preach at children but urges them to make their own decisions about drugs.

The narrator's voice tends to become monotonous. The photography in some of the frames is of poor quality and detracts from the program's effectiveness.

Evaluation of scientific accuracy.—The data in the film is scientifically acceptable. The material presents a good perspective of drugs and their effects.

The discussion on dosage, while accurate, tends to confuse potency of drug preparation with dose. The narration incorrectly states that "All drugs can be habit forming."

LSD: THE ACID WORLD

Medium: Filmstrip.

Year: 1969.

Audience: Jr., sr. high; suburban.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, New York 10570.

Rental: Not available.

Purchase: $35.00 with record; $39.00 with cassette.

Details: In 2 parts, 34 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—In Part I, viewers share with an 18-year-old his feelings as he considers using LSD. He weighs comments from LSD users who describe their good and bad trips, medical authorities who discuss physical and psychological effects and a dealer who explains how LSD is processed and distributed. In Part II, the boy tries LSD at a party. He describes the first vivid sensations and later, his fears and confusions. Comments from physicians explain why LSD users sometimes panic.

General evaluation of filmstrip.—The information presents arguments which urge as well as discourage LSD use, with the idea of letting viewers make their own decisions, but the information is weighted with negative viewpoints. Some of the frames are attractive but too often they have little relationship to the narration. The filmstrip is too long; the second half in particular is repetitive and trite. The simulation of the boy's bad trip in the end is over-dramatized.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable; however, it contains some inaccuracies. Overgeneralized statements imply that marijuana use leads to LSD or that use of LSD leads to other drugs. Some unique, individual reactions to LSD use, as presented, imply that these reactions are common. An LSD user is quoted as saying he could not graduate from school because he used LSD three or four times a month. Describing LSD as an "atom smasher of the mind" and "psychologically addicting" is using misleading overgeneralizations. The information on chromosomal damage should be qualified since present data regarding LSD use and resulting chromosomal damage is inconclusive. References to Federal laws concerning LSD are dated. LSD is now controlled by the U.S. Bureau of Narcotics and Dangerous Drugs.

MARIJUANA: WHAT CAN YOU BELIEVE?

Medium: Filmstrip.

Year: 1969.

Audience: Sr. high, college, adults; suburban.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $35.00 with record; $39.00 with cassette.

Details: In 2 parts, 32 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—Part I is built around comments by David Smith, M.D., Medical Director of the San Francisco Haight-Ashbury Clinic. Dr. Smith defines marijuana use as a political-legal-cultural problem rather than a major health issue. He says marijuana neither enhances creativity, nor does it act like a narcotic. There is nothing in the pharmacology of marijuana that leads to any other drug, yet there is often a cultural association between it and other drugs. Dr. Smith explores the relationship of marijuana to other drugs, the legal restrictions on possession and sale of marijuana, and its impact on cultural and social youth norms. In Part II five teenagers relate some of their experiences with marijuana and other drugs. The five include a "head," an ex-user, a "social" smoker, one arrested for possession of marijuana and another who moved from marijuana to other drugs.

An accompanying discussion guide includes the script for both parts of the program, questions for discussion, a drug chart, a glossary and a bibliography.

General evaluation of the program.—Dr. Smith's discussion is rational and honest. His factual data is delivered without moralizing. The information should help clear confusion and misinformation on some issues of marijuana use. One criticism of the discussion is its length and its attempt to cover too much information. If it were better organized, a discussion leader could divided it into segments. The photos are interesting and attractive; however, some have little relation to the narration which accompanies them.

Part II is more entertaining than Part I because more people participate in the narration. The experiences related are interesting and bring out valid problems associated with marijuana use. While these experiences appear to be realistic, they are not representative of marijuana use in general because most of the situations recalled are unfortunate ones. If the young people did not have such negative viewpoints regarding marijuana use, their opinions would be more credible.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable. The program places a good emphasis on marijuana as a social issue rather than a drug issue. It also does an excellent job of discussing the variations of strength of marijuana and the roles the personality and environmental play in an individual's reaction to using marijuana.

The classification of marijuana as a "hypnotic-sedative" should be presented as an opinion held by some rather than a fact since marijuana contains a variety of active ingredients with varying types of pharmacological action.

THE PROBLEM OF DRUG ABUSE

Medium: Slides.

Year: 1970.

Audience: College, adults.

Producer: Pharmaceutical Manufacturers Association.

Source: Pharmaceutical Manufacturers Association, 1155 15th Street, N.W., Washington, D.C. 20005.

Rental: Not available.

Purchase: $15.00.

Details: 77 slides, color, 35 mm., with printed script.

Synopsis.—The introductory script reviews some of the reasons why people misuse drugs. The drugs discussed include deliriants (glue, gasoline, lighter fluid), hallucinogens (marijuana, THC, peyote, mescaline, LSD), stimulants (amphetamines, cocaine) sedatives (barbiturates, minor tranquilizers) and narcotics (opium, morphine, codeine, paregoric). The discussion covers the historical background of some of the substances, what legitimate uses they have, if any, how the drugs are taken into the body, how they affect the body, what dangers are involved, and what results can be expected from long-term abuse.

General evaluation of the slides.—The slides and script present specific, well-organized information on a variety of drugs and will be useful when technical information is desired. The slide medium offers the alternative of easily using certain slides or portions of the entire set for specific purposes. The set can be updated easily by replacing certain slides when necessary.

The program makes no attempt at being entertaining or dramatic, and tends to be uninteresting. Many of the slides add little to the narration. The frequency of the slides is uneven, with some slides appearing on

the screen only briefly. Because the information is technical, it is especially suitable for professional audiences. When shown to lay audiences, it should be presented by a competent leader.

Evaluation of scientific accuracy.—The program is scientifically acceptable; however, it presents implications which may be misleading. The discussion tends to perpetuate the idea that chemical substances in and of themselves cause certain reactions, without considering individual differences, dosage, or setting. The statement that an amphetamine "kick" will distort the concept of right or wrong needs qualification. Terminology for classification of some substances is questionable, such as labeling glue and solvents "deliriants" and marijuana as a hallucinogen. The script also refers to barbiturates as having a "completely opposite effect" on the brain from amphetamine action, a statement which could be disputed. NOTE: The Pharmaceutical Manufacturers Association reports that it has revised The Problem of Drug Abuse, incorporating the changes suggested in the above evaluation.

SCHOOL HEALTH EDUCATION STUDY—CONCEPT #9: USE OF SUBSTANCES THAT MODIFY MOOD AND BEHAVIOR ARISES FROM A VARIETY OF MOTIVATIONS

Medium: Curriculum with transparencies.
Year: 1968.
Audience: K–12 (Level III for jr. high—see synopsis).
Producer: School Health Education Study.
Source: 3M Company, Box 3100, 3M Center, St. Paul, Minn. 55101.
Rental: Not available.
Purchase: $35.00 per set of 20 visuals. The Concept #9 series contains a total of 19 sets; Level III contains 5 sets; Teaching-Learning Guides are $3.00 per level.

Synopsis.—This series is one of 10 concept areas in the comprehensive health education program known as the School Health Education Study. Each of the 10 areas is a complete kindergarten through twelfth grade curriculum which uses transparencies. "Use of Substances. That Modify Mood and Behavior" is based on the concept that an individual's behavior and mood may be modified if alcohol, tobacco, amphetamines, tranquilizers, coffee and similar beverages, hallucinogens, and other substances are used. The resulting changes may be harmful or beneficial. Many variables underlie the use of such substances, including social reasons, personal needs, psychological motives, and other pressures and circumstances.

The scientific review panel evaluated the total K–12 program for Concept #9; the communications review panel evaluated portions of the total program but concentrated on Level III (7th through 9th grades).

Level III deals with decisions about behavior which confront the early adolescent as he establishes himself as an individual growing into adulthood. The material for this level assumes that most young adolescents will try some substances that modify mood and behavior, particularly tobacco and some alcohol. It attempts to make the experimenter aware of the range and variety of modification that can result. The program places emphasis on why certain people might try drugs and on the reasons behind use, misuse, and nonuse, rather than on the nature of the substances themselves.

General evaluation of the program.—It is evidence that the total program has been carefully planned and professionally organized. One of its strongest points is its utilization of the "conceptual approach." Each idea studied is part of the total concept of health education; also, the behavioral concepts studied at one level have reinforcements at earlier and later levels in the curriculum. Another strong point of the program's organization is that it takes into account the individual differences of students and communities and provides flexibility so that teachers can work with the differences. Also important is the amount of student involvement in the program, in discussions and activities, and in the problem-solving techniques which the program incorporates.

The program's success will be determined by a teacher's creativity in presenting it, rather than by the transparencies which are a small portion of the total program. By themselves, the transparencies are undramatic and not likely to excite students. The drawings are more appropriate for a younger audience than the junior high age.

Evaluation of scientific accuracy.—The data is scientifically acceptable. In general the program is well-balanced. It gives a good perspective to alcohol, smoking and illicit drug use. It distinguishes between reasons for trying and reasons for continuing to use drugs. The program introduces the concept of "risk-benefit" as a value judgment. Due attention is paid to the influence of dose, individual variability in response to drugs, and the importance of social and cultural factors.

Several references to the legality of marijuana and heroin, while they do not make incorrect statements, may leave incorrect impressions. The teaching-learning guide for Level II states that marijuana is illegal "mostly because it has been seen as a 'stepping stone' to the use of heroin." The same guide later makes a statement, which is repeated in Level IV, that heroin is illegal because it has no medical use. This ignores the use of heroin in medical practice in other countries.

YOU GOTTA' EVEN OPEN YOUR EYES

Medium: Filmstrip.
Year: 1969.
Audience: Sr. high, parents; suburban.
Producer: Design Center Inc., for United Methodist Board of Christian Social Concerns
Source: Service Dept., Board of Christian Social Concerns, United Methodist Building, 100 Maryland Avenue, N.E., Washington, D.C. 20002.
Rental: Not available.
Purchase: $15.00 ($9.50 to church-related organizations).
Details: 20 minutes, color, 35 mm., sound (record), leader's guide.

Synopsis.—Donnie and Frannie, middle-class teenagers, relate the true story of how drugs (marijuana, LSD and heroin) became the center of their lives. Eventually Donnie is referred to a hospital for treatment; Frannie is arrested for selling drugs. The second portion of the filmstrip consciously evaluates the material's potential for communicating to young people about drugs. Discussions with the director of the filmstrip, with the two young people who play the roles of Donnie and Frannie, and with the actual Frannie and her mother, revolve around questions about why people use drugs, what it does to them, and how drug abuse can be prevented.

The filmstrip uses no professional actors. Some of the scenes are repeated in the film "Anything for Kicks."

General evaluation of filmstrip.—The filmstrip presents a good example of drug abuse in a middle-class, suburban setting. Frannie is able to describe her life on drugs in a realistic manner without glamorization. The filmstrip has good potential for promoting discussion. The photography is excellent.

However, the purpose of the filmstrip is unclear, in part because the format is confusing. The introduction lacks identification of the speakers and the setting. There is little continuity between segments of the filmstrip which involve different settings. At times it is hard to know who is speaking; is it the "real" Frannie, or the girl who plays Frannie? The sound is poor, making the speakers sometimes hard to hear. The extremely fast pace of the first part of the sound track adds to the confusion by making synchronization between the sound and the visual frames difficult when the filmstrip is operated manually.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable. It presents a realistic story of middle-class involvement with drugs.

[Films Rated Scientifically Unacceptable]

THE BALLAD OF MARY JANE

Year: 1970.
Audience: Jr. and sr. high.
Producer: Professional Arts, Inc.
Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.
Rental: $25.00.
Purchase: $250.00.
Details: 23 minutes, color, 16 mm., sound.

Synopsis.—Mary Jane (marijuana) tells "her own story" to Jim, a teenager who is trying his first marijuana cigarette. Mary Jane briefly relates her historical background, tells how she grows and how she affects her user's central nervous system. She explains how she becomes involved in the underground and why she is sometimes impure. Psychologically, Mary Jane says, she is habit forming. "I'm a 'put-on' because I dull your mind and waste your precious time." Mary Jane leaves Jim by asking if he's going to make her an important part of his life.

Marijuana users interject into the narration their personal experiences with the drug.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It refers to the "female" hemp plant as the source for marijuana. Actually, marijuana is found in the flowering tops and leaves of both the male and female plant. The visual effects which are designed to suggest marijuana-induced experiences are more appropriate to effects which could be produced by LSD. The historical references, both to the mythical Shen Nung and to the highly-dramatized gangster wave of the 1930's, are not based on actual fact in so far as marijuana is concerned. The overall tone of the film suggests that marijuana is closely associated with violence, that it is "habit forming" and leads to use of heroin, and that few, if any, who try it ever stop smoking it. This tone does not present a realistic view of marijuana use today. The film will be viewed by most young people as an unconvincing melodrama.

One noteworthy aspect of the film is that it says people can experience different effects from marijuana use.

DAVID

Year: 1965.
Audience: College, adult; professionals working with addicts.
Producer: Drew Associates for Time-Life.
Source: Time-Life Films, 43 West 16th Street, New York, N.Y. 10011.
Rental: $50.00.
Purchase: $400.00.
Details: 54 minutes, black/white, 16 mm., sound.

Synopsis.—The drug addiction rehabilitation processes of Synanon are related in this story of an addict seeking treatment. David is torn between wanting to leave Synanon to join his wife and son, and probably begin using heroin again, and staying at Synanon where his behavior, motivations and attitudes are subject to continual critical analysis by other residents. David's struggles are intensified when a former resident returns for a visit because he went back to heroin after leaving Synanon; the visitor tries to cure himself by staying again, and fails. David eventually "wins" his struggle; he decides to stay at Synanon until he is cured.

Evaluation of scientific accuracy.—The data in the film is scientifically unacceptable because it deals with an early period of Synanon's history and does not accurately portray the current Synanon program. Drug addicts are no longer removed from rehabilitation centers by enforcement officials, as the movie portrays. The conflict over the visit by David's wife is outdated by the present

Synanon concept which encourages families to live in with addicts.

The film is useful for those who are interested in Synanon's history.

DRIVING AND DRUGS

Year: 1969.
Audience: Jr and sr. high.
Producer: Jam Handy Productions.
Source: Rental: Jam Handy Productions, 2821 East Grand Blvd, Detroit, Michigan 48211; purchase: General Motors Photographic, Audiovisual Dept., 465 West Milwaukee Ave., Detroit, Michigan 48202.
Rental: Free.
Purchase: $61.55.
Details: 14 minutes, color, 16 mm., sound.

Synopsis.—The film discusses the potential effects of barbiturates, amphetamines, marijuana, mescaline and LSD on automobile driving. It simulates the effects of the drugs as seen from the eyes of the auto operator.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. Its discussion of drugs and drug effects is overgeneralized and includes misleading and incorrect statements. Individual cases involving extreme reactions to certain drugs are used to imply a universal drug reaction. For example, the narration states that amphetamines can produce "temporary insanity." The discussion of marijuana implies that users usually move on to heroin; the information of the effects of marijuana is overgeneralized since it does not qualify its discussion with references to dose. Misleading descriptions of LSD effects, based on rare reactions, include a user who "one year later doesn't trust his friends and goes insane" and a first-time user who requires psychiatric treatment. The narration contains such incorrect statements as "Drug use is against the law" and "All drugs will produce a psychological dependence."

The film's perspective on the relationship of drug use to driving would be improved if it included the effects of alcohol as well as prescription and non-prescription drugs.

DRUG ABUSE: THE CHEMICAL TOMB

Year: 1969.
Audience: Jr. and sr. high.
Producer: Film Distributors International.
Source: Film Distributors International, 221 South Olive St., Los Angeles, Calif. 90007.
Rental: $15.00.
Purchase: $225.00.
Details: 19 minutes, color, 16 mm., sound.

Synopsis.—The film presents information concerning the effects of drugs on the body. It classifies drugs most commonly abused, including solvents, barbiturates, amphetamines, LSD and marijuana. The film illustrates, often through staged settings, what it calls the pitfalls of drug abuse including dependence, infection, depression, crime, imprisonment, suicide and death. The film's message says that the use of dangerous drugs leads inevitably to a dead end, a chemical tomb from which there is no escape.

Evaluation of scientific accuracy.—The data in the film is scientifically unacceptable. The logic underlying the addictive process, as described in the film, is weak. The suggestion that those who use the "dangerous drugs" are "buried alive" is unrealistic. The film's reference to "deliriant" as a drug classification is vague and not consistent with generally acceptable classifications. Glue sniffing is inaccurately described as causing brain damage. References to one Seconal producing hallucinations, marijuana resulting in hallucinations, and high dosages of THC paralleling LSD effects require further qualifications if they are not to be misleading. The term "smack" is inaccurately used as a synonym for mainlining.

The film presents good identification of Seconal, Nembutal and Tuinal.

DRUGS AND THE NERVOUS SYSTEM

Year: 1967.
Audience: Jr., sr. high.
Producer: Churchill Films.
Source: Rental: University of Southern Calif., Div. of Cinema, Film Distribution Section, University Park, Los Angeles, Calif. 90007; Purchase: Churchill Films, 622 N. Robertson Blvd., Los Angeles, Calif. 90069.
Rental: $7.00.
Purchase: $180.00.
Details: 18 minutes, color, 16 mm., sound; available in Spanish.

Synopsis.—This animated film describes physiological and psychological effects of various drugs on the body. Aspirin is used to illustrate how a common drug acts to reduce pain and fever. The film discusses glue-sniffing, stimulants, depressants, opium-derivatives, marijuana and LSD. Therapeutic uses and the results of abuse of each class of drugs are explained.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It contains overgeneralizations and erroneous statements about drug effects. The description of aspirin's action on the central nervous system is oversimplified and not a good analogy to how other drugs affect the body. Classifying central nervous system drugs as either stimulants or depressants uses an overgeneralized, outdated concept. The narration includes misleading statements such as "Heroin is the strongest and most dangerous drug," and references saying LSD causes permanent brain damage and marijuana use leads to other drug use. Several references to the authoritative knowledge of medical doctors imply that a drug acts one way if taken with a physician's advice, but will act differently if taken for "kicks."

FALSE FRIENDS

Year: 1967.
Audience: Adult; middle and Far Eastern audiences.
Producer: Interfilm-London-Ltd. in association with Film Producers Guild.
Source: International Film Bureau, Inc., 332 South Michigan Ave., Chicago, Ill. 60604.
Rental: $8.00.
Purchase: $125.00.
Details: 9 minutes, color, 16 mm., sound.

Synopsis.—The film illustrates the problems a laborer and his family face as a result of his addiction. He struggles to keep his job in order to earn enough money to buy drugs, but eventually fails. His wife and foreman persuade him to undergo treatment, and after his cure, he is again united with his family. Most of the story is told without narration. The animated characters are of Oriental origin.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. The story is based on overgeneralizations of atypical experiences. The laborer's addiction, which resulted after he experimented with opium smoking, implies that the progression from occasional experimentation to drug dependence is inevitable. The manner in which the story is presented ignores the complexity of drug addiction.

FIGHT OR FLIGHT

Year: 1967.
Audience: Jr., sr. high.
Producer: J & F Productions, Inc.
Source: J & F Productions, Inc., Suite 700, 1401 Walnut Street, Philadelphia, Pennsylvania 19102.
Rental: Not available.
Purchase: $150.00.
Details: 16 minutes, color, 16 mm., sound.

Synopsis.—Former drug addicts who are residents of Daytop Village in New York recall their experiences with drug addiction. Their comments, interspersed with illustrated accounts of drug experiences and narration, emphasize the effects of heroin and LSD, marijuana, "pills," alcohol and cough medicine are also referred to. The narration concludes that it is easy to escape from life, that everyone must make a decision. . . . "fight or flight."

Evaluation of scientific accuracy.—The film is scientifically unacceptable. The information draws on the biases of four ex-addicts whose experiences are used to predict universal reactions. Using the comments of former addicts uncritically creates mistaken impressions. Several references, for example, imply that marijuana is addicting and inevitably leads to heroin addiction. Fatal automobile accidents, crime, death and irresponsible behavior are all attributed to drug abuse. A wife of an addict blames heroin for her husband's liver condition which was caused by tuberculosis. The narrator states that these addicts, "unlike most," survived their addiction; this implies that addiction is a hopeless disease which results in death.

FROM RUNAWAY TO HIPPIE

Year: 1967.
Audience: Jr., sr. high, parents.
Producer: Cinema Verite for NBC News.
Source: Film Distributors International, 2221 South Olive St., Los Angeles, Calif. 90007.
Rental: $14.00.
Purchase: $185.00.
Details: 18 minutes, color with black/white segments, 16 mm., sound.

Synopsis.—This documentary about the Hippie movement was originally shown in three segments on NBC television's Huntley-Brinkley Report. It follows several teenage boys from a glue-sniffing party in their hometown to the Haight-Ashbury section of San Francisco where they find marijuana and LSD. The film depicts a love-in, a Hippie wedding, Hippie dwellings, and curious tourists. The film also views communal farms inhabited by "runaways." The narration discusses the impact of Hippie culture on American society.

Portions of the glue-sniffing scenes are identical to scenes in the film "Hello America."

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It presents an overgeneralized and distorted picture of the Hippie movement. It includes erroneous statements as well as misleading implications. The narration says that a Hippie is a dope dealer. Glue-sniffing leads to "blindness, paralysis, severe impairment and death." Communal living is equated with hepatitis and venereal disease. A sociological relationship is drawn between taking dope and protesting.

The film presents little analytical information on drugs or effects. It is more of an editorial vehicle.

THE HANG-UP

Year: 1968.
Audience: Military.
Producer: United States Air Force.
Source: Rental: Air Force (AVVUTL), Norton Air Force Base, Calif. 92409.
Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.
Rental: Free.
Purchase: $107.50.
Details: 32 minutes, color, 16 mm., sound.

Synopsis.—The film dramatizes three fictional situations which involve the effects of drug abuse. A hospitalized serviceman dies from wounds apparently self-inflicted while under the effects of drugs. Another tries to persuade his girlfriend to try marijuana and LSD with him; he later experiences flashbacks from LSD. A lieutenant uses ampheta-

mines to cope with job pressures. The film illustrates how a serviceman's career can be permanently damaged because of a narcotics conviction.

Stan Musial narrates portions of the film. Professional actors are used.

Evaluation of scientific accuracy.—The content of the film is scientifically unacceptable. The contrived situations presented in the film are exaggerated to the point of presenting inaccurate portrayals of drug situations. The film implies that marijuana is always used only as a crutch. The simulations of marijuana effects are overdramatized. Portrayals of the pusher, the marijuana party and the LSD trip are theatrical. There is an over-emphasis of the frequency of recurring bad trips.

Because of the film's unrealistic tone, it has questionable educational value.

HOOKED

Year: 1967.

Audience: Jr., s. high.

Producer: Churchill Films.

Source: Rental: University of Southern Calif., Div. of Cinema, Film Distribution Section, University Park, Los Angeles, Calif. 90007; purchase: Churchill Films, 662 North Robertson Blvd., Los Angeles, Calif. 90027.

Rental: $6.50.

Purchase: $125.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synospsis.—Former addicts who have been off drugs from three to 24 months relate how they became involved with drugs, how their drug experiences affected them and their families, how and why they stopped using drugs. The youths, who are of mixed social and racial backgrounds, are filmed in various situations. Most of the conversations revolve around heroin use, although other drugs are mentioned. There is no dialogue between the participants and no narration.

Evaluation of scientific accuracy.—The content of the film is scientifically unacceptable. The information is based on individual experiences, which, presented uncritically, create inaccurate impressions about drug effects. References to "starting on marijuana" imply that heroin use inevitably results from marijuana use. The term "hooked" as a title is inappropriate for a film in which marijuana is discussed since the term implies addiction. Some anecdotes have an unclear relationship to the entire discussions, such as a reference to heart pills and a mention of using phenobarbitals to commit suicide.

The underlying message "I never thought it would happen to me" is valid; however, the overall information is stereotyped and does not present a balanced picture of drug use.

LSD

Year: 1967.

Audience: Military.

Producer: Bureau of Medicine and Surgery, U.S. Navy.

Source: Rental: Medical Film Library, Naval Medical School, National Naval Medical Center, Bethesda, Md. 20014; purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $94.00 and $124.00.

Details: In 2 versions, 28 and 37 minutes, color, 16 mm., sound.

Synopsis.—Lieutenant Commander Walter Minor, a Navy physician, lectures about LSD's discovery, its effective dose, how it works in the human body, its physical and mental effects, and why the Navy is concerned that its personnel might use it.

Evaluation of scientific accuracy. The film contains data which is scientifically unacceptable. The lecturer says he intends to be unemotional and present only documented facts, but his information contains inaccurate statements, partially true statements and overgeneralizations. The lecture presents scientific theories about the way LSD acts on the mind and body as though they are facts. Rare reactions to LSD use are presented as common occurrences. The film states that LSD causes a rapid, complete break with reality. It defines a trip as "nothing more or less than a period of insanity." The film equates differences in electroencephalograph readings before and after a subject uses LSD with brain damage.

The information assumes that changes in chromosomes in white blood cells will result in abnormal children; this assumption is not valid since no direct or conclusive link has yet been proven either between LSD use and mutated genes, or between changed chromosomes and hereditary defects. The information over-emphasizes flashbacks; it suggests that anyone who takes LSD can never be reliable because of a vulnerability to flashbacks.

The discussion does give good emphasis to the importance of set and setting in determining effects of LSD.

LSD: INSIGHT OR INSANITY

Year: 1968.

Audience: Jr., sr. high, college, adult.

Producer: Max Miller/Avanti Films, Inc.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $25.00.

Purchase: $300.00.

Details: Revised version, 28 minutes, color, 16 mm., sound.

Synopsis.—A review of teenage fads opens the film, moving from goldfish swallowing to gang fighting and on to experimenting with drugs. Eight physicians and a pharmacist, all involved in LSD research, present their views. They agree that LSD use, outside of a medical setting, is potentially dangerous and can lead to serious and perhaps permanent brain damage and personality destruction. LSD can also produce, they say, serious chromosomal damage in users. Illustrations of fetal damage in hamsters and human chromosomes affected by LSD are presented.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. It misuses information by drawing on rare, infrequent and experimental results as a basis to predict what will happen when humans use LSD. It overgeneralizes and does not recognize important factors such as dose, frequency and pattern of use, or species.

Using statements as "some doctors believe" and including testimony of actual medical doctors adds supportive authority to some controversial issues concerning LSD which are presented as though they are proven facts. Terming a bad trip "instant insanity" or "often a never, never land of no return" and stating that "many LSD users lose all contact with reality" misleadingly imply that these are frequent experiences.

The information on genetic damage resulting from LSD is confusing. Clear distinction is not drawn between teratogenesis and mutagenesis. Chromosome damage in white blood cells is inaccurately equated with transmission of traits from one generation to another. The information on LSD damage to chromosomes and resulting birth deformities is presented as fact. Because much is unknown about LSD, in particular whether or not it causes chromosomal damage and whether damaged chromosomes result in birth defects, the information in the film needs qualification.

LSD: TRIP OR TRAP!

Year: 1968.

Audience: Jr., sr. high.

Producer: Sid Davis Productions.

Source: Sid Davis Productions, 2429 Ocean Park Blvd., Santa Monica, Calif. 90405.

Rental: Not available.

Purchase: $120 for black/white; $240 for color.

Details: 20 minutes, black/white or color, 16 mm., sound.

Synopsis.—Bob and Chuck, teenage friends, disagree over whether or not to try LSD. Chuck uses LSD with other friends and persuades his girlfriend to join him. Bob seeks the facts about LSD by reading newspaper articles, by visiting hospitals and police stations and by talking to other young people. He decides to write Chuck a letter warning of LSD's dangers since he cannot convince his friend in person. On his way to mail the letter, Bob comes on an automobile accident which has involved Chuck fatally.

The story is interspersed with narrative giving information about LSD.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The exaggerated portrayals of LSD effects present an unrealistic picture of those who use LSD and the dangers involved. The story line is overdramatic: a teenager who is beginning to experiment with LSD is involved in a fatal car accident with the implication that the accident was caused by his use of LSD. LSD users are unrealistically described as "listless, indifferent, decaying and wasting away." The film inaccurately implies that flashbacks occur frequently and that there is no cure for a bad trip. The film mistakenly says the reason LSD is not legitimately manufactured in the United States is because the substance is "so dangerous." Photographs of deformed infants misleadingly imply that all of the deformities are caused by LSD use. The term "lysergic acid diethylamide" is mis-pronounced throughout the narration.

LSD: TRIP TO WHERE

Year: 1968.

Audience: Sr. high, college.

Producer: WABC–TV, New York.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $16.00.

Purchase: $325.00.

Details: 25 minutes, color, 16 mm., sound.

Synopsis.—The film begins with a simulation of LSD effects as experienced by the producer and narrator. Commentaries from authorities and from people familiar with LSD deal with controversial issues. The comments include LSD's effect on personality changes and on creativity, its possible relationship to mental disturbances and dangers to chromosome abnormality. Members of Daytop Village, a therapeutic community for drug addicts, discuss motivations for taking drugs and experiences with LSD or with people who used LSD. An actor, his face disfigured, describes how he set himself on fire while under the influence of LSD. The film concludes with the acknowledgement that LSD can produce "good" and "bad" trips, but that the dangers do not justify the risks.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The discussion of LSD effects on chromosomes dates the film, since it implies that the occurrence of adverse genetic effects is an established and accepted fact. In view of more recent research which has failed to confirm a direct link between LSD use and chromosome damage, the references to genetic dangers and LSD use needs further qualification. References to unusual and rare reactions to LSD—such as psychotic reactions "weeks and months" after ingestion, and murders and suicides attributed to LSD—without qualifying the frequency of these occurrences, put an unrealistic perspective on the dangers of LSD. The statement that "scientists agree" that acid trips are not worth taking, implies an uncritical endorsement against LSD by the scientific community.

NARCOTICS: THE INSIDE STORY

Year: 1967.

Audience: Jr. high.

Producer: Charles Cahill and Associates, Inc.

Source: Rental: Abraham Krasker Memorial Film Library, School of Education, Boston University, 765 Commonwealth Ave., Bos-

ton, Mass. 02215; Purchase: Aims Instructional Media Services, Inc., P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $5.00.

Purchase: $150.00.

Details: 12 minutes, color, 16 mm., sound; Spanish version available from Aims.

Synopsis.—The film discusses positive applications of drugs when administered for medical purposes and potential dangers involved when drugs are abused. Clinical scenes showing animal experiments and physicians at work in laboratories illustrate how experimenting with drugs can seriously upset the central nervous system. The drugs discussed include LSD, marijuana, narcotics, sedatives and tranquilizers.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The title is inappropriate since the subject matter is not limited to narcotics. The information is over-simplified and misleading. The narration says, without qualification, that marijuana leads to a desire to experiment with other drugs. Marijuana is inaccurately called "so unpredictable" that medical doctors can not prescribe it. The narration says LSD causes permanent brain damage; this has not been medically substantiated. Oversimplified statements such as "Some drugs are dangerous drugs" and "Depressants cause muscle weakness" have questionable educational value.

NARCOTICS: PIT OF DESPAIR

Year: 1967.

Audience: Jr., sr. high.

Producer: Film Distributors International.

Source: Rental: Association Films, Inc., 600 Madison Ave., New York, N.Y. 10022; Purchase: Film Distributors International, 2221 S. Olive St., Los Angeles, Calif. 90007.

Rental: $17.50.

Purchase: $275.00.

Details: 28 minutes, color, 16 mm., sound.

Synopsis.—The film relates the story of John, a teenager from a middle-class home, who usse amphetamines to help him cope with pressures of growing up. An old friend who now sells drugs introduces John to marijuana and then to heroin. John becomes addicted to heroin and experiences withdrawal symptoms when his friend no longer supplies the substance free. While trying to support his habit, John gets arrested; a court allows him to enter a Federal hospital for addicts where he is cured.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. Much of the information implies that use of one drug leads to use of another. John's use of amphetamines, for example, indicates to the friend a vulnerability to other drugs. While high on beer, John is introduced to marijuana which, in turn, makes him "ready" for heroin.

The film incorrectly implies that marijuana acts like a narcotic. The meaning of the reference to a "pot-needle" is unclear since marijuana is not injected; the association with the needle inappropriately links marijuana with heroin. The title is inappropriate for a film which discusses marijuana to the extent this film does; the title reinforces the implication that marijuana is a narcotic. The narration incorrectly says marijuana produces long-lasting physiological changes in the body. The film unrealistically describes "one puff on a marijuana cigarette" which causes John to "surrender his dignity and lay his future on the line." John's immediate reaction to one puff is an inaccurate portrayal of marijuana smoking. The information on heroin is exaggerated and unrealistic. The pusher is stereotyped. The scenes showing heroin withdrawal are overdramatic.

The film contains an excellent demonstration of the preparaton and injection of heroin.

NARCOTICS—WHY NOT?

Year: 1968.

Audience: Jr., sr. high.

Producer: Charles Cahill and Associates, Inc.

Source: Rental: Abraham Krasker Memorial Film Library, School of Education, Boston University, 765 Commonwealth, Ave., Boston, Mass. 02215; Purchase: Aims Instructional Media Service, Inc., P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $7.50.

Purchase: $185.00.

Details: 15 minutes, color, 16 mm., sound.

Synopsis. — Extemporaneous comments from teenagers and young adults who are residents of the California Rehabilitation Center relate their experiences as narcotic addicts. They used drugs, they say, for "kicks," "association" and "curiosity." The comments emphasize the unpleasantness of the addict's life. Related scenes of drug-taking, drug effects and police arrests are interspersed with the comments.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The information is confusing because many types of drugs are discussed without meaningful classifications or distinctions. The term "narcotics," as used in the film, inappropriately covers a discussion of "pills" and marijuana. The narration is not always matched with appropriate visual materials; scenes of people smoking marijuana are accompanied by a discussion on heroin. The information concerning rehabilitation is negative; it implies that treatment is ineffectual and that most addicts will be "hooked for life until they die."

THE PEOPLE NEXT DOOR

Year: 1969.

Audience: Sr. high, college, adult.

Producer: CBS.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $50.00.

Purchaser: $475.00.

Details: 81 minutes, black/white, 16 mm., sound. Note: This version differs slightly (in cast and story line) from the film currently being shown in public movie theaters.

Synopsis.—The story, originally presented as a CBS Playhouse drama, involves two middle-class families who are neighbors. When the daughter of the Mason family has a "bad trip" on LSD, the father blames his long-haired son and evicts him from the house. The Masons ask their neighbors for help and are told to seek understanding with their daughter. Basic disagreement in values results in the daughter's running away to the East Village in New York City where she is eventually found and brought back home to undergo group therapy with her parents. Therapy proves unsuccessful, and after another "bad trip," the daughter is committed to a mental institution. The neighbors discover that their son has been selling drugs. They turn him over to the police but he is released on a technicality. On the neighbor boy's arrival home, he is attacked by Mason who blames him for the daughter's condition. In the final scene the police take Mason away.

The drama refers to various drugs, including alcohol, barbiturates, amphetamines, marijuana, LSD and STP.

Evaluation of scientific accuracy.—Taken as a whole, the film is scientifically unacceptable. While it probably has value as a film illustrating stresses of family values and generational differenes, its value as a drug film is questionable because of an implicit message that drugs caused most or all of the dramatic situations presented. Realistically, drug use is only incidental to the problems experienced by the two families and as a vehicle of drug information, the film has potential for generating more panic than insight.

The dramatic situations in the story are unrealistic. It is rare that LSD or STP users require a "controlled environment indefinitely" solely because of their drug use as does the Mason daughter. Other unusual situations, considering that only two families are involved, include the neighbor's wife who is "destroying herself" on amphetamines and barbiturates, and her son, a pre-law honor student, who pushes drugs.

The film inaccurately states that no antidote exists for STP.

THE PEOPLE VERSUS POT

Year: 1970.

Audience: Military.

Producer: Sid Abel & Associates for Dept. of Defense.

Source: All military installations. Write Commander of Installation, Attn.: Audio-visual Officer.

Rental: Free.

Purchase: Not available.

Details: 30 minutes, black/white, 16 mm., sound.

Synopsis.—In the setting of a trial, Eddie, a young serviceman who uses marijuana, is confronted by several ex-servicemen who are ex-addicts. In this "encounter" situation, Eddie recalls his drug experiences. Other marijuana-related cases involving military personnel are interwoven into Eddie's story. A soldier who has used marijuana has difficulty driving. A serviceman in combat seeks out and guns down a friend. The narration says all of the incidents reported in the story are authentic.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. It bases a case against marijuana use on atypical reactions. Reference is made to a first-time marijuana user who "goes crazy, and kills," and to a "killer instinct" which marijuana produces. The effects of the oral concentrate of marijuana given in an experiment in the film are inaccurately equated to the effects of marijuana which is smoked. LSD-like reactions are portrayed and attributed to marijuana. Reference to "a daily habit" or marijuana implies that marijuana is addicting. Comments from several individuals who "started on marijuana" imply that marijuana use usually leads to other drugs.

The incidents and the people portrayed are stereotyped. The film does not present balanced information about the effects of marijuana.

POT'S A PUT-ON

Year: 1969.

Audience: Intermediate, jr. high.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, California 91608.

Rental: $13.00.

Purchase: $13.00.

Details.—10 minutes, color, 16 mm., sound.

Synopsis.—The film uses irony, satire and ridicule in a format similar to the televised "Laugh-In" program. Vignettes depict marijuana users in various situations. The film's humor is aimed at commonly heard endorsements for marijuana such as "Grass relaxes me," "Pot's no worse than booze," and "Marijuana gives me insight." The actors portraying marijuana users are comically dressed and wear wigs and oversized glasses. One user is shown reading a comic book as he says "Marijuana helps my mind." Another advocates legalizing as he stands behind prison bars. The film's message is in its title: "Pot's A Put-On."

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. While the film does not makes actual misstatements, the visual effects and narration convey misinformation about marijuana. By implication the film says marijuana causes irresponsible and ridiculous behavior. Those who use it are depicted as lacking intelligence. The film does not

present balanced information about marijuana.

THE RIDDLE

Year: 1966.

Audience: Jr., sr. high.

Producer: Quest Productions for Office of Economic Opportunity.

Source: Rental: Modern Talking Pictures Service, Inc., 2323 New Hyde Park Rd., New Hyde Park, N.Y. 11040; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $44.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synopsis.—Scenes of actual glue-sniffers, cough medicine drinkers and heroin addicts in alleys, tenements, and a physician's office reveal some attitudes and feelings of drug abusers. In contrast, scenes are interjected of a young Black who resists the drug abuse crowd and is successful in finding a job. The film uses no professional actors and no script.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. Isolated cases of drug abuse are used to convey general information about drug effects. Reference is made to someone who sniffed glue and was "dead in five minutes." It is implied that the boy in the film who drinks cough medicine has problems which result from his abuse of cough medicine; no qualifying statement refers to personality problems he displays which may have little to do with drugs. The continual shift in scenes makes the story confusing.

THE TRIP BACK

Year: 1968.

Audience: Jr., sr. high, college, adult.

Producer: Avon Productions, Inc., for the New York Daily News.

Source: Rental: Any military installation. Write Commander of installation, Attn: Audiovisual Officer; Purchase: Association-Sterling Movies, Inc., 41 West 61st Street, New York, N.Y. 10023.

Rental: Free.

Purchase: $175.00.

Details: 28 minutes, color, 16 mm., sound.

Synopsis.—Florrie Fisher, an ex-addict, is filmed as she speaks to a group of New York City high school students. Florrie tells her story of addiction, prostitution, imprisonment and rehabilitation. She talks briefly of her experiences at Synanon, the self-help organization for drug addicts which she credits for saving her life. After speaking, Florrie answers questions from the audience.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. Florrie Fisher's comments inaccurately imply that what happened to her will happen to most people who use drugs. The overgeneralized and opinionated statements give inaccurate information. Marijuana, she says, leads to crimes of "passion and murder." "Nobody in the world can get away with marijuana." "I know marijuana leads to heroin and cocaine." The description of a girl who took LSD implies that all users will become mentally disturbed. The testimony of this former addict does not present a balanced view of drug effects or drug use.

TRIP TO WHERE

Year: 1968.

Audience: Sr. high, college.

Producer: The Peterson Company.

Source: Rental: Public Affairs Officer of any Naval District Headquarters; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $168.25.

Details: 50 minutes, color, 16 mm., sound.

Synopsis.—The film deals with the short and long-term effects of the misuses of barbiturates, amphetamines, marijuana and LSD. The fictional drama centers on three Navy men who experiment with marijuana and LSD. One experiences a "bum" trip and recurring flashbacks; eventually he develops a psychotic mental disorder. The one who purchased the drugs is convicted for illegal possession and imprisoned; the third is demoted.

Evaluation of Scientific accuracy.—The film is scientifically unacceptable. It draws on rare reactions to drugs, particularly to LSD, to form the basis for its overall statement against drug use. The simulation of the bad trip, which involves violence, cowboys and Indians, and strange creatures, is overtheatrical. A physician in the emergency ward says he sees a "good many bad trips," that "many come in dead," and that flashbacks can occur up to 18 months after the LSD is first taken. While this may be one physician's experience, it incorrectly implies that such occurrences are common to all physicians. The physician also says that LSD users can expect chromosome changes which may affect the minds and bodies of future children; since recent scientific data provides conflicting evidence, this statement should be qualified. In genreal, the film uses rare phenomena on which to base its story line, making it unrealistic and over-dramatic. Such exaggerations tend to create disbelief in anyone who knows anything about LSD.

WHY MUST THE FLOWERS DIE?

Year: 1968.

Audience: Jr., sr. high.

Producer: Cine-Pic.

Source: Independent Film Producers Company, 334 East Green Street, Pasadena, Calif. 91101.

Rental: $13.00.

Purchase: $135.00.

Details: 10 minutes, color, 16 mm., sound.

Synopsis: The story is narrated by a young Hawaiian boy who "died ten minutes ago" from an overdose of goofballs. He recalls his friendship with "G.B.," another Hawaiian who sniffs glue and who steals in order to get money for the glue. The narrator is persuaded to join G.B. in stealing and glue-sniffing because he admires G.B. and wants to be his friend, and because he wants to forget his family problems and poor school grades. Eventually the two get "goofballs" from the same person who sold them the glue. The narrator dies from an overdose after the two play a game to see who can down the most pills.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It presents glue-sniffing in a context more appropriate to narcotics which includes a "pusher" who sells a "two-bit tube of glue for $2," the development of tolerance to glue which is questionable, and a fatal overdose from barbiturates which is a rare occurrence for grade-school children.

The film does give good emphasis to social needing and wanting friendship. The film is factors involved in drug abuse, in this case visually attractive; however, the presentation is over-weighted with drama.

[Other Audiovisuals Rated "Scientifically Unacceptable" includes filmstrips, transparencies and multi-media materials]

DRUG ABUSE—GLUE SNIFFING AND PILLS

Medium: Filmstrip.

Year: 1968.

Audience: Jr., sr. high.

Producer: Family Films.

Source: Society for Visual Education, 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $12.50 or $20.00 with companion filmstrip.

Details: 12 minutes, 54 frames, color, 35 mm., sound (record); companion to the filmstrip "Marijuana and LSD"; with teaching guide.

Synopsis.—This filmstrip briefly discusses the effects of glue-sniffing and the physical dangers involved. Most of the filmstrip focuses on "pills"—particularly amphetamines and barbiturates. It discusses what legitimate uses exist for these pills, lists some of their trade and slang names, describes what effects they have on the body and what possible dangers are involved with their abuse. Young people, it says, take the drugs for various reasons, some of which are legitimate. But whether or not taking drugs can really meet the needs of the abuser is questionable. Drugs, the narration says, are a "shallow" as well as dangerous way to find meaning in life.

The filmstrip comes with a teacher's guide which contains the script and some suggestions for discussions, questions and projects.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable more because of an imbalanced view of drug use, than for actual statements. For example, the narration states that it is presenting only "facts," and bases its facts on official statements or reports from such organizations as the Bureau of Narcotics and Dangerous Drugs, the Food and Drug Administration, and the American Medical Association. Actually, the filmstrip is uncritically presenting opinions of certain authorities. In its discussion of the pharmacology of specific drugs and the symptoms of drug abuse, the narration overgeneralizes and does not recognize such varying factors as dose, or frequency of use. The discussion of possible dangers of glue-sniffing omits the potential for death by suffocation.

The filmstrip does recognize the potential for individual differences in response to any drug, and notes that any drug has the potential for harm. The filmstrip also gives good emphasis to the danger of physiological dependency on barbiturates.

DRUG ABUSE—MARIJUANA AND LSD

Medium: Filmstrip.

Year: 1968.

Audience: Jr. sr. high.

Producer: Family Films.

Source: Society for Visual Education, 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $12.50 or $20.00 with companion filmstrip.

Details: 14 minutes, 57 frames, color, 35 mm., sound (recorded); companion to the filmstrip "Glue Sniffing and Pills"; with teaching guide.

Synopsis.—This filmstrip describes how marijuana is obtained from the hemp plant and how it is most often taken into the body. Basic legal classifications are described. Psychological dependency is discussed, and effects of marijuana on the body are reviewed. LSD's discovery and its effects and potential danger on the mind and body are then discussed. The narration concludes with a reminder that the freedom individuals enjoy requires an important decision on drug use.

The filmstrip comes with a teacher's guide which contains the script and some suggestions for discussions, questions and projects.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It overgeneralizes when discussing the effects of marijuana, does not give adequate recognition to the variances of drug dose on reaction, and refers to "prolonged, if not incurable, psychological disorders" without mentioning the infrequency of such disorders. The list of physiological effects of marijuana incorrectly includes a "low concentration of glucose in the blood." The discussion confuses extended use of marijuana with psychological dependency. The information on LSD refers to chromosome changes and resulting birth defects as a likely occurrence with LSD use.

DRUG ABUSE: WHO NEEDS IT?

Medium: Filmstrip.

Year: 1970.

Audience: Intermediate.

Producer: Marsh Film Enterprises.

Source: March Film Enterprises, 7900 Rosewood Drive, Shawnee Mission, Kansas 66208.

Rental: Not available.

Purchase: $15.00 with record; $18 with cassette.

Details: 15 minutes, color, 35 mm., sound (record or cassette).

Synopsis.—Larry, a young teenager, becomes involved with drugs, eventually drops out of school, is arrested and ends up in a mental hospital. Background information on marijuana, amphetamines, barbiturates, LSD and heroin is included in the discussion. The narration also includes spontaneous comments by school-age children on drug abuse which were obtained during a discussion with Richard E. Davis, M.D., consultant for the filmstrip.

Evaluation of scientific accuracy.—The film-strip is scientifically unacceptable. The story is based on an improbable sequence of events, beginning with Larry's experience with amphetamines and barbiturates, then marijuana and finally ending up in a mental institution for three years because of heroin addiction. Larry's disturbed behavior is attributed solely to his use of drugs without considering that his drug use is probably a symptom of a pre-existing disturbance. The discussion of drug effects does not give adequate distinction to potency and dose. Several statements about drugs draw on unusual responses to various drugs, such as the reference to LSD producing hallucinations up to a year after it is used, and death resulting from heroin withdrawal. The narration includes a questionable statistic referring to a "20% chance of moving on to other drugs if one smokes 10 marijuana cigarettes." This is an opinion without factual basis. The narrator mispronounces "barbiturates."

DRUG DECISION

Medium: Multi-media, including films.

Year: 1969.

Audience: Jr. high.

Producer: Warner Brothers-Seven Arts for Lockheed.

Source: Lockheed Education Systems, Organization 56–70, P.O. Box 504, Sunnyvale, Calif. 94088.

Rental: Not available.

Purchase: Quoted on inquiry.

Details: 15- to 20-hour course, color, includes 16 mm. films, sound.

Synopsis.—This multi-media instructional package uses a programmed text, animated films, and the processes of gaming, simulation and role playing. It is designed to teach students about drugs that are abused, their effects on the human mind and body, the psychological needs that people try to fulfill with drugs, criminal aspects involved in drug abuse and about legal penalties for violations of drug laws. The program is divided into five phases. Phase I introduces the concept that natural and man-made disasters, including drug abuse, pose problems for communities which require special managing techniques. Phase II discusses medical aspects and rehabilitation. Phase III surveys legal aspects of the drug problem. In Phase IV, students assume the roles of a law enforcer, health officer, or mayor in the Drug Attack Game. In Phase V, role playing continues as students act out stories based on actual case histories of drug abusers.

Evaluation of scientific accuracy.—The films in the program contain data which is scientifically unacceptable. The material includes inaccurate statements such as "All drugs can produce psychological dependence," and overgeneralities such as a statement that drugs can either "stimulate or depress behavior, or cause hallucinations." Adequate recognition of dosage is not given when the program discusses specific drug effects. The phrase "hooked on marijuana" and the statement "I turned to barbiturates because grass didn't have any effect on me" imply that marijuana is addictive and that it will lead to other drugs. The material gives examples of rare reactions to drug effects, implying that these are common occurrences and giving unrealistic information about drugs. A girl who has taken LSD screams about a hot dog talking to her. A heroin user says that after 18 months there was "no way I could sit to be comfortable." A description of marijuana effects utilizes comments of a heroin addict. Some of the films use identical background images when discussing the hallucinations and effects of amphetamines, giving the impression that effects of different drugs are similar. The program gives primary emphasis to law enforcement in its concept concerning community response to drug abuse. This emphasis does not reflect current thinking that solutions to drug problems rely on the efforts of many disciplines. The idea of preventive education is referred to only at the end of the text in the section on rehabilitation.

DRUGS IN OUR SOCIETY—LSD: WORTH THE RISK?

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 13 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in the series of six called Drugs in Our Society. The filmstrip begins with a history of LSD's discovery. It defines hallucinations and discusses early experiments and recreational uses of LSD. The potential danger of the drug's use, its side effects, and its physical effects are discussed. The information refers to personality deterioration and the question of creativity with LSD. The filmstrip concludes with a discussion of the unanswered issues concerning LSD.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. Its presentation of the effects of LSD and the dangers involved relies on extreme occurrences and is therefore imbalaned. For example, the narration implies that LSD as a drug produces severe mental illness, long disturbances of mental functions, or flashbacks which occur "years" after taking the drug. LSD use has, it states, "definite physical dangers," including potential for damaged chromosomes which may lead to deformed children and changes in the blood cells which resemble some fatal blood cancers. Because medical evidence has not proved this, such statements should be qualified. The script misleadingly uses such terms as "hooked on LSD" and "LSD poisoning."

DRUGS IN OUR SOCIETY—MARIJUANA: A FOOLISH FAD

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 10 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in a series of six called Drugs in Our Society. This filmstrip begins with a review of the historical use and spread of marijuana. Information includes the botany and growth of Cannabis, its use as a hallucinogen, its physical and psychological effects, and how it is taken into the body. Other drugs, such as LSD, mescaline and peyote, are also briefly discussed.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. The discussion equates all forms of Cannabis with marijuana without distinguishing differences in potency. The filmstrip incorrectly states that marijuana consists of the stems (among other parts) of the hemp plant. It identifies tetrahydrocannabinol as "the active ingredient" in Cannabis, ignoring all other active ingredients. In its discussion of the effects of marijuana, the script ignores any references to dosage. The effects described are more relevant to LSD than to marijuana. The narration overemphasizes the marijuana user's "suggestibility" which may lead to violent acts if the individual has "basic personality problems."

DRUGS IN OUR SOCIETY—NARCOTICS: USES AND ABUSES

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 10 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of six filmstrips in the series, Drugs in Our Society. This filmstrip relates how opium is obtained from the poppy plant and how opiate drugs affect the body. The narration discusses "addiction" and "tolerance," as well as the black market of opium and heroin, the life of a heroin addict, and the relation between crime and addiction. Treatment and rehabilitation methods are reviewed.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable because it contains many inaccuracies. The script incorrectly says opium is not a medicine, and that morphine and codeline are created by slight chemical modifications of opium. The narration states that the danger of addiction by prescription drugs was not realized until 1920, contradicting the previous statement referring to the Harrison Narcotic Act, passed in 1914, which required prescription orders for most narcotics. The discussion on heroin addiction says the addict "soon requires huge quantities" of heroin and sometimes gets "desperately ill" from the drug. It states that a "psychological weakness" prompts addicts to turn to heroin "in the first place."

The filmstrip is logically inconsistent and oversimplified. It does not recognize that most "effects" of a drug have little to do with the drug itself rather than the individual user and his surroundings. This filmstrip, unlike the others which precede it in the series, emphasizes the social and criminal aspects of drug use rather than medical or pharmacological aspects.

DRUGS IN OUR SOCIETY—RX: NOT FOR KICKS

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 9 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of six filmstrips in the series Drugs in Our Society. The filmstrip refers to the action of drugs on the

body and the misuse of prescribed drugs. It reviews the effects and potential dangers of sedatives, tranquilizers and stimulants.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It confuses tolerance with addiction in terms of symptoms, behavior and the consequences of each. "Addiction" is inadequately defined as a "chronic state of intoxication" from repeated drug use. The discussion of barbiturates incorrectly implies that they act primarily on the cortex and that tolerance builds up quickly. The information on amphetamines incorrectly states that these stimulants act on the brain's cortex and that they are currently used to cheer up depressed patients and correct behavior disorders. The narration also says excessive amounts of amphetamines can cause convulsions, but this is a very rare phenomenon. The discussion tends to associate excessive amphetamine use with illegality, which ignores the fact that legal drugs are also used excessively. The information on methamphetamine (Methedrine) implies that infections and abscesses are caused by the drug rather than by the use of dirty needles.

GLUE SNIFFING: BIG TROUBLE IN A TUBE

Medium: Filmstrip.
Year: 1969.
Audience: Intermediate, jr. high.
Producer: Texas Alcohol Narcotics Education, Inc.
Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.
Rental: Not available.
Purchase: $10.95.
Details: 8 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip discusses the reasons why people sniff glue and what effects are produced. The dangers involved with glue sniffing are reviewed. The narration offers several examples of undesirable behavior which are attributed to glue sniffing. The discussion also focuses on what parents and children can do about the problem of glue sniffing.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It contains overgeneralizations and exaggerations. It uses the most serious consequences of glue sniffing as a basis to predict typical reactions. For example, the narration refers to unusual cases involving homicides, suicides and other types of violence as if these are common results of glue sniffing. The narration does not distinguish between low and high doses of glue. It confuses repeated use of glue on different occasions with progressively higher doses on one occasion. The script implies incorrectly that physical dependence will result from glue sniffing and states that the habit can lead to "more serious addictions." A reference is made to "marijuana or the heavier narcotics," mistakenly classifying marijuana with narcotics. The narrator mispronounces the term "hallucinogen."

LSD: TRIP OR TRAP?

Medium: Filmstrip.
Year: 1969.
Audience: Jr. and sr. high.
Producer: Texas Alcohol Narcotics Education, Inc.
Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.
Rental: Not available.
Purchase: $10.95.
Details: 10 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip defines hallucinogens and refers to substances in the class, some more powerful, some less powerful than LSD. LSD's historical background and its properties are discussed. Based on a study of 114 LSD users, the filmstrip profiles a "typical" user. The narration then discusses the dangers of LSD use and refers to the possibility of long-term mental disorders, recurring effects, chromosome deformity and death.

Evaluation of scientific accuracy.—The material is scientifically unacceptable. It contains many inaccuracies and although it refers to "authorities" and to "scientific evidence" no such evidence is presented to support its overgeneralized statements. Some of the overgeneralizations include the following statements: "LSD has already caused more genetic damage than the atomic bomb." "STP is four times as potent as LSD." LSD is known to cause "many suicides and homicides." The average LSD user "had an almost uniformly bad experience" with the drug. "Mounting evidence" suggests LSD can cause convulsions and leukemia.

THE USE AND MISUSE OF DRUGS

Medium: Transparencies.
Year: 1968.
Audience: Jr. and sr. high.
Producer: DCA Educational Products, Inc. with the Food and Drug Administration.
Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.
Rental: Not available.
Purchase: $59.75.
Details: 20 transparencies, color; with teaching guide.

Synopsis.—The program describes the use and misuse of prescription and over-the-counter drugs, especially the stimulants and depressants. Facts about the hallucinogens and their abuse are also included. The accompanying guide outlines the powers that the Food and Drug Administration has to protect society from the abuse of these drugs, and briefly discusses narcotics.

Evaluation of scientific accuracy.—The material is scientifically unacceptable. Several references to Federal laws are out-of-date; for example, the script states that no Federal law exists against possession of LSD. This has not been true since early 1968. The discussion of social problems which are created by drug abuse is overgeneralized. Occasional reactions to drug use are discussed as though they are common effects to be expected, producing a distorted picture of drug use. Important factors such as dose or individual reactions are omitted.

WHY NOT MARIJUANA?

Medium: Filmstrip.
Year: 1969.
Audience: Intermediate, jr. high
Producer: Texas Alcohol Narcotics Education, Inc.
Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.
Rental: Not available.
Purchase: $10.95.
Details: 10 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip discusses such questions as "What is marijuana?" "How common is its usage?" "Where is it grown?" "What does it look like?" "What are its effects on the body and mind?" Other aspects of marijuana use are discussed, including whether or not it leads to other drugs; if there is a relation between marijuana use and crime; if marijuana will cause psychosis and whether or not it is addicting. Comparison is made between marijuana and alcohol in terms of use and potency. The conclusion states that until more information is available concerning marijuana's long-range effects, a relevant question for young people thinking about trying the substance is "Why marijuana?"

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable because it overgeneralizes and presents extreme cases as typical reactions to marijuana use. For example, the script emphasizes such physical reactions as "irritability, excitability and even violence" when describing effects of marijuana. While the narration points out that these effects happen only to some, the cartoons play on the extreme cases; they picture a man acting strangely in public, walking off a roof, or about to cause a car accident. The narration says marijuana users may "commit acts they normally would not do." The discussion on using marijuana while driving is exaggerated and implies that driving is always very dangerous after taking marijuana. Some of the data is dated, in particular the statistics regarding marijuana use. The comparison between marijuana and alcohol confusingly states that marijuana is "definitely stronger than alcohol and even barbiturates" if both are compared "at the upper end of the curve." The discussion in general tends to attribute reactions solely to the substance itself rather than to individual reactions or outside influences.

THE COST OF THE VIETNAM WAR

Mr. McGOVERN. Mr. President, in response to questions submitted by my office to the Department of Defense, I have received in a letter from the Defense Department comprehensive information on the cost of the Indochina war.

After my office acknowledged the receipt of the letter from the Defense Department there were many requests for the information it included.

Certainly the American people should be fully aware of the extent of the sacrifices we are making as a result of our continuing involvement in the war, and I want to continue to do everything I can to further that awareness. I therefore ask unanimous consent that the letter I received from the Defense Department be printed in the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 1, 1971.

Hon. GEORGE MCGOVERN,
U.S. Senate.

DEAR SENATOR MCGOVERN: This is in reply to your letter of February 5, 1971 requesting answers to a series of questions on the conflict in Southeast Asia for a constituent.

For your convenience the answers have been given the same paragraph and subparagraph identification as used for the questions in your letter.

1. Answer: The Department of Defense provides information for the American people on the major issues of military interest, and this information now is provided more accurately and more rapidly than ever before. The public affairs policy of the Department of Defense is based on two principles: first, the safety of our fighting men and the safe-guarding of information of value to the enemy; and second, within the limitations of the first principle, the provision of the maximum amount of truthful, factual information to the American people. Consistent with the requirements of national security, public affairs officers, military and civilian, exert every effort to provide American people with the information necessary for their understanding, intelligent discussion and debate.

2a. Answer: From January 1, 1965 through September 30, 1970 the following numbers of U.S. military personnel, by service, had served in South Vietnam, waters offshore Vietnam and in Thailand:

Army	1,522,800
Navy*	450,000
Marines	430,100
Air Force	452,800
Total	2,855,700

* Include Coast Guard Personnel serving with Navy.

2b. Answer: Information is not available on the total number of U.S. military personnel who have served in adjoining American territorial bases.

2c. Answer: The information on the U.S. military strength in Vietnam released each week includes only those personnel stationed in South Vietnam. For your information as of February 18, 1971 there were 330,600 military personnel in South Vietnam. On the first of December 1970 there were additionally about 168,000 military personnel stationed at bases in Okinawa, Philippine Islands, Taiwan, Japan and Korea.

2d. Answer: With regard to the inclusion of U.S. military personnel deaths outside Vietnam, the Department of Defense instructions to the Services for reporting casualties provide that the casualties to be reported are all those which occur in the defined area to military personnel serving in any capacity and those deaths which occur anywhere as the result or aftermath of an initial casualty incurred in Southeast Asia, including such deaths which occur within 120 days after retirement or termination of service.

2e, f and 3a, b. Answers: Enclosed is a table showing U.S., South Vietnamese, and other friendly country casualties incurred in Southeast Asia, both deaths and non-fatal wounds, from 1960 through January 1971. U.S. wounded are categorized as those requiring hospital care and those not requiring hospital care. These casualties are all the result of hostile action.

A second table shows U.S. military personnel casualties, by year, cumulatively from January 1, 1961 through February 13, 1971. This table includes sections for both hostile deaths and those not the result of action by hostile forces. Non-hostile casualties are not available for other than U.S. Forces.

2g and h. Answer: The Department of Defense does not classify the degree of disability of those receiving non-fatal wounds in Vietnam nor does it provide disability payments. It is suggested that perhaps the Veterans Administration would be able to furnish this information.

2i. Answer: The Department of Defense accounting system does not provide information which would show the cost of caring for wounded personnel exclusively.

2j. Answer: The following are the estimated Department of Defense expenditures in support of Southeast Asia:

	Billions
Fiscal year 1965	$ 0.1
Fiscal year 1966	5.8
Fiscal year 1967	20.1
Fiscal year 1968	26.5
Fiscal year 1969	28.8
Fiscal year 1970	23.2

2k. Answer: Tonnage of allied air munition expenditures have been compiled since 1965. During 1968, which was the year of the greatest air activity, the monthly average was approximately 119,000 tons.

2l. Answer: Fire support, such as tactical air and artillery, is employed in an effort to reduce allied casualties. Instances where friendly airstrikes or artillery fire have resulted in friendly casualties are not common. The equipment and weapons provided our forces in Vietnam are superior and perform more reliably than those used in any previous conflict. Unless the commander on the ground feels that an accident is clearly attributable to malfunctioning ordnance, an investigation is conducted. All accidents of this nature are reviewed to determine if procedures and techniques can be improved and the results are disseminated immediately to all units.

3c. Answer: The Governments of South Vietnam, Laos and Cambodia have not provided estimates of the total number of civilians killed or wounded as the result of the conflict. However, the Government of South Vietnam has reported that from 1964 through 1970 there were 26,700 civilians killed by direct enemy terrorist attacks against the civilian population. It is also known that about 252,000 South Vietnamese have been admitted to hospitals due to injuries related to the conflict from 1967 through November 1970.

3d. Answer: No information is currently available on the number of civilians who have suffered permanent disability due to the conflict.

3e. Answer: Government of Vietnam National Budget Estimates for the years 1964–1970 are shown below in millions of piasters (VN$):

1964	37,110
1965	51,270
1966	64,500
1967	83,000
1968	95,000
1969	145,800
1970	195,200

The United States Government (USG) provides two principal means of support for the Republic of Vietnam Armed Forces (RVNAF) through Military Assistance Service Funded (MASF) program and piaster support for the Government of Vietnam (GVN) National Budget. Under the MASF program, required equipment and expendable supplies not available from in-country sources are furnished. The piaster support for the GVN National Budget is generated by the Commercial Import Program (CIP) and Public Law 480 (Food for Peace). These funds are used to assist in supporting the RVNAF requirements for pay and allowances for military personnel, purchase of supplies and equipment available from in-country sources, military construction and maintenance of facilities, political affairs activities, training, and miscellaneous operational expenses. Since the piaster support program provides general support for the entire GVN National Budget, there is no means by which to identify specifically that portion of support for the RVNAF provided directly by GVN revenue or that provided indirectly by USG support.

3f. Answer: There are no Department of Defense estimates currently available on the total number of homes and factories destroyed due to the conflict.

3g. Answer: The Government of Vietnam has not as yet declassified information on the number of their soldiers permanently or partially disabled.

4. By the end of FY 1971 (April–June 1971) under withdrawal plans announced by the President calling for a reduction in deployed forces to 284,000 by May 1, 1971, the war costs will be reduced to a rate of approximately $14.5 billion. We are unable at this time to provide the estimated Defense outlays for the Vietnam operations beyond fiscal year 1971.

It is hoped that this information will assist you in responding to your constituent.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

TABLE 52.—SOUTHEAST ASIA MILITARY CASUALTIES SUMMARY (FRIENDLY AND ENEMY)

Period	Deaths				Nonfatal wounds				
					U.S. hospital care				
	United States	South Vietnam	3d nation [1]	Enemy	Required	Not required	South Vietnam [2]	3d nation [1]	Enemy [3]
1960 total		2,223		5,669			2,788		
1961 total	11	4,004		12,133	2	1	5,449		
1962 total	31	4,457		21,158	41	37	7,195		
1963 total	78	5,665		20,575	218	193	11,488		
1964 total	147	7,457	1	16,785	522	517	17,017		
1965:									
1st quarter	72	2,535		5,789	229	213	5,411		
2d quarter	144	2,851		6,092	297	273	5,713		
3d quarter	261	2,623		10,089	802	637	5,260		
4th quarter	892	3,234		13,466	1,980	1,683	6,734		
Total	1,369	11,243	31	35,436	3,308	2,806	23,118	139	
1966:									
1st quarter	1,224	3,407	191	13,060	3,791	3,111	5,613	541	
2d quarter	1,287	3,091	90	11,872	4,436	3,695	4,776	235	
3d quarter	1,250	2,723	106	15,610	4,154	9,115	4,684	304	
4th quarter	1,247	2,732	179	14,970	4,165	3,444	3,402	311	
Total	5,008	11,951	566	55,524	16,536	11,567	70,675	1,591	
1967:									
1st quarter	2,126	3,096	226	22,756	7,155	6,468	6,446	550	
2d quarter	2,773	3,222	242	23,389	9,545	8,745	7,438	552	
3d quarter	2,091	2,834	341	20,087	8,316	8,668	6,632	679	
4th quarter	2,388	3,564	296	21,872	7,355	5,773	8,432	537	
Total	9,378	12,716	1,105	88,104	32,371	29,654	29,448	2,318	

Footnote at end of table.

Period	Deaths				Nonfatal wounds				
					U.S. hospital care				
	United States	South Vietnam	3d nation [1]	Enemy	Required	Not required	South Vietnam [2]	3d nation [1]	Enemy [3]
1968:									
1st quarter	4,869	10,500	346	72,455	14,550	14,011	24,330	673	
2d quarter	4,725	7,363	262	46,620	16,378	14,921	18,343	589	
3d quarter	2,946	5,966	196	34,674	10,025	8,963	15,854	418	
4th quarter	2,052	4,086	175	27,400	5,846	8,126	12,169	317	
Total	14,592	27,915	979	181,149	46,799	46,021	70,696	1,997	
1969:									
1st quarter	3,184	5,922	251	44,846	8,338	11,101	18,102	513	
2d quarter	3,156	5,828	219	48,807	12,281	12,711	17,863	680	
3d quarter	1,910	4,623	198	32,979	8,120	8,626	13,655	627	
4th quarter	1,164	5,460	198	30,322	4,201	4,838	15,656	398	
Total	9,414	21,833	866	156,954	32,940	37,276	65,276	2,218	
1970:									
January	343	1,768	69	9,187	1,552	1,597	5,599	126	
February	386	1,417	36	8,828	1,210	1,138	4,423	180	
March	449	1,674	75	10,335	1,581	1,731	5,495	229	
1st quarter	1,178	4,859	180	28,350	4,443	4,466	15,517	535	
April	526	2,642	79	13,063	1,967	1,865	7,866	179	
May	754	2,851	58	17,256	2,100	2,191	8,080	234	
June	418	1,998	63	7,861	1,489	1,483	6,211	139	
2d quarter	1,698	7,491	200	38,180	5,556	5,539	22,157	552	
July	332	1,625	71	7,183	1,196	1,489	4,305	159	
August	319	1,641	63	6,446	1,226	1,279	4,975	158	
September	219	1,631	46	6,138	886	736	4,822	165	
3d quarter	820	4,897	180	19,767	3,308	3,504	14,102	482	
October	170	1,389	57	5,549	900	1,040	4,313	105	
November	167	1,488	48	5,607	522	424	3,786	92	
December	138	1,583	39	6,185	582	459	4,436	64	
4th Quarter	475	4,460	144	17,341	2,004	1,923	12,535	261	
Total	4,221	21,707	704	103,638	15,211	15,432	64,311	1,830	
1971: January	140	8,228	30	6,155	572	400	p3,209	118	
Cumulative total	44,009	131,993	4,282	703,280	148,510	145,904	320,970	10,211	

[1] Monthly data for 3d Nation casualties not available prior to 1966.
[2] The South Vietnamese report only the seriously wounded—while the United States reports all wounds, including the minor, that receive attention by medical personnel.
[3] Data are not available. A factor of 1.5 x enemy KIA is sometimes used

Note: SVN data, beginning with 1968, include casualties incurred by the paramilitary forces, as reported by MACV.

Sources: Military Departments MACV.
p—Preliminary

DEPARTMENT OF DEFENSE: NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM

(Jan. 1, 1961 through Feb. 20, 1971)

	1961–62	1963	1964	1965	1966	1967	1968	1969	1970	1971 to date	Total
A. CASUALTIES RESULTING FROM ACTIONS BY HOSTILE FORCES											
1. Killed	20	53	112	1,130	4,179	7,482	12,588	8,119	3,467	226	37,376
2. Wounded or injured:											
(a) Died of wounds	1	5	6	87	517	981	1,636	1,170	578	32	5,013
(b) Nonfatal wounds:											
Hospital care required	43	218	522	3,308	16,526	32,371	46,799	32,940	15,211	1,030	148,968
Hospital care not required	38	193	517	2,806	13,567	29,654	46,021	37,276	15,432	691	146,195
3. Missing:											
(a) Died while missing	21	20	28	151	309	911	367	120	174	11	2,112
(b) Returned to control	7	3	2	12	22	12	26	10	1		95
(c) Current missing											991
4. Captured or interned:											
(a) Died while captured or interned			1	1	3	4	1	5	2		17
(b) Returned to control				3		5	26	16	1		51
(c) Current captured or interned											462
5. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	24	23	39	111	168	173	250	165	88	7	1,048
Helicopter	7	35	38	88	185	287	631	638	610	35	2,554
(b) From ground action	11	20	70	1,170	4,655	8,918	13,711	8,611	3,523	227	40,916
Total deaths [3]	42	78	147	1,369	5,008	9,378	14,592	9,414	4,221	269	41,518
B. CASUALTIES NOT THE RESULT OF ACTIONS BY HOSTILE FORCES											
6. Current missing											145
7. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	5	3	11	41	140	178	120	106	118	10	732
Helicopter	5	5	11	50	177	384	360	461	426	46	1,925
(b) From other causes	13	28	26	268	728	1,118	1,439	1,546	1,300	130	6,596
Total deaths	23	36	48	359	1,045	1,680	1,919	2,113	1,844	186	9,253

[3] Sum of lines 1, 2a, 3a, and 4a.

TREATY NEGOTIATIONS WITH THE REPUBLIC OF PANAMA

Mr. THURMOND. Mr. President, it has been announced this week that the United States and the Republic of Panama are reopening talks regarding a new Panama Canal Treaty in Panama City.

In my judgment, it is folly to reopen these talks during the current situation in Panama. The talks which began in 1964 resulted in three disastrous draft treaties of 1967 which would have spelled the end to an effective U.S. presence in the U.S. Canal Zone, and cast doubt upon the future stable operation of the Canal, which is a vital lifeline for U.S. trade and the commerce of the world.

Because of the strong public protests, and immediate expressions of concern by many Members of both Houses of Congress, the 1967 draft treaties were never sent to the Senate for ratification.

Now that talks are apparently being reopened, it will be worthwhile to examine the Panamanian positions to see whether there is any chance of obtaining a treaty that will protect American interests better than the 1967 drafts. As a result of my studies, I can say that the chance of a better treaty is absolutely zero.

In the first place, the present chief negotiator for the United States is the same chief negotiator who came up with the discredited 1967 drafts, Robert M. Anderson. Mr. Anderson was also the head of the Atlantic-Pacific Interoceanic Canal Study Commission which, last December, recommended a new sea-level canal in Panama, a recommendation which would require the abrogation of U.S. sovereignty in the U.S. Canal Zone. Since then it has become apparent, as I pointed out on the floor a few days ago, that the purpose of the Study Commission's recommendation of a sea-level canal was political rather than technical—that is, a new canal was recommended to justify a new treaty with Panama. Clearly, the Anderson Study Commission and the Anderson negotiating team have been working together in order to set up a new diplomatic relationship with the Republic of Panama.

In the second place, it is evident that the 1967 drafts, in the context of left-wing radicalism in Panama, are under sharp attack in that country as so-called "concessions" to the United States. We have fed the fires of this radicalism by continuing these negotiations, and I believe that the net result of the new talks in Panama City will be to arouse even more intense and irrational opposition to the U.S. presence.

For these reasons, I have introduced S. 734, which provides for the major modernization of the present Panama Canal, under the presently existing treaties. In my opinion, it only makes sense to take advantage of our present position, rather than stir up the hornet's nest of new treaties.

My judgment has been reinforced by a perusal of a document which I have recently received from Panama. Issued in January of this year, it sets forth an interesting interpretation of the proposed Panama Canal treaties, which came out of the 1964–67 negotiations with Panama. This document gives the interpretation of the draft treaties as seen by the Panamanian negotiating team. The document was written by the Panamanian negotiators as an answer to their political opponents in Panama and is an attempt to defend themselves against charges that they had been too lenient in extorting concessions from their North American partner.

As citizens of the United States, we have to read this document from a different perspective. From our point of view, it shows the magnitude of the concessions made by the U.S. negotiating team. What appears to the most extreme of the Panamanians as too little, from any prudent American point of view is too much. It is therefore very valuable to have this authoritative confirmation of what the Panamanians officially were trying to get.

I would like to point out some of these questions, but before I do so, I would like to make it clear that there have always been differences at Panama which have been and still are adjusted, subject to the approval of Canal Zone authorities faced with the burden of responsibility. However, there are certain basic principles which are necessary to the guaranteed maintenance, operation, sanitation, and protection of the canal and those principles are incompatible with the loss of our sovereignty in the U.S.-owned Canal Zone.

A careful reading of the comments in this document shows that it is precisely these points upon which the strategic safety of the canal depends. These are the very safeguards which the Panamanians are demanding to be removed. My judgment is that the U.S. Senate should not tolerate the draft treaties of 1967 or any future treaties which are negotiated on the basis of the Panamanian fundamental demands. It is therefore clear that the recommendations of the recent report of the Atlantic Pacific Interoceanic Canal Study Commission is hopelessly overruled by the political situation in Panama. The document in hand represents the so-called moderate Panamanian view by the men involved in the negotiation of the draft treaties. It is already far too extreme for us to accept. Thus, any talk of building a new canal in Panama is futile.

This document once again confirms the view that the only reasonable course is the major improvement and expansion of the present canal under existing treaties as embodied in S. 734, which is identical with H.R. 712 introduced by Representative DANIEL J. FLOOD of Pennsylvania, a recognized authority on interoceanic canal problems. Clearly this is the only avenue open to us. The document in hand also confirms that such a major modernization comes within the understanding which the United States and Panama reached under the 1903 treaty. In addition, in the Senate debate on July 24, 1939, when ratifying the 1936 treaty, it was emphasized that the minutes of interpretation adopted at the time of negotiation authorized "expansion and new construction." This was prior to the authorization of the third locks project in which more than $76 million was expended.

I would now like to cite some specific examples in the text of this document, which highlight the Panamanian position.

Let us note that the overriding Panamanian demand is, in effect, the expulsion of the United States from the isthmus. As the document says:

> From the Panamanian point of view, the correct approach to the negotiation process, if we wish to maintain same within the framework of possibility, should be that the new treaty must abrogate the 1903 Treaty and reduce to a minimum the presence of the United States in Panama.

I believe that this statement stands by itself and fully shows the futility of further negotiations.

As is well known, under the 1903 treaty the United States has the power to act—

> As if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereignty rights or authority.

This is the power which is necessary to guarantee the continued efficient operation of the Canal. We have exercised these powers fully within the right of international law and we shall continue to do so. Under the draft 1967 treaties, these rights would cease, as the negotiators are quick to point out:

> On the other hand, if the proposed treaties were approved, the United States President shall not continue issuing executive orders to be applied in the Canal Zone; the United States Congress shall not approve laws which may be applicable in any part of Panamanian territory; there shall be no foreign Governor over a strip of national territory; and the United States courts, except in specific and limited cases of penal matters which are indicated in the agreement relating to the defense of the Canal, will not make any judicial examination and determination of issues, whether civil or penal, occurring in our territory.

The implication of the loss of this sovereignty would be dramatic in the case of American citizens who operate and maintain the canal. This drastic withdrawal of the protection of U.S. laws from U.S. citizens is exactly what the Panamanians envision in this document:

> At present, justice is administered in the Canal Zone solely and exclusively by the courts of the United States of America. Panamanians are tried on first instance by a North American court created especially by the U.S. Congress to exercise its functions in the Canal Zone, and appeals are filed before courts with offices in New Orleans and Washington.
>
> Under the proposed treaties for the Panama Canal, the Republic of Panama courts shall have jurisdiction over all cases and proceedings, whether civil or penal, occurring in the Canal area. The exceptions are those cases and proceedings specified in the proposed treaty and which are related with the civil and penal subjects we have pointed out as exceptions when dealing with the subject of civil and penal legislation, such as admiralty, contracts with the Joint Administration, offenses against the security of the canal, etc.
>
> With regard to the above-mentioned exceptions, the administration of justice shall be carried out by a court with equal number of Panamanian and North American judges. Panamanian judges shall participate in the proceedings and the appeals will be filed with a court in which Panamanian judges shall participate also. There will be no more appeals to courts in New Orleans and Washington.

Thus we see that the Panamanians are quite candid about their objectives.

Another major demand of the Panamanians is to seize control of what they envision to be the lucrative business operations which are necessarily carried on in the present Canal Zone. Under the Draft Treaty of 1967, one such commercial activity would require a special license from the Panamanian Government with all the various kinds of corruption such a system would invite. The document says:

Article XV stipulates that the Administration, within five years following its assumption of its functions, shall discontinue its operation of all commercial activities. Same article stipulates the manner in which to call for bids or solicitations to transfer such activities to private firms. It is pointed out that, in such bids, only persons who are entitled to obtain from the Republic of Panama the authorization to engage in commercial activities in our country shall be able to participate. It also adds, by referring to Article XVIII, that private business enterprises, when conducting their activities in the Canal area, shall be subject to the laws of the Republic.

It is particularly important to know that the major modernization of the canal, as proposed in pending legislation, comes within the understanding which the United States and Panama have achieved. As previously stated, even the document written by the Panamanian negotiators says:

In an exchange of notes dated February 1, 1939, both countries agreed that the term "maintenance," as it is used in Article III of the 1936 General Treaty, "shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty." This clarifies and emphasizes the fact that the United States is authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works."

I have long maintained that under the proposed draft defense treaty of 1967, the United States would not have the adequate authority to defend the canal or personnel. This inadequacy is clearly spelled-out in the claims of the negotiators, as follows:

In lieu of the situation which presently prevails, the areas of national territory destined for defense purposes would be under a system, which would have the following main features:

a. The defense areas would be under the flag of the Republic of Panama.

b. In civil matters, only Panamanian civil laws and our system for the administration of justice would be enforced.

c. In penal matters, our law will be enforced and our courts will exercise jurisdiction in all cases, with the following exceptions: acts or omissions committed only against United States property and security; acts or omissions committed only against the person or property of a member of the United States armed forces or civilian employee of these forces or a dependent of same; and acts or omissions committed while on official duties.

d. The arrival and departure to and from the country of military personnel and their dependents will be subject to a special regulation which requires the presentation of documentation to Panamanian authorities.

e. Preference will be given to the acquisition of supplies and services in the Republic to the extent where they are of comparable quality and cost to those which may be obtained from other sources.

f. The Armed Forces contractors will have to qualify under the laws of the Republic and will be subject to our fiscal laws, except in special cases, as specified in the Treaty.

g. The members of the Armed Forces will be subject to Panamanian customs laws and will only be exempt with regard to the household and personal effects they bring upon their arrival to the country.

The regulation outlined above is, without any doubt, more in accord with national dignity and interests than the one which presently prevails.

I believe that the implications of these claims are obvious.

It should be remembered that the majority of the commerce going through the Panama Canal is either coming from or going to U.S. ports. The canal is thus the lifeline of American commerce. The United States has always maintained that all countries should benefit on an impartial basis from the canal and that tolls should be based on the cost of operation. Because of the efficiency with which the United States has conducted the canal operation, the canal rates today are a bargain, which benefits the commerce of the world on terms of equality as contemplated in the Hay Pauncefote Treaty of 1901 with Great Britain.

It is, therefore, of extreme importance to our economy position to recognize that the draft treaties would raise the payment to Panama in the period of 1970–2000 from approximately $57.9 million to over $1 billion. Clearly, Panama is seeking a bonanza at the expense of the United States and world shipping.

As for the indirect benefits to Panama, even under the present system, Panama has a net income of $144.8 million from the sale of goods and service to the Canal Zone. The complete breakdown of these figures quoted in the present document from the official statistics from the Republic of Panama points out that as a result of the income originating in the Canal Zone, there is a multiplying effect in the Panamanian economy of approximately 2½ times. This means that approximately 50 percent of the internal gross product of Panama is generated by the American investment of time, energy, and military defense in the Canal Zone. It is thus clear that Panama is the beneficiary of the United States to an extraordinary degree, giving it one of the highest per capita incomes in all of Latin America.

Another benefit which the Panamanians are seeking is the gift of the lands required for the auxiliary operations of the canal back to Panama. We must not forget that in addition to the grant of sovereignty over the Canal Zone all privately owned land and property in the Zone was purchased from individual property owners at the time the canal was being built. All of this land, consisting of millions of dollars worth of improvements in piers, living quarters, school buildings, and other structures would be simply given away, as the Panamanian negotiators carefully point out:

As for the urban development of the city of Panama, the area to be returned to the Republics adds to the urban perimeter an extension of approximately 880 hectares. . . . Of unique importance to urban development are the 404 hectares which will be added to the town of Arraijan. Their proximity to the center of Panama City will permit the development of satellite communities which will relieve the Capital's existing urban pressure.

The value of the areas referred to in the above paragraphs has not been determined, but they no doubt amount to several million dollars. Furthermore, the Cristobal port facilities are included in same, as well as the piers, several living quarters, school buildings, sales stores and recreational centers, hangars, warehouse and storage structures, fences, highways, electric lines, repair shops, water distribution lines, and the Coco Solo Hospital.

Now we come to a point which is of great importance in evaluating the work of the Atlantic Pacific Interoceanic Canal Study Commission. It is clear that under the proposed draft treaties of 1967 that no new canal will be built unless we pay enormous indemnities to Panama, in addition to paying for the right-of-way. Even if the 1967 treaties had been ratified by both countries, there still would be no assurance that we could build a canal without submitting to financial blackmail by the Panamanian Government. This is perfectly clear in the negotiator's document, when they say:

That the construction of a sea-level canal cannot be initiated until that part of the agreements regarding financing is completed, including the agreements relative to payment to the Republic of Panama. Therefore, if the Republic of Panama does not reach an agreement in terms acceptable to it with the United States, such construction cannot begin.

Moreover, it is clear that the Panamanians are seeking to seize upon their geographic position as a means of extorting enormous revenues, not only in the United States, but from every user of the canal. If Panama were allowed to take over the operation of the canal, the canal's long history of impartial access for ships of every nation would be destroyed. Panama would be in the gleeful position of a pirate strategically positioned in a narrow strait. The whole motivation of the Panama takeover and the real goal behind the crocodile tears about the alleged insult to their sovereignty and dignity can be seen as a remarkably ingenuous greed for seizing control of a waterway which must be used by the world.

This naked desire for power is clearly revealed in an astonishing passage near the conclusion of these remarks by the Panamanian negotiators:

With regard to the subject of indirect economic benefits, the negotiating effort was oriented by the thesis of taking advantage of the geographic position. In its most succint expression, we can explain this thesis by stating that as far as the Canal is concerned, the Panamanian objective must be that of achieving the opening to Panamanian economic activity of that part of the present Canal Zone destined to the handling of the interoceanic waterway, so that Panama may be able to make the necessary investments and use the existing facilities to take maximum advantage to the transit of vessels and goods through the Canal. As a corollary to this objective we have, among others, the

ceasing of business, manufacturing, agricultural and cattle farming activities, services and other presently being exploited or under the control of Zonian authorities, so that they may be undertaken by Panama; and the enforcement of the Panamanian tax system on the activities being developed in that area of national territory and the natural or private juridic persons residing or working therein.

Of special interest, I would like to quote their own summary of the alternative position of the United States and Panama as they themselves have summed it up:

The proposed treaties represent the following:

1. Abrogation of the 1903 Treaty.

2. Elimination of the perpetuity clause and stipulation of the precise terms for finalization of the new treaties.

3. The Panamanian flag will be flown exclusively in the Canal Zone, the military bases, and ships transiting the Canal.

4. Panama will have effective participation in the handling and administration of the canal.

5. As a general principle, civil as well as fiscal and penal Panamanian laws will apply in the Canal area, where the enforcement of North American laws will be discontinued. (In exceptional cases in which Panamanian laws shall not apply, the Statutes issued by the Joint Administration shall apply.)

6. The Panamanian civil and penal courts of justice will have jurisdiction in the Canal Area, and the jurisdiction of North American courts of justice will cease. A few specific cases stipulated herein are excepted.

7. Reversion to Panama of the present locks canal and all auxiliary works, buildings, and lands within the Canal Zone.

8. Establishment of an arbitration clause to settle the differences which may arise between Panama and the United States with regard to the interpretation or application of the treaties and the validity of the actions by the Joint Administration.

9. Effective protection for Panamanian employees working in the Canal Zone.

10. Substantial increase of the direct as well as indirect benefits, which Panama will perceive as a result of the Canal operation.

11. Negotiations for an agreement for a future sea-level canal in which the door will remain open so that Panamanians, on whom the task of defending the position of Panama is placed, may demand a fair compensation in exchange of the Concession for the construction of such canal.

Finally, as regards the often repeated official position of Panama that its geographical location is its greatest national resource, I would like to stress that it is also its greatest weakness, for the American Isthmus always has been, and always will be, a prime objective for predatory attack, making the independence of Panama dependent upon the presence of the United States. Underlying the nationalistic drive for sovereignty over the Canal Zone, fanned by Red agents and their collaborators, the long range Soviet objective since 1917, has been to wrest control of the Panama Canal from the United States. Thus the realistic issue is not U.S. control of the Panama Canal versus Panamanian but U.S. sovereignty versus Soviet control. This is the question that should be debated in the U.S. Senate, for it directly affects the security of the entire Western Hemisphere, witness Cuba and Chile.

Mr. President, this astonishing document gives the true picture far better than any U.S. interpretation could do. I ask unanimous consent that it be printed in the RECORD.

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

COMMENTS BY FORMER CHANCELLOR FERNANDO ELETA A. AND FORMER NEGOTIATORS DIOGENES DE LA ROSA, RICARDO M. ARIAS, ROBERTO R. ALEMAN, AND GUILLERMO CHAPMAN IN RELATION WITH THE COMMUNIQUE OF THE PROPOSED TREATIES EVALUATION COMMISSION PUBLISHED SEPTEMBER 5, 1970

Fulfilling our duty to our fellow citizens, imposed by our participation in the drafting of the proposed treaties finalized on June 22, 1967, we make the following comments regarding the Communiqué prepared by the Evaluation Commission, which was published on September 5, 1970, to be hereafter called "the Communiqué." The utmost importance of the subject under consideration and the need to clear up, even if only in part, some of the confusions created by a press campaign impregnated with political passion, a confusion increased by the Communiqué, demand from us the maximum truth and honesty in our statements. We would not be honest with our fellow citizens and with ourselves if we spoke in a different manner.

I

Character and Approach of the Negotiation—The historic impulse of the present negotiations was given by the popular uprising of January 9, 1964, against the existing situation in the Canal Zone and its diplomatic starting point was the joint statement of April 3, 1964, by which the governments of Panama and the United States undertook to negotiate a fair and equitable treaty which would eliminate the causes of conflict existing between the two countries. Logically, the statement could not identify or define such causes as this would be done at the presentation of each country during the negotiations. Such causes are well known and it would be repetitious to mention them in these comments. But it is necessary to do so precisely because, in this aspect, the Communiqué involves detailed work based on a mystification that we cannot ignore.

The development of the Panama-United States relations, linked to the existence and operation of the canal, shows that the Republic of Panama, while it tenaciously reiterated its inconformity with the 1903 Treaty, attempted for many years to liberate itself from its most oppressing effects by trying to get the United States to limit the exercise of its jurisdictional rights to the area assigned for the strict purposes of the operation, maintenance, and protection of the interoceanic waterway which determined the granting of such rights. However, in view of the irreductible group of conflict-generating problems which subsisted after each agreement negotiated with the United States, the idea, already announced in the Note presented by our Minister in Washington, Mr. Jose Domingo de Obaldia, on August 14, 1904, of substituting the 1903 Convention by another that would set up different policies in the relations between the two countries on the maintenance, operation, and protection of the canal, gained strength.

This is the meaning of the phrase "elimination of the causes of conflict" which appeared in the joint statement of April 3, 1964. The discussions carried out at the Organization of American States headquarters and the Panamanian official statements made after January 9th, identified in 1903 Treaty and its complementary conventions as "the causes of conflict" to which the statement refers with the ambiguity and implications peculiar to diplomatic language.

From the Panamanian point of view, the correct approach to the negotiating process, if we wish to maintain same within the framework of possibility, should be that the new treaty must abrogate the 1903 Treaty and reduce to a minimum the presence of the United States in Panama. Of course, this approach, in what refers to reduction, will necessarily conflict with the United States' position as it was stated by President Lyndon B. Johnson in a speech he gave on December 18, 1964. President Johnson said: "Today we have informed the Panamanian Government that we are willing to negotiate a new treaty. In this sense, we must maintain the rights which are necessary for the efficient operation and protection of the canal and the administration of the areas necessary for these purposes."

The negotiating process necessarily developed within the framework formed by what must be the correct Panamanian approach and the North American position.

The negotiations could start and come to a logical end only with the understanding that the causes of conflict mentioned in the statement of April 3rd are rooted in the 1903 Convention.

II

The Communiqué and the causes of conflict—The Communiqué analyzes separately seven points considered as the main causes of conflict between Panama and the United States. We will examine separately the comments made by said document with respect to each of these subjects. In doing so, we will point out what the prevailing situation is regarding each problem with the existing treaties and what would be the situation according to the proposed treaties.

I. *Perpetuity:* The Isthmian Canal Convention is fully and clearly in perpetuity. That is, its term is indefinite; it has no end.

The perpetuity problem will not be automatically solved by the "rebus sic stantibus" doctrine as the Communiqué pretends. It is true that said rule consecrates the principle that treaty stipulations are left without effect when the circumstances which prevailed upon their adoption have changed. However, International Law does not record the case of one single country which has been able to free itself, unilaterally, from an international treaty by appealing to the above-mentioned doctrine. What would happen tomorrow if Panama unilaterally invokes the "rebus sic stantibus" doctrine and declares the Canal Treaty as terminated? Absolutely nothing. The United States would disavow the unilateral statement made by Panama and would peacefully remain in the Canal Zone.

Instead of perpetuity, the proposed treaties offer the following:

(a) The Canal Treaty shall terminate on December 31, 1999, with the possibility that its term be extended, at the least, until December 31, 2009. If the sea-level canal were to be inaugurated before December 31, 1999, this treaty would be terminated one year after the opening date of the sea-level canal.

(b) The Sea-Level Canal Treaty would be in force for a period of sixty (60) years from the date the new canal is opened to the public. In no case the period of duraton shall extend beyond December 31, 2067.

(c) The Defense Treaty shall terminate, at the latest, on the same date the Sea-Level Canal Treaty is terminated, that is, December 31, 2067.

In this respect, we must point out that the Communiqué states that the United States proposed that the Defense Treaty be in perpetuity but that "Panama has not accepted this proposal for perpetuity, but this is a clear indication of what the North American negotiators are seeking."

The truth is that during the negotiating process the position that the Defense Treaty be in perpetuity was never brought up. Even more, when certain criticisms were made in Panama to this respect, the United States negotiators immediately manifested their willingness to clarify the terminology of

Article XX of the Proposed Defense Treaty so there would be no doubts regarding the delicate subject of its date of termination.

Through Note MNP–12/68 dated January 3, 1968, the Negotiating Mission informed the Minister of Foreign Relations that the United States had agreed to eliminate Section (c) of the above-mentioned Article XX which had been the main cause for the misinterpretations of same. Therefore, it was clearly established in the records of the Chancery that the Defense Treaty shall terminate, at the latest, on the same date the Sea-Level Canal Treaty is terminated, that is, on December 31, 2067.

We must also add that in the editorial comment published in "La Estrella de Panama" on August 20, 1967, written by Dr. Ricardo J. Alfaro, the most brilliant internationalist of this Republic, it was clearly established that the assumed perpetuity of the Defense Treaty could not be deduced from the proposed treaties text.

When asserting that the period of duration of the sea-level canal treaty is too long, the Communiqué does not offer any rational criteria to support such thesis. Logically, this period of duration is related with the amount of the investment necessary to cover the cost of said construction and the time needed to recover said investment. Also, the time needed to recover the investment is related to the number of ships it is foreseen will transit said interoceanic waterway. Taking into account that it has been estimated that the investment will exceed 3 billion dollars and after considering the existing projection of future transit through the sea-level canal, it is concluded that the 60-year period negotiated for the duration of the sea-level canal treaty is reasonable.

When dealing with the perpetuity subject, the Communiqué criticizes the proposed treaties because these do not contain clauses which allow their revision every twenty (20) years or twenty-five (25) years. Apparently, Dr. Galileo Solis, member of the Commission who wrote the Communiqué, has radically changed his way of thinking with regard to this subject. In a memorandum dated June 26, 1964, addressed to the then Special Ambassador Dr. Jorge E. Illueca, in commenting on a proposal made by Ambassador Robert B. Anderson that the treaties be revised every ten years, Dr. Solis, at the time Chancellor of the Republic, said the following: ". . . the statement suggested would be of little help if it is not explained, beforehand, on what basis and with what purposes the treaty revisions would be made every ten years. To say that these treaties would be revised periodically without further explanation is not a guarantee that the revisions would bring about any practical results, as they would require a prior understanding for each new arrangement, and any of the two parties could make impossible this new arrangement, so, the idea must prevail that renovating the agreement according to the changing times could have no real value."

We add to Dr. Solis's statements made in 1964 that the inclusion in the proposed treaties of such clauses of periodic revision would not solve any fundamental problem as a country can always bring up to the other the need of revising a given treaty, whether or not its clauses provide for such revision. At the same time, such provision, even when contemplated in a treaty, does not oblige in any manner the country which receives the request.

CONCLUSION

The proposed treaties eliminate the perpetuity and establish fixed and precise dates of termination.

2. *Political Jurisdiction and Administrative Authority.*—It is surprising to note that when dealing with this subject the Communiqué does not even mention Article III of the 1903 Isthmian Convention. Said Article clearly allows the United States to exercise, within the Canal Zone "all the rights, power and authority that the United States would possess and exercise if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such rights, power or authority.

The Republic has been arguing since 1904, and with justified legal cause, that the authority granted the United States to act "as if it were the sovereign" is limited to the canal purposes listed in Article II of the 1903 Treaty, that is, "the construction, maintenance, operation, sanitation and protection of the canal."

There is no doubt that the omission of this point of Article III of the 1903 Treaty by the Communiqué has surprised and worried all Panamanians who have read and analyzed it since its provisions involve the most important cause of conflict between the two countries and which consequences have been so hard on the Republic's life. Because, if this is a deliberate omission, as it must necessarily be, it may indicate that they are trying to erase from the citizens' conscience the terrible meaning of said article and substitute it for the pernicious idea that there might be a treaty more ominous than that of 1903, with the evident purpose of reducing the importance of the historical conquest constituted by the abrogation of said Convention and, with it, the disappearance of the above-mentioned repulsive article, as it is done in the proposed treaty for the present canal.

As it is known, Article I of the 1936 Treaty excludes from the scope of the purposes of the canal listed in the above-mentioned Article. Article II anything related with the construction of the canal. However, we must admit that the 1936 Treaty did not abrogate Article III of the 1903 Convention and, therefore, even according to the thesis the Republic has traditionally maintained since 1904, the United States maintains the right to act "as if it were the sovereign" in the Canal Zone for the purposes of the "maintenance, operation, sanitation and protection of the Canal."

The heavy burden the Republic of Panama has borne as a consequence of the provisions of Article III becomes worse if we take into consideration that, for all practical effects, the United States has ignored the Panamanian position regarding the limitations of the right to act "as if it were the sovereign" and, on the contrary, has maintained the thesis, announced by Secretary of State Hay in 1904 that the words "construction, maintenance, operation, sanitation and protection" on the canal are mere illustrations of the reasons why the Republic granted the canal concession, but in no manner limit the power of the United States to act as "if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign right, power or authority."

We have reached 1970 and, after an intense struggle and two modifications of the 1903 Isthmian Convention, the United States, without any limitations, continues acting as if it were the sovereign on that part of national territory. So we have that the President of the United States of America issues executive orders applicable to the Canal Zone and appoints a Governor; the United States Congress approves laws which are applicable in part of our territory; and United States courts administer justice in our land.

On the other hand, if the proposed treaties were approved, the United States President shall not continue issuing executive orders to be applied in the Canal Zone; the United States Congress shall not approve laws which may be applicable in any part of Panamanian territory; there shall be no foreign Governor over a strip of national territory; and the United States courts, except in specific and limited cases of penal matters which are indicated in the agreement relating to the defense of the Canal, will not make any judicial examination and determination of issues, whether civil or penal, occurring in our territory.

The Communiqué says that if the new proposed treaty on the Panama Canal were adopted "the Panamanian authorities would continue jurisdiction or competence to act within the Canal areas." This assertion is completely false. Let's examine it:

(a) *Civil and Mercantile Legislation:* At present, the civil and mercantile legislation applicable in the Canal Zone is approved exclusively by the United States Congress. According to the proposed treaties, the Panamanian Law will govern all civil and mercantile relations developed among persons residing in the Canal area or who carry on their commercial activities therein. Our law will govern, among other subjects too numerous to enumerate, the following areas:

Execution of contracts;
Issuance of deeds and other notarial documents;
Mortgage loans;
Relations between banking institutions and their customers;
Relations among businessmen and between businessmen and their customers;
Marriages;
Birth records;
Adoptions;
Divorces;
Succession proceedings;
Powers of attorney;
Execution of wills;
Claims for damages;
Bonds;
Securities;
Legal status;
Marshaling assets;
Obligations in general.

The exceptions to the application of our civil and mercantile law in the Canal area shall be as follows: admiralty; quasi crimes and contracts of the Joint Administration; relations between the Joint Administration and its members; services rendered by the Joint Administration.

(b) *Penal Legislation:* At present, the penal legislation applicable in the Canal Zone is approved exclusively by the United States Congress.

Under the Proposed Treaty for the Panama Canal, the Panamanian penal legislation shall be applicable in the Canal area for all kinds of offenses, with the exception of the following: offenses against the security of the canal; offenses against ships in the Canal area or against the ship's officers, crew or passengers or offenses committed by such persons while in the Canal area; offenses committed within the Canal area and arising out of any act done in the performance of official duty by employees of the Administration; offenses committed against the Joint Administration or its property, or against persons authorized to reside in the Canal area or committed by such persons.

(c) *Fiscal Legislation:* Article X of the 1903 Treaty established that Panama shall not impose taxes on a series of persons, activities and properties. Among the measures stipulated therein, it is established that the Republic shall not impose contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

At present the Republic, for all practical effects, can only make effective in the Canal Zone the collection of income taxes from the salaries of Panamanians working there and from the earnings of enterprises which maintain offices in national territory which is not subject to jurisdictional limitations as said zone is. Also, the import duty on alcoholic beverages is collected with a 75% discount.

Under the Proposed Treaty of the Panama Canal, the Panamanian fiscal legislation shall apply to the Canal area.

It would be an extremely long-winded task to list all the national taxes in force in the Republic that are not paid at present by Canal Zone residents and which, according to the proposed treaties, shall apply, regardless of nationality, to all residents of the Canal area. Among said taxes we have the following:

(i) Income Tax imposed upon persons, whatever their nationality, residing in the Canal Area and enterprises carrying on activities in same area;

(ii) Import taxes on merchandise imported for resale;

(iii) Sales tax on gasoline, oil and other fuels and lubricants;

(iv) Inheritance and gift taxes;

(v) Admissions tax;

(vi) Revenue stamps;

(vii) Sales tax on alcoholic beverages;

(viii) Taxes on Banks and Exchange Offices;

(ix) Foreign travel tax;

(x) Franchise tax;

(xi) Insurance tax.

(d) *Administration of Justice:* At present, justice is administered in the Canal Zone solely and exclusively by the courts of the United States of America. Panamanians are tried on first instance by a North American court created especially by the United States Congress to exercise its functions in the Canal Zone, and appeals are filed before courts with offices in New Orleans and Washington.

Under the Proposed Treaty for the Panama Canal, the Republic of Panama courts shall have jurisdiction over all cases and proceedings, whether civil or penal, occurring in the Canal area. The exceptions are those cases and proceedings specified in the proposed treaty and which are related with the civil and penal subjects we have pointed out as exceptions when dealing with the subject of civil and penal legislation, such as admiralty, contracts with the Joint Administration, offenses against the security of the canal, etc.

With regard to the above-mentioned exceptions, the administration of justice shall be carried out by a court with equal number of Panamanian and North American judges—Panamanian judges shall participate in the proceedings and the appeals will be filed with a court in which Panamanian judges shall participate also. There will be no more appeals to courts in New Orleans and Washington.

(e) *Administrative Functions in the Canal Area:* At present, the Republic does not exercise any administrative functions in the Canal Zone.

According to the Proposed Panama Canal Treaty, the Republic of Panama officials shall have the right to exercise in the Canal area all functions authorized by the laws of the Republic of Panama which may be applicable in the Canal area and, as we have seen, except in the cases specifically mentioned in the proposed treaty, the civil, mercantile, penal, and fiscal legislation of the Republic will be valid in the Canal area.

(f) *Administration of the Panama Canal:* The Communiqué says that "at present the Government of the United States has the obligation and responsibility of maintaining and operating the Panama Canal, but in accordance with the new proposed treaties for this Canal, this obligation and responsibility would pass on to an international agency with its own authority which would be known as the Joint Administration, for whose actions the United States would not be responsible, thereby being free from its present obligations in this respect without Panama having any guarantee and with the aggravating factor that the Government of the United States would have the definite control of that Joint Administration by majority vote in the decisions of same, without assuming any direct responsibility for the maintenance and operation of the Canal."

It is evident that if according to the Communiqué thesis what is sought now is that the United States maintain, in an exclusive manner, the obligation and responsibility for the operation of the canal, said position is radically opposed to the new proposed treaty for the present canal which stipulates the participation of Panama in the administration of the canal.

At present, in accordance with the existing treaty, everything related to the operation of the canal may be handled by the United States "as if it were the sovereign."

In the agenda signed by both countries' Ambassadors on July 28, 1964, the following subject was included: "Issues related to the participation of Panama in the Administration of the Canal." Such inclusion reflected the way of thinking, at that time, of Dr. Galileo Solis, today a member of the Commission which prepared the Communiqué, who at the time held the position of Minister of Foreign Relations and who, in a memorandum dated June 26, 1964, addressed to the Special Ambassador expressed that one of the fundamental subjects Panama was to bring up was the "issues related to the participation of Panama in the joint administration of the Canal."

In the course of negotiations, Panama brought up the necessity of establishing an international juridical entity to be known as the Joint Administration of the Panama Canal and of obtaining the effective participation of our country in the administration of the Canal through equal representation in this entity.

To the Panamanian proposal the United States answered that it was willing to offer Panama participation in the administration of the Canal through the appointment of some Panamanians to the Board of Directors of the Panama Canal Company, an entity which, subject exclusively to North American legislation, is in charge at present of the operation of the Canal. Our country insisted on the establishment of a Joint Administration and proposed that the Board of Directors be composed of four representatives designated by each country and a ninth representative designated by the Secretary General of the United Nations.

The United States maintained, from the start of the negotiations, that President Johnson had made clear the position that the United States was to maintain all necessary rights to guarantee the efficient operation of the canal. The subject was discussed at the highest level and the United States maintained, in an inflexible manner, the position that its representation in the Board of Directors of the Joint Administration should be in the majority.

Which is preferable . . .? That the Panama Canal be unilaterally administered by the United States as proposed by the Communiqué or that the administration of same be assigned to an international organization in the Board of Directors in which four representatives of our country shall have the right to voice and vote.

The Communiqué says that "the mentioned Joint Administration would have, according to the proposed treaty, attributions that at this stage not even the Washington Government has under the treaties in effect." This is also false. According to the treaty in effect, the Washington Government, for the purposes of the operation of the canal may act as if it were the sovereign. The proposed treaty for the Panama Canal determines the specific and definite activities the Joint Administration may undertake.

To support the above-mentioned assertion, to the effect that the Joint Authority would have attributions greater than those exercised at present by the Washington Government, the Communiqué adds:

"For example, to mention a case, notwithstanding the obligation which apparently is stipulated in the project in the sense that the Joint Administration would transfer to private Panamanian firms the commercial activities which are now exploited in the Canal Zone, this same project stipulates that this Administration may continue with such activities, with the sole obligation of paying Panama the sums equivalent to the taxes which Panama might have received if these activities were in the hands of private firms, which would mean that these activities would not be subject to Panamanian tax system nor would they be under the jurisdiction of the laws and authorities of Panama, which is a just and permanent aspiration of Panama."

The example offered by the Communiqué is as inappropriate as the assertion it pretends to illustrate is false, and it is also contradictory. It is evident that if the commercial activities carried out by the Administration oblige it to pay to the Republic of Panama sums equivalent to those which firms operating under Panamanian jurisdiction would have paid, for the same activities, such activities of the Joint Administration would be subject to the corresponding fiscal laws of the Republic.

Article XV stipulates that the Administration, within five years following its assumption of its functions, shall discontinue its operation of all commercial activities. Same article stipulates the manner in which to call for bids or solicitations to transfer such activities to private firms. It is pointed out that, in such bids, only persons who are entitled to obtain from the Republic of Panama the authorization to engage in commercial activities in our country shall be able to participate. It also adds, by referring to Article XVIII, that private business enterprises, when conducting their activities in the Canal area, shall be subject to the laws of the Republic.

The above-mentioned Article XV adds that "if no satisfactory bids are received" from private business enterprises regarding the exploitation of a specific activity, the Administration, after the term for direct negotiation with private enterprisers has expired, may exploit same but, in such a case, "the Administration shall operate the enterprise in conformity with the fiscal laws of the Republic of Panama."

At present, the United States Government agency in charge of the operation of the Canal carries out some activities of a commercial nature which yield no profits but are maintained as a service to the community. With the purpose of maintaining same, if this were convenient, the possibility that in exceptional cases the Joint Administration exploit certain commercial activities in the Canal area was provided for in the proposed treaty. Such exception cannot serve as an example, as the Communique asserts, to maintain that the Joint Administration would have attributions, functions, and powers that at this stage not even the Washington Government has.

CONCLUSION

The Communiqué analyzes the subject "Political Jurisdiction and Administrative Authority" without quoting our mentioning Article III and of the 1903 Treaty which allows the United States to act as "if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority" By omitting such quotation or reference, it fails to deal with the main cause of conflict which has existed between the two countries. The proposed treaties put an end to the opprobrious regime emanating from Article III and confers on an international organization, of which the Republic will form part, specific and limited functions.

3. *Execution of civilian works not authorized by the Treaties:* In an exchange of notes dated February 1, 1939, both countries agreed that the term "maintenance," as it is used in Article III of the 1936 General Treaty, "shall be construed as permitting expansion

and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty."

Therefore, we have that the United States was authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works."

With regard to the subject of execution of new works, the Communique says that the proposed treaty "would give the entity which there is referred to as the Joint Administration of the Canal a greater radius of action which would allow it to legalize activities which are now carried out disregarding the existing Treaties, and would also allow it new construction activities which the Government of the United States has no right to perform at the present time in accordance with the treaties in effect today."

The above-quoted assertion by the Communique is false and no basis for it can be found in the proposed treaty. We shall see with concrete quotations of the proposed treaty how the text of the same contains dispositions completely contrary to the assertions of said Communique.

Through Article II, "the Republic of Panama and the United States hereby establish the joint administration of the Panama Canal to operate the Panama Canal and its appurtenant and supporting facilities and services, maintain the Panama Canal and such facilities and services, make improvements and additions thereto, and administer the canal area. . . ."

Article V includes, among the attributions of the Joint Administration, the following: "1) Operate and maintain the Panama Canal and its appurtenant and supporting facilities and make improvements and additions thereto and control navigation in canal area waters."

As can be seen, in a clear and precise manner, the project empowers the Joint Administration to make improvements and additions to the Panama Canal and its appurtenant and supporting services. This will in no way allow it "to legalize activities which are now carried out disregarding the existing Treaties" because, as we have already seen, at present the United States is authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the canal and its auxiliary works."

CONCLUSION

The proposed treaty limits itself to empower the Joint Administration to effect improvements and additions to the Panama Canal and its auxiliary works. This is evidently necessary and convenient. Such provisions do not, in the least, legalize the activities presently being carried out, which are not contemplated in the provisions in force.

4. *Protection of the Panama Canal:* The Communiqué states that "the 1903 Treaty granted the United States the right to protect the Canal and this right was covered by Article XXIII of that Treaty, limiting it to: 'use its Police and land and naval forces and to establish fortifications for the protection and safety of the Canal or of the ships that make use of same, or the railways and auxiliary works.'" The limitation mentioned by the Communiqué vanishes if a complete quotation is made of the mentioned Article XXIII, as it adds that "the United States shall have the right, at all times and at its discretion, to use its police and land and naval forces and to establish fortifications for these purposes."

If the United States has the right "at all times and at its discretion" to use its armed forces and to establish fortifications, its faculty to protect the Canal is not as limited as the Communiqué assumes it is.

Such limitation is narrowed even more if we recall that, even according to the thesis the Republic has maintained since 1904, the protection of the canal is one of the specific purposes why the United States has, by virtue of a delegation by the sovereign, the right to exercise "the rights, power and authority that the United States would possess and exercise if it were the sovereign," as stated in the text of Article III of the 1903 Treaty.

It is not worthwhile that we expound on this matter, as all Panamanians well known that, by right or fact, few are the limitations which exist with regard to activities in defense of the interoceanic waterway, which the United States presently develops in the Canal Zone.

The proposed treaty concerning the defense of the canal is analogous to several treaties entered by the United States with other countries such as Belgium, Canada, Denmark, Italy, Great Britain, Spain, Greece, Japan, the Chinese Republic, and Turkey.

In lieu of the situation which presently prevails, the areas of national territory destined for defense purposes would be under a system, which would have the following main features:

(a) The defense areas would be under the flag of the Republic of Panama.

(b) In civil matters, only Panamanian civil laws and our system for the administration of justice would be enforced.

(c) In penal matters, our law will be enforced and our courts will exercise jurisdiction in all cases, with the following exceptions: acts or omissions committed only against United States property and security; acts or omissions committed only against the person or property of a member of the United States armed forces or civilian employee of these forces or a dependent of same; and acts or omissions committed while on official duties.

(d) The arrival and departure to and from the country of military personnel and their dependents will be subject to a special regulation which requires the presentation of documentation to Panamanian authorities.

(e) Preference will be given to the acquisition of supplies and services in the Republic to the extent where they are comparable quality and cost to those which may be obtained from other sources.

(f) The Armed Forces contractors will have to qualify under the laws of the Republic and will be subject to our fiscal laws, except in special cases, as specified in the Treaty.

(g) The members of the Armed Forces will be subject to Panamanian customs laws and will only be exempt with regard to the household and personal effects they bring upon their arrival to the country.

The regulation outlined above is, without any doubt, more in accord with national dignity and interests than the one which presently prevails.

In dealing with the subject of the Protection of the Panama Canal, the Communiqué adds that the Proposed Defense Treaty, "would grant the North American Government the right to utilize new areas outside the Canal Zone, without entering into a new Agreement or Treaty between the two countries."

The above affirmation in the Communiqué is untrue and no basis for it can be found in the text of the proposed Defense Treaty. Let us see, with exact quotations from the proposed treaty, how its text contains provisions completely contrary to what is declared in the Communiqué:

All the areas destined by Panama for Canal defense purposes are defined in Annex A of the proposed treaty. Section (5)(a) of Article II provides that "the Republic of Panama and the United States of America may agree to revise Annex A of this treaty by releasing areas, adding areas or making other adjustments in order to meet changing conditions. Therefore, so that Annex A may be revised, it becomes necessary that Panama and the United States agree on such revision.

Also, section (2) of the Annexed Agreement regarding Various Matters which is part of the proposed treaty states the following: "The stipulations of section (a) numeral (5) of Article II of this Treaty relative to the entering of agreements to facilitate the use of additional lands by the United States of America, imply that to enforce such agreements the approval of the National Assembly is necessary."

CONCLUSION

The protection of the canal is one of the purposes for which, according to the present treaties, the United States may act as sovereign. The proposed Canal defense treaty sets the basis for a new regulation which will be more beneficial to the Republic and more in agreement with national interests.

5. *Insufficiency of direct benefits for Panama:* At present, the Republic of Panama receives a direct nominal compensation of $1,930,000 per year for the canal concession. It is evident that such compensation is ridiculously small. In this respect the Communique states: "In accordance with the new Panama Canal treaty, the Republic will perceive a higher annual payment, calculated on the basis of a fixed sum per ton of cargo in transit through the Canal; but the effectiveness of such payments is *doubtful*, since the constant depreciation of the purchasing power of the North American dollar is not taken into consideration, with the aggravating factor that Panama does not have any participation in the setting of tolls."

The proposed treaty changes the present compensation to a formula which relates the resulting payment to the number of commercial cargo tons transiting through the Canal. If this formula were to be put into effect this year, the sum of direct revenue perceived by Panama in the period 1970–2000 would be of One Thousand Fifty Two Million dollars ($1,052,000,000), while the revenue arising from the annuity which is presently paid would amount, for the same period, to Fifty Seven Million Nine Hundred Thousand dollars ($57,900,000). The increase is clearly substantial.

As for the arguments that the payments are doubtful because the constant depreciation of the North American dollar purchasing power is not contemplated, it should be considered that the payments obtained under the present system of fixed tolls would be equally vulnerable, the only difference being that the amount of the formula is much higher than that of the present tolls.

Moreover, the formula contained in the proposed Panama Canal treaty carries a natural and automatic protection against loss of the dollar purchasing power, as it is based on the increase of the Canal cargo volume. Therefore, there is no reasonable basis to declare that the payments would be doubtful as the Communique contends.

We are surprised that in dealing with the subject of direct benefits for Panama, the Communique does not mention the item of the return of lands. In this regard, the proposed treaties define the areas which will be destined for Canal purposes and provide that they will return to the Republic extensive strips of land which are presently within the Canal Zone, the use of which had been granted to the United States. The extension of such areas near the city of Colon is of 925 hectares, that is, four times the area of the present city.

As for the urban development of the city of Panama, the area to be returned to the Republic adds to the urban perimeter an extension of approximately 880 hectares, which are equivalent to the area presently occupied by the city from the West end of Chorrillo and East of Las Bovedas, up to Urbanizacion El Cangrejo.

Of unique importance to urban development are the 404 hectares which will be added to the town of Arraijan. Their proximity to the center of Panama City will permit the development of satellite communities which will relieve the Capital's existing urban pressure.

The value of the areas referred to in the above paragraphs has not been determined, but they no doubt amount to several million dollars. Furthermore, the Cristobal port facilities are included in same, as well as the piers, several living quarters, school buildings, sales stores and recreational centers, hangars, warehouse and storage structures, fences, highways, electric lines, repair shops, water distribution lines, and the Coco Solo hospital.

Concerning the subject of direct benefits, the Communique says that the proposed Sea Level Canal Treaty "is conceived in the manner of an option the United States could exercise or not, and since no stipulations of economical benefits are made therein, it would represent for Panama an enormous and obscure interrogative of its future rights and interests, so closely knit with the destiny of the Panamanian Nation."

The proposed sea level canal treaty does not present the "enormous and obscure interrogative" which the Communique mentions. Paragraph (2) of Article III of the mentioned proposed treaty textually provides that the "payments to the Republic of Panama will be agreed between the Republic of Panama and the United States of America at the time the financing arrangements are made."

The proposed treaty adds that, at the time the aforementioned agreements are made, the general principles set forth in paragraph (2) of Article X of this project will be taken into consideration. Furthermore, paragraph (4) of Article III of the project in question provides that, after completion of that portion of the financing arrangements which includes the arrangements for payments to the Republic of Panama, the United States of America shall notify the Republic of Panama of its intention to proceed with the construction and "may commence such work after one year has elapsed from the date of such notification."

It is then clearly established in the proposed treaty, without a hint of an "enormous and obscure interrogative," that the construction of a sea level canal cannot be initiated until that part of the agreements regarding financing is completed, including the agreements relative to payment to the Republic of Panama. Therefore, if the Republic of Panama does not reach an agreement in terms acceptable to it with the United States, such construction cannot begin.

So that no doubt arises that the option being granted to the United States to construct a sea level canal is conditioned to a later acceptance by Panama of the economic benefits it should receive, we must add that, in Note MNP-12/68 of January 3, 1968, the Negotiating Mission informed the Chancery that the United States negotiators had agreed to amend paragraph (2) of Article III of the project to read thus: "Such agreements concerning payments to be made to the Republic of Panama will be arrived at between the Republic of Panama and the United States of America at the time the financing arrangements are made, taking into consideration the principles set forth in paragraph (2) of Article X of this Treaty.

"When an agreement is reached regarding the payments referred to, in terms acceptable to the Republic of Panama and the United States of America, the latter shall notify its intention to proceed with the construction works for the sea level canal, according to the stipulations of this Treaty."

Also, in the above mentioned Note MNP-12/68, the Chancery was informed that the North American negotiators had equally accepted that a paragraph (5) be added to Article XII of the proposed treaty as follows:

"(5) The arbitration procedure to which this Article refers will not apply to the negotiation of agreements . . . relative to payments to be made to the Republic of Panama, according to the stipulations of paragraph (2) of Article III and Article X of this Treaty. . . ."

Where is, then, "the enormous and obscure interrogative" which the Communiqué mentions?

As the construction of a sea-level canal can only begin when an agreement regarding the payments referred to has been reached in terms acceptable to the Republic of Panama, our country would have, in practice, veto rights over such construction. When the time comes of deciding this construction, it will behoove Panamanians at such future date, to agree on the economic benefits with ample knowledge of the characteristics of the new interoceanic waterway project, the conditions of international commerce and the trends which at such time may be predicted for the shipping industry. Under these conditions, a more reasonable and convenient decision may be made for the interests of Panama.

CONCLUSION

In that part of the Communiqué concerning its "conclusion" on the subject of direct benefits, "dense uncertainties" are mentioned. As we have seen, the direct benefits agreed upon are true in terms of substantial direct income which the Republic of Panama would receive by reason of the cargo transiting the Canal. Also, the direct benefits include lands and facilities of considerable value. The formula agreed upon to determine the benefits which will originate from a sea-level canal, grants the Republic veto power over the construction of such canal, which will allow negotiation of the benefits with full knowledge of subjects which today are unknown, thus protecting the best interests of the country more effectively.

6. *Insufficiency of Indirect Benefits for Panama.*—With regard to this subject, the Communiqué states that "there are few and doubtful permanent benefits which the Republic may have indirectly received by the presence of the Panama Canal in its territory. . . ." However, later the Communiqué states that "All the conflicts which so frequently have arisen in the last sixty years due to the insufficiency of indirect benefits that Panama has the right to receive . . . will look pale, compared to what will occur when, as a consequence of the unconsulted acceptance of the three proposed treaties, the present locks canal ceases to operate. . . ."

There is an obvious incongruence between the two affirmations in the Communiqué. If the indirect benefits to the Panamanian economy are few and doubtful, their elimination, due to the ceasing of operations of the present Canal, would not bring the disastrous economic consequences presaged. Panama cannot refuse the reality of things. The actual indirect benefits are many and true! This is a fully recognized fact, proven by Panamanian economic literature and official documents of national as well as international organizations. Moreover, the *1970 Economic Report* and the *Development Strategy,* which are documents published by the Executive Planning and Administrative Bureau of the Presidency, emphasize the Canal's influence and importance in Panamanian economy in its qualitative as well as quantitative aspects.

The magnitude of the present indirect benefits can be fully appreciated in the following chart, which shows the income to Panama through the sale of goods and services to the Canal Zone.

Income perceived by the Republic of Panama through the sale of goods and services to the Canal Zone in 1969

[In millions of dollars]

Income:	
Sale of Petroleum Products	4.9
Sale of Other Goods	17.4
Expenditures by Civilian and Military Residents of the Canal Zone in Panama	35.8
Sale of Services to U.S. Military Establishments and the Panama Canal Company	6.4
Wages, Salaries, and Retirement paid to Panama residents employed by Government agencies, Contractors, and Other Private Firms	68.4
Sale of Goods to Contractors and Other Private Firms	17.5
Total Income	150.4
Expenditures:	
Purchase of Merchandise	3.4
Transportation	0.9
Various Services	1.3
Total expenditures	5.6
Net income	144.8

Source: Bureau of Statistics and Census, Office of the Comptroller, Republic of Panama.

The importance of the above figures goes far beyond their absolute order of magnitude. In this respect, the aforementioned *1970 Economic Report* by the Executive Planning and Administrative Bureau of the Presidency of the Republic states that ". . . there is a very close relation between the growth rate of this particular sector and the total economy rate. This is due to the fact that the income originated in the Canal Zone has a multiplying effect in the economy, of approximately 2.5 times its original value." This means that, according to official figures by the Office of the Comptroller, in 1969 the net income from the Canal Zone had a total effect in the economy, equivalent to approximately 50% of the total Gross Internal Product of Panama during this year. Therefore, the inaccuracy and lack of documentation of the Communique's affirmation that the indirect benefits are "few and doubtful" is obvious.

Another part of the Communique states that ". . . . to the contrary, the Panama Canal, because of the manner in which it is operated and administered, constitutes an obstacle, at times insurmountable, in the development of its international commerce and in the adequate exploitation of its natural resources." Unfortunately, the Communique limits itself in making this affirmation without going into the answer the proposed treaty gives to such a vital problem. Let us consider it for a moment.

With regard to the subject of indirect economic benefits, the negotiating effort was oriented by the thesis of taking advantage of the geographic position. In its most succint expression, we can explain this thesis by stating that as far as the Canal is concerned, the Panamanian objective must be that of achieving the opening to Panamanian economic activity of that part of the present Canal Zone destined to the handling of the interoceanic waterway, so that Panama may be able to make the necessary investments and use the existing facilities to take maximum advantage of the transit of vessels and goods through the Canal. As a corollary to this objective we have, among others, the ceasing of business, manufacturing, agricultural and cattle farming activities, services and other presently being exploited or under the control of Zonian authorities, so that they may be undertaken by Panama; and the enforcement of the Panamanian tax system on the activities being developed in that area of national territory and the natural or private juridic persons residing or working therein.

Within the limitations of a bipartite negotiation, where one of the parties—the United States of America—presently has excessive powers in this and other matters, we succeeded in including enough provisions in the proposed treaties to attain the indicated objectives.

This is not the place to detail each one of these aspects. However, anyone who wishes to study this subject in depth, may refer to the following provisions in the present Canal proposed treaty:

(i) The Canal will be a primary source of employment for Panamanians, with equal treatment and pay. See Article VII, paragraphs 1, 2, and 3.

(ii) Possibility of services and supplies to vessels. See Article IX, paragraph 2.

(iii) Panama's option to suspend the railroad operations. See Article XI, paragraph 1.

(iv) Use of Panamanian postage stamps. See Article XII, paragraph 1.

(v) Elimination of commercial activities by North American authortities. See Article XV, paragraph 1.

(vi) Payment of taxes by the Joint Administration to the National Treasury. See Article XV, paragraph 2b.

(vii) Instrument for future reversion of lands to Panama, without having to negotiate new treaties. See Article XVII, paragraph 1a.

(viii) Operation of private enterprises in the Canal Area under Panamanian laws (except in special matters regarding the Canal). See Article XVIII, paragraphs 1 and 3.

(ix) Instrument to destine areas for Panamanian industrial development under Panamanian laws and definition of an initial portion of Diablo Heights, adjacent to the Canal. for a Panamanian industrial park. See Article XVIII, paragraph 2 and Annex I, paragraph 4.

(x) Collection of income tax from all Joint Administration personnel, enterprises, and natural persons operating in the Canal Area. See Article XXVIII, paragraph 1a.

(xi) Payment of import taxes on articles imported for sale in the Area. See Article XXVIII, paragraph 2.

(xii) Preference for purchases from Panamanian sources. See Article XXVIII, paragraph 2.

CONCLUSION

The Communiqué incurs in a serious contradiction when it refers to the subject of indirect benefits. This must be in part due to the lack of serious economic analysis about an eminently economic subject. From the examination of the proposed treaties, the existence of substantial economic benefits resulting from an economic thesis of exploitation of the geographic position is obvious, which responds to the structural reality of Panamanian economy and its future needs for development.

7. *Differences in Interpretation of the Present Treaties.* The Communiqué indicates that one of the main causes of conflict between the two countries lies in that the United States has interpreted and applied the contractual provisions presently in force to their own convenience.

The Communiqué adds that: "This unilateral decision making by the United States would subsist if the three proposed treaties to which this Preliminary Report refers were signed, since in the few instances in which possible arbitrations are foreseen, these deal with matters of a secondary order, but not related to the defense of the sovereignty and dignity of the Republic."

The aforementioned affirmation of the Communiqué is untrue and no basis for it can be found in the texts of the proposed treaties. With precise quotations, let us see how such texts contain provisions completely contrary to what the Communiqué declares.

Article XXVII(1) of the proposed Panama Canal treaty provides that:

"(1) Any dispute between the two governments concerning the interpretation or application of this treaty (including the validity of acts of the Administration) which is not settled by negotiation shall, upon request of either government, be submitted to arbitration in accordance with the procedure set forth below." An identical provision (with the exception that instead of referring to the "Administration," it refers to the "Commission") appears in Article XIII of the proposed Sea Level Canal treaty.

If the clauses with regard to arbitration are extensive to "all controversies," including any dispute relative to the validity of the actions of international entities created to handle interoceanic waterways, we do not seem to understand why the Communiqué claims that arbitration policies are provided for a few cases of secondary order and not for those in defense of the sovereignty and dignity of the Republic.

As we have seen before, so that no doubt remains regarding the fact that the exercise of the option for the construction of a sea-level canal is subject to a later acceptance by the Republic of Panama of the economic benefits due to our country from such construction, the negotiation of agreements regarding such benefits was excluded from the arbitration procedure.

The United States representatives did not accept that a clause on arbitration be included in the proposed canal defense treaty. They maintained that similar pacts have been entered by the United States with more than twenty countries and that in none of them did an arbitration clause appear.

CONCLUSION

There is no basis in the text of the proposed treaties for the Communique's statement in the sense that the arbitration provisions appearing therein are applicable to a few cases of secondary order.

FINAL CONCLUSION

The proposed treaties represent the following:

(1) Abrogation of the 1903 Treaty.

(2) Elimination of the perpetuity clause and stipulation of the precise terms for finalization of the new treaties.

(3) The Panamanian flag will be flown exclusively in the Canal Zone, the military bases, and ships transiting the Canal.

(4) Panama will have effective participation in the handling and administration of the canal.

(5) As a general principle, civil as well as fiscal and penal Panamanian laws will apply in the Canal area, where the enforcement of North American laws will be discontinued. (In exceptional cases in which Panamanian laws shall not apply, the Statutes issued by the Joint Administration shall apply.)

(6) The Panamanian civil and penal courts of justice will have jurisdiction in the Canal Area, and the jurisdiction of North American courts of justice will cease. A few specific cases stipulated herein are excepted.

(7) Reversion to Panama of the present locks canal and all auxiliary works, buildings, and lands within the Canal Zone.

(8) Establishment of an arbitration clause to settle the differences which may arise between Panama and the United States with regard to the interpretation or application of the treaties and the validity of the actions by the Joint Administration.

(9) Effective protection for Panamanian employees working in the Canal Zone.

(10) Substantial increase of the direct, as well as indirect benefits, which Panama will perceive as a result of the Canal operation.

(11) Negotiations for an agreement for a future sea level canal in which the door will remain open so that Panamanians, on whom the task of defending the position of Panama is placed, may demand a fair compensation in exchange of the Concession for the construction of such a canal.

THE SYLLOGISM

The syllogism, with which the Communiqué ends, has a fundamental error. It revolves around an examination of the causes of conflict which exist between the two countries. However, upon making this examination, the Communiqué in question does not even refer to the major cause of conflict, which lies in Article III of the 1903 Isthmian Convention.

Any examination of the causes referred to which incur in such error of omission is inaccurate and incomplete. Therefore, it cannot serve as basis to make a serious study, or to arrive at true conclusions.

The present document has not been written with the purpose of obstructing the work of those who today share the delicate tasks of counseling and directing the negotiations begun as a result of the Joint Declaration of April 1964. We consider that such tasks have much to profit if the examination of the proposed treaties is carried out in an objective and constructive manner. We have shown, by pointing out the precise quotation, that the criticisms made to such proposed treaties in the "Preliminary Report," which the Communique reproduces, find no basis in the text of the proposed treaties and, therefore, such criticisms are not objective, serious, or constructive.

As Panamanians, we will be the first to congratulate ourselves if, upon finalization of the negotiations, our Republic achieves juridical, political, and economic gains of greater significance than those stipulated in the proposed treaties which we negotiated. If the advantages obtained are hastily ignored and the basic negotiating positions are changed, there is the evident risk that the United States will alter hers, not precisely to soften them. But fortunately, they will not be able to make them more rigid beyond the limit defined by the conquest we achieved and which they accepted. It will therefore be of genuine satisfaction to us that the additional advances which may be made will have, as a starting point, those which were definitely established in the proposed treaties. The 1903 Convention is abrogated and the perpetuity of the concessions is cancelled, and the United States will not even be able to consider their restoration.

The termination of the treaty for the present canal, set for December 31, 1999, or earlier if the sea level canal is opened to traffic prior to or on that same date—in 2009 at the latest, will be the unbreakable limit of any other understanding. The lands recovered for Panamanian jurisdiction will be no less than those which the United States agreed to restore to the urban area of Panama, Colon, and Arraijan. The Cristobal port area and its piers, already recovered for the Republic, will not have to be the object of a new debate in the negotiation. Nor, to shorten this account, may the direct fiscal revenue which the Republic may derive from the canal operation be stipulated in an amount below the one thousand fifty two million dollars which it is estimated that the country would obtain, according to the proposed treaty for the locks canal. Whatever is obtained in the future, and we hope it will be plenty, will have as a starting point what has already been obtained in 30 months of negotiations. This will be the truth proclaimed by facts the "Communique" pretends to ignore.

ENFORCEMENT OF POLLUTION CONTROL STANDARDS

Mr. BAKER. Mr. President, since coming to Congress in 1967, I have been privileged to serve as a member of the Subcommittee on Air and Water Pollution. In this capacity I have participated in the fashioning of most of the major Federal programs designed

to control and abate the pollution of our physical environment.

As those familiar with the Federal effort know, until very recently the programs have been concerned primarily with the development of criteria and the formulation of standards. Only recently has the program entered the enforcement phase. We have long known that effective enforcement would involve very large economic interests and that strong market forces would resist effective enforcement. Some have been skeptical that effective enforcement could be carried out in the face of such resistance.

Fortunately for the Nation, President Nixon is making it very clear that the standards will be enforced. His chief lieutenant in pollution control—William D. Ruckelshaus, administrator of the new Environmental Protection Agency—has compiled during his short tenure a very fine record of successful enforcement actions. Although he has not hesitated to take legal action in the face of intransigence, I am especially encouraged by the success he has had in promoting voluntary compliance.

The latest case in point is an agreement on thermal pollution of Lake Michigan. So that Senators may be aware of this important development, I ask unanimous consent that an article published in the New York Times of March 26 be printed in the RECORD.

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

THREE LAKE MICHIGAN STATES AGREE TO THERMAL POLLUTION

(By Seth S. King)

CHICAGO, March 25.—Three of the four states bordering Lake Michigan agreed today to join the new Federal Environmental Protection Agency in setting strict thermal pollution standards that will prevent power companies from dumping any heated water into the lake.

Representatives of Wisconsin, Indiana, and Michigan accepted proposals by William D. Ruckelshaus, the agency's administrator, that will require cooling towers or other temperature-lowering devices on the nuclear generating plants and fossil-burning power stations being built or already operating on the lake's shores.

Illinois, where one large lakeshore nuclear plant is being built, declined to accept the proposed Federal standards.

ILLINOIS HAS DOUBTS

But today's action by the state representatives provides new authority for the Federal Government to force the Illinois Pollution Control Board. David P. Currie told those attending the three-day Lake Michigan Enforcement Conference that Illinois did not believe the damage caused by the thermal discharges from Commonwealth Edison's nuclear plant at Zion would be great enough to warrant the expenditure for a cooling tower.

However, the Illinois board has adopted a policy that would bar the building of any new nuclear plants on the comparatively small section of shore line in this state. The board would also require the installation of cooling towers on the Zion plant if it were shown that thermal discharges were damaging the ecology.

At present 26 power plants use Lake Michigan water to cool their generators. Two are nuclear power generating stations. Five other nuclear plants are under construction or planned for sites around the lake.

The Federal thermal pollution standard accepted today would prevent the discharge of any heated water into the lake that would raise the water temperature 3 degrees Fahrenheit above the natural temperature at a point 1,000 feet from the discharge pipe.

The nuclear plants, which will use lake water to cool their generators and then pump this back into the lake, would discharge water at temperatures from 12 to 28 degrees above the natural temperature.

To meet these standards all shoreline plants, fossil or nuclear, now operating or under construction, would have to upgrade their cooling facilities.

Power company officials have estimated that to meet the Federal standards on all these plants plus those projected for the area, would cost about $280-million.

Federal-state enforcement conference procedures will allow the individual states to reverse today's acceptances within six months. If they do not, the standards become officials.

The Environmental Protection Agency would then be empowered to take action against any company that did not comply with the standards. It could also act to require Illinois to adopt them.

ECONOMIC DEVELOPMENT IN THE MIDSOUTH

Mr. BAKER. Mr. President, recently I attended the field hearings of the Public Works Committee's Subcommittee on Economic Development held in Memphis, Tenn. The testimony there brought to light many aspects of economic development experience in the Midsouth region and indicated directions that Federal assistance in this area might take in the future.

I might point out that a great many of the witnesses applauded the regional approach employed by the Appalachian and title V Regional Commission, but almost as many expressed their opinion that the title V commission program needs some fundamental modifications.

With that preface I want to focus the Senator's attention on the proposal for establishment of a title V Regional Commission to include portions of Arkansas, Mississippi, Alabama, and Tennessee, designated the Mid-South Regional Commission. This matter has been before the Senate before, and an appropriation of $300,000 has been authorized for setting up the Commission. Those funds are at present being held by the Office of Management and Budget in anticipation of the modification or possible elimination of the title V program.

While I agree that some changes in the regional commission program are eminent, I should like to underscore the need for attention in the geographic area involved in the planned Mid-South Commission. I can but speculate what course rural development will take in the next several years, but notwithstanding this uncertainty, I should make clear the need that whatever course we follow answers the problems outlined by the draftsmen of the Mid-South Regional Commission.

So that we might be better apprised of these needs, I ask unanimous consent that a portion of the statement of Mr. Linzy D. Albert, director of the Regional Development Center at Memphis State University, Memphis, Tenn., submitted to the field hearing of the Economic Development Subcommittee, be printed in the RECORD

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

TESTIMONY OF LINZY D. ALBERT BEFORE THE U.S. SENATE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF THE SENATE COMMITTEE ON PUBLIC WORKS, HEARINGS, MEMPHIS, TENN., MARCH 5 AND 6, 1971

Mr. Chairman, members of the Committee, my name is Linzy D. Albert of 4332 Ambrose, Memphis, Tennessee.

Mr. Chairman, Permit me to say that I appreciate very much the invitation and opportunity afforded by your Committee to testify in these hearings on Economic Development. It is always a pleasure to get to speak to our law makers from Washington on a face to face basis.

My professional association is here with Memphis State University. At the University I am Director of a "University Center" program, a department devoted entirely to the economic development of our service region, which includes our "half" of the State of Tennessee. This program is funded partially by the Economic Development Administration, U.S. Commerce Department. I am, also, Associate Professor of Geography and I teach a course in City and Regional Planning during the academic year.

My professional experience in the field of planning and development spans the past 20 years, during most of which time I was Director of Statewide and Regional planning in Tennessee State Government. I have had experience working with both the public and private sectors, trying to guide and accelerate the economic development process—trying to put together those combinations of resources that can create new job opportunities for our citizens and new and improved incomes.

In Tennessee State government, I served as Alternate Representative on the Appalachian Regional Commission (1965–1967) and directed its staff effort in the State. Prior to this I participated in a staff capacity to the Conference of Appalachian Governors, concerned with problems unique to that large region of our country. This effort began in late 1959 and continued until 1965 during which time the States and Federal government devised the Appalachian program and the Regional Commission program, enabled by the Public Works and Economic Development Act of 1965.

Mr. Chairman, I do not want to necessarily claim expertness in the field of economic development because there are others who have been as involved as I have, and have more experience in understanding problems and being able to devise solutions. But one does not have to be an expert to surmise what is going on around us and in the various regions of the country to know that some regions are lagging in their growth, some are more backward than others, some have more resources than others, some have more money than others, and yes, some have more determination than others.

DEVELOPMENT LAG AND REGIONAL PROBLEMS

The Mid-South Region has many problems that require concerted and coordinated action. Most of these stem from the fact that the Region has not kept pace with the Nation. Comparing the performance of the Region to that of the United States will bear this out. For this purpose the 9 criteria to show the relative level of development of a region set forth by the Economic Development Administration of the U.S. Department of Commerce can be used. These include (1) underemployment and unemployment, (2) family income, (3) housing conditions, (4) health facilities and personnel, (5) education, (6) migration, (7) employment in declining industries, (8) average farm size,

and (9) technical skills. (Ref. See P.L. 89–136). Discussion of these factors using 1960 Census data will show that the Region lags behind the rest of the Nation. These data should help a regional planning commission focus upon the region as a unit with homogeneous goals and objectives.

(1) Unemployment and Underemployment.

The rate of unemployment of the Region's civilian labor force has been consistently higher than in the United States as a whole. In 1959, the Region's unemployment rate was at 6.2 per cent (the five metro counties excluded) while that of the United States was 5.5 per cent. Since that time the most reliable data available support the conclusion that unemployment has remained at or near this level.

CIVILIAN LABOR FORCE AND UNEMPLOYMENT 1959

	Civilian labor force	Unemployed	Percentage unemployed
United States	68,172,429	3,504,827	5.5
Mid-South region	1,375,613	84,720	6.16
Arkansas counties [1]	174,140	11,523	6.62
Kentucky counties	111,404	7,779	6.98
Louisiana parishes [2]	338,178	26,030	6.71
Mississippi counties [3]	447,047	25,217	5.64
Missouri counties	56,464	2,665	4.72
Tennessee counties [4]	198,380	11,506	5.80

[1] Excludes Crittenden County.
[2] Excludes East Baton Rouge and LaFayette Parishes.
[3] Excludes Hinds County.
[4] Excludes Shelby County.

Source: Census of Population. 1960.

A considerable amount of the Region's employment has been disguised underemployment. Of the 2,203,195 persons who worked in the Region in 1959—789,284 or 35.8 per cent worked less than 40 weeks per year. This underemployment in most cases resulted from the extremely high seasonal employment of the Region's farm work force. Many of these underemployed persons lived on small farms or in rural communities where there are relatively fewer full-time employment opportunities and extremely poor living conditions.

UNDEREMPLOYMENT 1959

	Total who worked	Total who worked less than 40 weeks per year	Percentage
Mid-South region	2,203,195	789,284	35.8
Arkansas counties	249,589	113,617	45.5
Kentucky counties	134,424	43,981	32.7
Louisiana parishes	566,478	183,678	32.4
Mississippi counties	669,625	243,706	36.4
Missouri counties	75,506	36,599	48.5
Tennessee counties	507,573	167,703	33.0

Source: Census of Population, 1960.

(2) Family Income

One of the results of large scale unemployment and underemployment is low family income. Over 53 per cent of the Region's families earned less than $3,000 income in 1960. This was two and a half times greater than the 21.4 per cent for the United States. In thirteen of the 174 counties over 70 per cent of their inhabitants were in this category. As a consequence, median family income in the Mid-South Region was estimated to be approximately $2,781 or 49.1 per cent of the $5,660 for the United States in 1959. This indicates that the record of progress over the 1950–1960 decade showed very little improvement when compared to other areas of the United States.

Median Family Income, 1959

	Current dollars
United States	$5,660
Mid-South Region:	
Arkansas Counties	2,781
Kentucky Counties	2,602
Louisiana Parishes	3,312
Mississippi Counties	3,207
Missouri Counties	2,797
Tennessee Counties	2,648

Source: *Census of Population*, 1960.

PER CAPITA INCOME

One measure of regional "lag" using 1969 data from the U.S. Department of Commerce is per capita income. While each of the states (in the United States) has benefited from increased personal income during the past years, the Mid-South states of Tennessee, Arkansas, Mississippi and Louisiana still rank at or near the bottom in the tabulation presented on the following pages.

PER CAPITA INCOME, 1969

State	Total personal income (millions)	Per capita income rank order by State	Percent change total personal income, 1959–69
United States	$744,479+	$3,697	94.5
Connecticut	13,784	4,595	102.7
Alaska	1,258	4,460	123.8
Nevada	2,037	4,458	163.9
New York	81,384	4,442	83.3
California	83,408	4,290	103.4
Illinois	47,340	4,285	83.7
New Jersey	30,312	4,241	91.3
Massachusetts	22,722	4,156	87.2
Delaware	2,218	4,107	85.5
Maryland	15,336	4,073	120.4
Michigan	35,010	3,994	100.3
Hawaii	3,060	3,928	132.7
Rhode Island	3,515	3,858	90.4
Washington	13,093	3,848	100.2
Ohio	40,145	3,738	82.4
Indiana	18,868	3,687	93.0
Pennsylvania	43,182	3,659	75.0
Minnesota	13,448	3,635	97.8
Wisconsin	15,376	3,632	83.6
Nebraska	5,230	3,609	89.5
Colorado	7,569	3,604	101.6
Oregon	7,261	3,573	89.8
Iowa	9,870	3,549	85.6
Florida	22,396	3,525	140.6
Kansas	8,096	3,488	80.6
New Hampshire	2,489	3,471	100.4
Missouri	16,085	3,458	79.8
Arizona	5,709	3,372	132.4
Wyoming	1,078	3,353	50.1
Virginia	15,441	3,307	120.8
Texas	36,458	3,259	102.6
Vermont	1,426	3,247	111.9
Montana	2,172	3,130	61.5
Georgia	14,253	3,071	129.1
Maine	2,987	3,054	75.4
Oklahoma	7,825	3,047	89.4
South Dakota	1,995	3,027	103.6
North Dakota	1,852	3,012	94.9
Utah	3,132	2,997	86.9
Idaho	2,120	2,953	72.4
New Mexico	2,879	2,897	63.4
North Carolina	15,030	2,888	123.3
Kentucky	9,202	2,847	97.7
Tennessee [1]	11,189	2,808	107.4
Louisiana [1]	10,413	2,781	94.9
South Carolina	7,018	2,607	124.1
West Virginia	4,735	2,603	61.2
Alabama	9,116	2,582	94.2
Arkansas [1]	4,963	2,488	105.3
Mississippi [1]	5,234	2,218	103.5

[1] Mid-South States.

Source: U.S. Commerce Department, release to the press Aug. 23, 1970.

(3) Housing conditions

Housing conditions reflect low family income and employment. In the states of the Mid-South, housing conditions are far below the urban 81.4 per cent level and the rural 56.7 percent level of the United States.

HOUSING WITH ALL PLUMBING FACILITIES, 1960

	Percent	
	Urban	Rural
United States	81.4	56.7
Mid-South region	70.9	37.7
Arkansas counties	66.3	34.0
Kentucky counties	75.1	34.2
Louisiana parishes	70.2	42.7
Mississippi counties	74.7	34.0
Missouri counties	76.9	44.7
Tennessee counties	73.3	38.7

Source: Census of Housing, 1960.

(4) Migration

Migration tends to be a short-range response to economic opportunities—especially for persons in the working age groups. This can become a long-range or permanent condition for a region if its leadership fails to make the effort to improve the region's economic structure. The counties of the Mid-South states reflect low economic conditions by their high net (—) out-migration rates.

Migration rate, 1950–1960

	Percentage
United States	+1.8
Mid-South Region	—19.9
Arkansas Counties	—31.0
Kentucky Counties	—11.6
Louisana Parishes	—10.3
Mississippi Counties	—27.2
Missouri Counties	—11.8
Tennessee Counties	—17.3

Source: *Census of Population*, 1950–1960.

(5) Educational Level

One of the major problems of the Mid-South states is the low educational level of the adult civilian work force. This makes it extremely difficult to train people for non-farm jobs or for new higher skilled jobs that could be available if the labor force were able to support them. In 1950, three Mid-South Region counties had 70 per cent or more of their adults 25 years of age and over completing less than eight years of school; 12 had more than 60–69 per cent in the category; 45 counties had 50–57.9 per cent; 45 counties had 40–49.6 per cent; 57 had 30–39.9 per cent; 12 had 20–29.9 per cent and no county was below 20 per cent.

(6) Health Personnel and Facilities

The number of medical doctors and medical facilities is an indication of the level of public support of improvement in the quality of health residents of an area. The counties of the Mid-South lagged far behind the performance of the nation as a whole. In 1962, economists estimated the United States to have 3.8 general hospital beds per 1,000 persons, while the Mid-South Region counties had roughly 2.2 beds per 1,000 persons.

Economists and health planners have estimated an even greater lag in the medical doctors category. They estimated approximately three times as many doctors per 1,000 persons for the nation as for the Mid-South Region.

MEDICAL DOCTORS AND GENERAL HOSPITAL FACILITIES, 1962

	Number of general hospital beds per 1,000 population	Number of medical doctors per 1,000 population
United States	3.8	1.4
Midsouth region	2.2	.6
Arkansas counties	2.3	.5
Kentucky counties	2.7	.5
Louisiana parishes	2.2	.6
Mississippi counties	2.6	.6
Missouri counties	2.2	.7
Tennessee counties	1.6	.6

Source: U.S. Department of HEW, Health Manpower Source Book, sec. 19, 1962.

(7) Employment in a Declining Industry—Agriculture

The Mid-South States still depend heavily upon Agriculture for employment. In 1950, the Mid-South Region employed 33.4 per cent of its civilian labor force in agriculture. By 1960 it had reduced this percentage to 16.8 per cent. But this percentage in a declining industry like agriculture was still far above the 6.2 per cent for the United States. This was true despite the greater decrease in agricultural employment (—49.4 per cent) in the Mid-South Region than for the United States (—38.5 per cent).

PERCENT OF THE CIVILIAN LABOR FORCE IN AGRICULTURE

	1950	1960
United States	11.7	6.2
Midsouth region	33.4	16.8

Source: Census of the Population, 1950–60.

The problem is more serious when viewed in terms of total growth of the civilian labor force. Between 1950 and 1960, the Region's civilian labor force grew only 0.5 per cent while that of the United States grew 14.9 per cent. It is clear from the two tables presented that while the Region's agricultural employment declined more rapidly than that of the United States, it failed to increase significantly its total civilian labor force—particularly in the non-farm sector.

PERCENT CHANGE IN AGRICULTURAL EMPLOYMENT AND PERCENT CHANGE IN TOTAL CIVILIAN LABOR FORCE, 1950–60

	Percent change in—	
	Agricultural employment	Total civilian labor force
United States	—38.5	14.9
Mid-south region	—49.4	0.5

Source: Growth Patterns in Employment by County, U.S. Department of Commerce, 1960.

(8) Average Farm Size

The migration off the farms occurred at a greater rate in the Mid-South than in the United States. This should have left fewer farm operators to carry on the activity on the same amount of acreage through the increase in individual farm size and greater use of technical skills. Only in Arkansas and Missouri was the increase in farm size above the national average. Kentucky, Louisiana, Mississippi and Tennessee indicate farm operations increased their farms much more slowly than nationally. In many cases, this was attributable to some reluctance on the part of the farmers to become more efficient. It can also be attributed to the rolling topography in these states which made greater mechanization difficult. The result was small farms, small output and low levels of income and well-being for the rural communities.

Average increase in farm size, 1950–60

	Percentage increase
United States	40.4
Mid-South Region	28.8
Arkansas Counties	42.7
Kentucky Counties	13.9
Louisiana Parishes	18.5
Mississippi Counties	29.1
Missouri Counties	50.8
Tennessee Counties	19.5

Source: *Census of Agriculture*, 1959–64.

(9) Technical Skills

The number of engineers in an area is one significant measure of the quality of its civilian male workers. The overall level among employed males in the United States was 2.0 per cent in 1960. The Mid-South Region was noticeably below the national level. Its level was roughly two engineers per 5,000 employed males.

Engineers as a percent of males employed, 1960

United States	2.0
Mid-South Region	0.5
Arkansas Counties	0.3
Kentucky Counties	0.6
Louisiana Parishes	0.7
Mississippi Counties	0.5
Missouri Counties	0.4
Tennessee Counties	0.5

Source: *Census of Population*, 1960.

The lack of trained personnel of engineer caliber reflects many factors already discussed. Foremost is the low level of educational achievement. Other factors include lack of economic growth of the Region in the past which resulted in lower demand for engineers, the general noncompetitiveness of the Region's economy, and the social atmosphere that does not encourage persons with specialized skills of this nature to remain in the Region. Without a large number of highly trained or medium-skilled persons, it is difficult for the Region to attract business firms with high capital investment and worker productivity.

POTENTIALS FOR ACCELERATING DEVELOPMENT

A program of comprehensive planning involving joint-action by the states and the Federal Agencies is needed to achieve balanced growth at an accelerated rate. This must involve a cooperative effort at all levels of government. The total resource base of the region must be taken into account. The industrial base must be expanded and public investments for facilities and services made such that new job opportunities present themselves. This planning can be most effective if carried out within a focus on the total region.

While it is evident that specific action programs cannot be devised prior to a more detailed analysis of the problems identified elsewhere in this proposal, one can point to several areas that need to be considered to accelerate economic development.

A. Highway transportation

Highways are the "lifeblood" of the region's economy. They must be available to move goods and services efficiently, and designed and located to capitalize on new potentials for job creating activities. Local access roads can open up new job opportunities.

While the region's interstate highway network is substantial in terms of mileage and linkages as between large urban areas, consideration must be given to major developmental highways linking the smaller areas, and these with regions outside the Mid-South. For example, any developmental system should consider links with both the Appalachian Region on the East, and the Ozarks Region on the West. There is a lack of North-South communication west of the Mississippi River in the States of Missouri, Arkansas, and Louisiana. East of the river there is a lack of East-West communication in Kentucky, Tennessee, Mississippi, and Louisiana.

Additional study should be given to developmental highways and priority given to a system capable of accelerating development.

B. Natural resources

Natural resources must be developed at their source, but with the possibility of further "exploitation", consideration must be given to appropriate conservation practices such that long-term use and management can be achieved.

Consideration should be given to inventory and potential use of minerals, and the extent to which this resource can contribute to the development process. Since the region is undergoing a change and decline in agriculture, consideration must be given to prospective new land uses, including grazing and/or soil stabilization purposes.

The Region's water resources should be identified in terms of further development. While the Mississippi is the main link with the inland waterways system, further use of this "artery" should be determined and consideration given to matters of water quality, irrigation, flooding, transportation and economic development. Smaller streams and potential impoundments should be considered in terms of recreation, flood control, and availability to urban water users.

The Region's timber resources are varied in types, quality and economic use, but consideration should be given to their long-term availability and contribution to new jobs and income consistent with sound practices of conservation and management. Better and more extensive use of commercial tree nurseries and farming should provide one means of accommodating a new land use as a result of declining agriculture.

C. Human resources

Development of the Region's human resources is probably the "key" to its long-term betterment and survival. Acceleration of all services and facilities related to better health, education and welfare must proceed even at a faster rate. While the several states have made use of related programs provided within HEW, additional cooperative action is needed in manpower training, vocational school construction, higher education, ETV, and health facilities. In the latter instance, planning should give insight to location of regional health centers, convenient and able to provide comprehensive health care economically and efficiently to all the citizens.

Improving the industrial base of the Region cannot proceed without the basic public facilities needed for support. Community environment must be provided water and sewerage, hospitals and health centers, libraries, airports, recreation, and other amenities needed such that private industry can make investments which in turn provide new job opportunities.

The Region's planning and development programs should consider the acceleration of this type facilities and assisting with financing where ever possible. Only through a joint Federal-State-Local effort can the proper infra-structure be provided.

An essential part of the planning process is the delineation of growth points to serve as the nucleus for economic development. Within the region there are few towns with a population of 10,000 or more. Only eight metropolitan areas are in the Region. Many smal. towns have little social capital, experience out-migration, and are generally unattractive to desirable industries.

Sub-areas should be identified that have feasibility for developing into major trade complexes and provide all the basic elements of economic and social life.

PATTERN OF DEVELOPMENT NEEDED

There are some indications of the type of development that should be attempted in order to up-grade the Region. Generally speaking economists and planners have described a sequence of stages through which a *region* moves in the course of its development.

1. The first stage is one of a self-sufficient subsistence economy in which there is little investment or trade. The basic agricultural population is simply located according to the distribution of natural resources.

2. With improvements in transportation, the region develops some trade and local specialization. A second stratum of population comes into being, carrying on simple village industries for the farmers. Since the ma-

terials, the market and the labor are all furnished originally by the agricultural populations, the new industrial super-structure (at a later stage) is located with reference to that basic stratum.

3. With the increase of inter-regional trade, a region tends to move through a succession of agricultural crops from extensive grazing, to cereal production, to fruit growing, dairy farming and truck gardening.

4. With increasing population and diminishing returns in agriculture and other extractial industries, a region is forced to industrialize, that is the introduction of so-called secondary industries (mining and manufacturing) on a considerable scale. Typically, the early stages of industrialization are based on the products of agriculture and forestry and include such activities as food processing, manufacturing of wooden products, and preparation of textile fibers. If industrialization is to continue, mineral and energy resources become critical. Thus industrialization extends to smelting, refining and processing of metals, oil refining, chemical industries based mainly on coal, petroleum, potash, salt and other minerals, glass and ceramics.

Where cheap hydro-electric power is available industries requiring large amounts of power are possible; i.e., nonferrous metals refining, ferroalloys, special steels, abrasives, etc.

5. A final stage is reached when the region specializes in tertiary industries producing for export. The region exports to less advanced regions—capital, skilled personnel and special services. The reducing of transport rates and costs during this sequence of stages tends to concentrate the location of production in a region. See general summary of theory of regional economic growth, Douglass C. North, *Journal of Political Economy*, Volume 63, June 1955.)

In this evolution of growth and development, a cursory knowledge of the Mid-South would indicate that we are somewhere in stage no. 4, and it will be some time before the Mid-South, as a region, begins its final stage of mature industrial growth, self-generating, around a common export base. Indeed, some economists (Douglass C. North cited above) have concluded that growth of regions have tended to be uneven, leaving some implications that the Mid-South may never reach the point of cohesion with a common export base. I don't know that I can subscribe to such viewpoint. Perhaps it will take another twenty-five years, perhaps longer, but we are sensing change. Population is tending to stabilize. The number of workers in the labor force is expected to increase faster in the West and South in the next ten years (see forecast by U.S. Labor Department to year 1980, *U.S. News and World Report*, October 31, 1966, p. 78). As late as 1967 the Southern Regional Education Board estimated that by 1980, more than 2.9 million students in the South would be enrolled in colleges and universities, accounting for 56 per cent of the Region's college age population, a sharp increase from the 38 per cent enrolled in 1966–1967 (*Atlanta Journal*, December 3, 1967, p. 22). But we must provide the opportunities and the employment base to keep these young people working in the Region. As late as 1968, the Porter Publishing Company of Atlanta compiled comparative data on 18 segments of the economy showing the South leading in per cent changes between 1960 and 1966.

We are making progress, but we have started from a position way behind the rest of the nation. Still the poorest part of the United States, the South should narrow the gap in the years ahead. It is estimated that one of every three new factory jobs created in the United States in the 1970's will be in the South. Large suppliers of labor are still a drawing card for industry. Our untapped human resources are probably our biggest asset.

What pattern of development should we encourage?

Professor William Nicholls of Vanderbilt University has provided some insight to the necessary ingredients. In comparative studies using part of the Tennessee Valley Area (over a long period of time), he concluded that areas that have developed an urban-industrial base greatly facilitated "the transfer of excess labor out of agriculture and of needed capital into agriculture within the immediate environs of the growing industrial center. Counties lacking such dynamic conditions of industrial-urban development were unable to hold their own through outmigration alone . . ." According to Professor Nicholls policy implications for underdeveloped regions are such that "industrial-urban development offers the major hope for solving the problem of low agricultural productivity . . ." and "the more widely disbursed such industrial-urban development, the more generally can agricultural productivity be increased." (See William H. Nicholls, "Industrialization, Factor Markets, and Agricultural Development," *Journal of Political Economy*, Volume 69, August 1961.)

The Mid-South Region must develop further an urban-industrial base. We must identify the "growth" points to build upon. We must link the city with its hinterland and help it grow as a city-region. This does not necessarily mean a central city by itself, getting larger and larger, but rather a central city with its "satellite" smaller urban centers, all linked together through social and economic action and inter-action, interdependent, such that an "infusion" of investment at any one point in the city-region would be felt beneficially by the whole region. In other words, the region, including its hinterland would grow as a region. This is why the programs enacted by Congress in 1965 providing for multi-county planning around urban growth centers is so important to economic development and should be continued. Both the Appalachian Development Act (1965) and the Public Works and Economic Development Act of 1965 provide for Economic Development Districts, and matching grants to support administrative staffs that can concentrate on more detailed plans for achieving the growth center concept. In this way, counties that are lagging in their development should be "linked" to the more prosperous counties and in this manner would benefit over time.

For those areas that currently have no urban base, then, the objective in regional groupings would be to try and develop such base or initiate the beginnings of such base to be the focal point for future industry location. Regardless of the situation, for economic development to occur, it is an accepted proposition that a public facilities base must precede any investments that can be anticipated or induced by private enterprise. This is why it is so important that the programs enacted by the 1965 statutes above cited be maintained and extended. They make possible on a selective basis the achieving and funding of both the public and private investments needed to accelerate the economic development process. And this acceleration is so much needed in the Mid-South.

TRADE NEGOTIATIONS WITH JAPAN

Mr. BAKER. Mr. President, the Washington Sunday Star of March 28 contains the editorial column of Mr. James J. Kilpatrick which I believe placed into perspective the Nixon administration's concern over the trade negotiations with the Japanese for apparel and textiles.

I commend Mr. Kilpatrick's comments to the Senate because I believe he is the first syndicated columnist to explain and to bring into full focus the real trade situation. It is no wonder President Nixon and Secretary of Commerce Stans found the terms unacceptable.

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:

TEST OF A BIG MAN, WILBUR MILLS

(By James J. Kilpatrick)

WASHINGTON.—Wilbur Mills of Arkansas, chairman of House Ways and Means, is quite justly regarded in Washington as one of the shrewdest and most knowledgeable men on the Hill. He has been around for 32 years; he has looked a thousand lobbyists in the eye; and he has won enormous respect for his dedication to his country's best interests.

These are the very considerations that make his recent one-man deal with the Japanese so mystifying. Absolutely on his own, without consulting the White House or conferring with his own committee, Mills made a breathtaking personal commitment to the Japanese textile industry. This commitment, if it actually takes effect, would fix a single overall ceiling, subject to a 6 per cent annual growth, on imports of Japanese textiles and apparel items.

In a city where anything can happen, one seldom describes an event as "incredible." The Mills deal qualifies. It is incredible that a member of the Congress should thus arrogate to himself the responsibilities of the executive branch. It is incredible that so hard a bargainer as Wilbur Mills could be so neatly booby-trapped by a skilled lobbyist. And the deal that Mills agreed to is incredibly bad.

FEARFUL BEATING

By way of background: Over the past ten years, the American textile industry has been taking a fearful beating from foreign producers. Imports have soared. In 1965, the U.S. imported 565 million yards of man-made fiber products. The figure for 1970 was 2.8 billion yards. This is not friendly competition—this is trade war; and among the casualties have been 116,000 lost jobs, 549 factories shut down, drastically reduced profits, and diminished investment in new plants.

In an effort to curb this runaway situation, the United States two years ago began government-to-government talks with the Japanese. The object was to negotiate limited and reasonable quotas for certain woolen and man-made fiber products. The longer the talks dragged on, the more apparent it became that the Japanese were stalling. Finally, the talks collapsed altogether, and Mills himself called up a bill to impose such quota by law.

The Japanese spokesmen abruptly came to life. Negotiations resumed. What is not generally known is that the Japanese tentatively had offered to accept an agreement covering 17 of 70 categories of woolen and man-made goods. It was a good deal. But before it could be pinned down, the Mills bill foundered under the weight of some hitch-hiking riders and the 91st Congress ran out of time. It was at this point that Michael Daniels, Washington lobbyist for the Japanese textile industry, began his private talks with Wilbur Mills.

Daniels is a brilliant salesman, and he never sold a more brilliant bill of goods. He talked Mills into buying an agreement not merely on woolens and man-mades, but on cotton goods also; he sold the Arkansas lawmaker a single over-all ceiling on yards, instead of a plan of quotas by category or by value; and he came up with a base year comprising total yardage imported in the 12 months ending March 31, 1971—a period of record-breaking imports from Japan.

DEAL IS A FRAUD

What does all this mean? It means that the Japanese producers—if the deal goes through—could cut back on cheap cottons and substitute equivalent yardage in costly man-mades instead. This is precisely what the Japanese have done in the similar case of steel; here, too, a single over-all ceiling was fixed by tonnage, whereupon Japanese mills converted to high-priced specialty products. The only safeguard under the Mills agreement lies in a vague commitment by Japan's textile industry to prevent "undue distortions" in existing patterns. The meaning is unclear. Perhaps it permits due distortions.

In plain language, the deal is a fraud—a cynical piece of business that plainly deserved President Nixon's rejection.

It takes a big man, under such circumstances, to admit a mistake. Mills is such a man. If he will reexamine the terms of his unfortunate commitment, he will understand why the industry, the textile unions, and the Administration have reacted in stunned amazement to his action. Thankfully, the deal hangs partly on the consent of Korea, Taiwan and Hong Kong, and the first two of them have responded cooly. The House and Senate, greatly as they respect the Arkansas chairman, should respond the same way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EMERGENCY EMPLOYMENT ACT OF 1971

The PRESIDING OFFICER (Mr. STEVENSON). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

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. NELSON. 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.

Mr. NELSON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be considered and agreed to and that the bill as thus amended be regarded as original text for purpose of amendment.

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

(For text of the committee amendment agreed to see page 8613 of the CONGRESSIONAL RECORD of March 30, 1971.)

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. Just to make the record clear, that would include any kind of amendment, either to the text or the whole substance; is that correct—including a motion to recommit?

The PRESIDING OFFICER. Any part of the bill would be subject to amendment at this point.

Mr. DOMINICK. The entire bill would be subject to a motion to recommit; is that not correct?

The PRESIDING OFFICER. The committee substitute is considered original text. It is completely amendable at this point.

Mr. DOMINICK. Including a motion to commit. That is the point I was trying to make.

The PRESIDING OFFICER. A motion to recommit the bill would also be in order.

Mr. DOMINICK. Or a total substitute for the committee amendment.

The PRESIDING OFFICER. That amendment would be in order.

Mr. DOMINICK. I thank the Chair.

PRIVILEGES OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, if the distinguished Senator from Wisconsin will yield just briefly, I ask unanimous consent, in addition to the four committee staff members allowed on the floor under the standing regulation, that Mr. William R. Bechtel and Mr. Jonathan Steinberg also be granted the privilege of the floor during the deliberation on this measure.

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

Mr. JAVITS. Mr. President, if the Senator will yield on that, will he allow me to have Mr. John Scales on the floor in order to serve me?

Mr. BYRD of West Virginia. Is the Senator requesting that an additional staff member be present?

Mr. JAVITS. He is a committee staff member.

Mr. BYRD of West Virginia. The Senator from New York does not need to ask unanimous consent in this instance.

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

Mr. NELSON. Mr. President, the Labor and Public Welfare Committee, on a bipartisan vote of 15 to 2, has sent to the Senate the proposed Emergency Employment Act of 1971 as a way for Congress to take immediate action to deal with the Nation's serious unemployment problem.

This bill would create a temporary stop-gap emergency employment program to place approximately 150,000 of the unemployed in already existing, responsible and vitally necessary jobs at the State and local level.

It would authorize funds proportionate to the level of unemployment. For the first year it would authorize a maximum of $750 million and for the second year a maximum of $1 billion; however, unemployment would have to rise to the 7-percent level and remain there for 3 months in order to trigger that full amount.

This is emergency legislation, introduced on the first day that bills were received in this session of Congress. It has been endorsed by 34 Senators, with strong support in both parties. Four days of public hearings were held at which it was strongly supported by the National League of Cities, U.S. Conference of Mayors, National Association of Counties, National Farmers Union, American Federation of State, County, and Municipal organizations. The hearing record has been printed and is available for study by Senators. This hearing record tells a dramatic story of spiraling unemployment and declining public services, which are combining to create a grave crisis in many of our major cities and in some of our troubled rural areas.

The subcommittee on Employment, Manpower and Poverty voted unanimously to approve the bill. The full Labor and Public Welfare Committee approved it overwhelmingly after making a number of amendments.

It is our hope that the Senate will quickly approve this bill; that similar legislation will pass the House of Representatives within the next several weeks; and that the President will sign this emergency stop-gap legislation into law within the near future. If our hopes are fulfilled it is entirely conceivable that, in the month of May, some of those who are today most deeply distressed by unemployment would be moving into responsible jobs under the capable supervision of State and local officials and that the Congress would have demonstrated anew its ability to respond promptly to a national crisis.

For Congress to fail to respond to the twin problems of widespread unemployment and declining public services could well weaken faith in the American system at a time when it is being sorely tested.

It is most important to make clear that this is not the manpower bill—the Employment and Manpower Act of 1970—which the Congress passed and the President vetoed last December 16. That was a much broader and more comprehensive reorganization of Federal manpower training programs, combined with a permanent public service employment program on a much more substantial scale. That bill, which passed the Senate 68 to 6, is deserving of further consideration and will be taken up in due course by our committee along with the administration's recently introduced new manpower bill, the Manpower Revenue Sharing Act.

However, no matter how hopeful supporters of these bills may be, there is no question whatsoever that their effective date would have to be delayed until sometime in 1972.

Meanwhile, the crisis of unemployment is squarely upon us. Congress cannot delay a single week in facing the human distress caused by unemployment.

The Emergency Employment Act of 1971, which has moved through the legislative process with astonishing speed, gives us an opportunity to act immediately and responsibly to deal with a critical national problem, while the traditional congressional process is being followed on the more comprehensive legislation.

This bill, S. 31, represents one rather limited feature of the manpower bill which was passed and vetoed earlier. This bill consists solely of a temporary stopgap public service employment program triggered by high national unemployment rates. When unemployment averages 4½ percent for 3 months this bill would authorize $500 million. For each increase in the national unemployment rate of one-half of 1 percent an additional $100 million would be authorized. If unemployment averaged 6 percent for 3 months as it did in the period from December 1970 to February 1971, the bill would authorize $800 million—however, there is a ceiling of $750 million on authorizations in the first year regardless of how high unemployment goes.

A feature very similar to this was incorporated in the manpower bill which was passed and vetoed last year. That bill authorized a permanent, continuing public service employment program with additional funds triggered when unemployment rose above 4½ percent.

The trigger feature is a concept originally proposed by the administration in the Manpower Training Act which it submitted to the Congress in August of 1969. The feature was refined by Senator JAVITS and incorporated into last year's manpower bill which was passed and vetoed.

Now we have sent to the Senate a bill consisting solely of the trigger feature.

In his veto message last December 16 the President criticized the concept of permanent public service employment. But he added:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

That is precisely what this bill would provide. Because the authorization is limited to periods of high unemployment, and because the entire authorization expires June 30, 1973, this is strictly emergency stopgap legislation.

The bill was carefully designed to meet the objections which the President raised to a permanent public service employment program in his veto message.

Even though many of us in both parties continue to support the concept of a substantial, continuing public service employment program, we recognize the need to offer legislation which can win broad bipartisan support and which can merit the President's signature because it is so urgent that we do something about unemployment. While we continue to consider the reform of manpower training programs and the perfecting of permanent public service employment in an effort to make it acceptable to the administration, we feel we must offer something which can be immediately acceptable.

The Secretary of Labor testified before our subcommittee on February 23. I must say that a number of us were surprised when he indicated that the administration now opposed even this temporary emergency employment act. The Secretary was most candid with us. He stated in his testimony:

> Secretary Hodgson—You have . . . taken cognizance of several of our objections, the triggering mechanisms, to some degree at least, the kinds of public service employment which would be desirable, and the temporary aspect of such employment. . . . As I sat the other evening trying to think how you must react to our current position, it seems to me that you would find yourself thinking that you have come to play ball in our court and we have moved the court.

Although the Secretary conceded that the Emergency Employment Act is substantially the kind of program which the administration indicated it could accept, the Secretary of Labor testified that the administration now believes it could accept such a program only if it were a part of "special revenue sharing."

The administration, in a bill introduced March 16, has proposed to increase present Federal manpower funds from about $1.6 billion to $2 billion a year and to transfer 85 percent of this money directly to mayors and Governors. If these officials chose to use some of those funds for a temporary public service employment program, such as is authorized in bill S. 31, the administration would have no objection.

It is important to note that the administration has conceded that this bill, S. 31, the Emergency Employment Act, is the kind of bill which the administration has advocated in the past, and that it has no objection to the concept embodied in this legislation.

The administration's object is limited solely to the fact that the funds authorized in this act for payment to mayors, Governors and other local program sponsors would not be paid out as a part of its "special revenue sharing" proposals.

Without in any way prejudging the merits of the administration's "special revenue sharing" proposals, certainly any reasonable observer would have to concede that they will require considerable debate and discussion in public hearings, in executive sessions of committees and on the floors of both houses of Congress. From the limited view we have been able to give to the recently introduced special revenue sharing legislation involving manpower funds, and from the comments we have already received from civil rights organizations and many others, it seems clear to me that this legislation will take some time if it is to be prudently considered and responsibly dealt with by the Congress. Our committee is presently involved in hearings on the administration's proposal to extend the Economic Opportunity Act, which expires June 30. Unless our committee and the comparable committee in the House of Representatives are able to move along expeditiously to consider the extension of the Economic Opportunity Act and to secure the passage of this legislation through both houses of the Congress, many of our existing manpower programs would die a sudden death along with other worthwhile programs such as Headstart, legal services, comprehensive health services, alcoholic counseling and drug rehabilitation.

As soon as our committee completes action on the administration proposal to extend the Economic Opportunity Act we will begin hearings on the administration's Manpower Revenue Sharing Act and the manpower bill which was passed and vetoed last year.

I can appreciate the very high priority which the administration has given in this session of Congress to establishing the concept of revenue sharing, both general revenue sharing and special revenue sharing, as the administration has described it. Certainly the Congress intends to consider all these proposals with an open mind and in the most expeditious manner possible.

However, I think it would be irresponsible to insist that the unemployed sit and wait for Congress to resolve the complex issues involved in revenue sharing.

Because the administration has supported the concept of this bill, because the unemployment situation is so grave and so immediate, because the cities, the counties, the States, and the depressed rural areas are asking for immediate help, and because this bill can put men and women to work within the next 60 to 90 days, the responsible course of action is to pass this legislation now and deal with the broader questions involved in revenue sharing and alternative manpower proposals in the weeks and months ahead.

THE UNEMPLOYMENT PROBLEM

The facts on unemployment have been presented to us by the Bureau of Labor Statistics. Unemployment has been increasing steadily since the latter part of 1969, and for the last few months has stood at the highest level in the last 9 or 10 years. We have 5,442,000 people unemployed and looking for work, according to the Bureau of Labor Statistics report of March 5, 1971. Of this group 1,179,000 have been unemployed for 15 weeks or longer. A total of 451,000 have been unemployed for 27 weeks or longer.

Many groups within the labor force are especially hard hit by unemployment. The rate for white workers as a whole is 5.3 percent but the rate for Negroes and other nonwhites is 9.6 percent. Unemployment among blue collar workers stands at 7.4 percent. Among construction workers it is 11 percent.

The unemployment rate for teenages is 16.7 percent and the rate for black teenagers is 31.3 percent.

Many of our major cities have unemployment rates much higher than the na-

tional average. The distress is particularly severe in Seattle and Spokane, Washington; Wichita, Kansas; Lowell and New Bedford, Massachusetts, and in the inner portions of most of our large cities such as New York, Detroit, Los Angeles, Newark, Baltimore and many others.

The mayor of Detroit testified before our subcommittee that the unemployment rate in the inner city is 24 percent, and he estimated that almost every other person between 18 and 25 years of age is unemployed. Governor John Gilligan of Ohio testified that the unemployment rate in the inner cities areas of Cleveland and Toledo was 15 percent or higher for 1970.

Official unemployment rates for many cities and the standard metropolitan statistical area in which they are located tend to underestimate the unemployment problem because the problem is often highly concentrated in certain sections of the city.

We also have many rural areas with widespread chronic unemployment.

Obviously, there are many different ways of dealing with the serious unemployment problem. The sponsors of bill S. 31 do not claim that this is the one and only way to address the problem.

However, our committee is responsible for legislation in the field of manpower. From exhaustive hearings which we held in 1969 and 1970 we have documented the fact that we must supplement our Federal manpower training programs with a public service employment program which will offer real job opportunities rather than mere training slots.

For several years now our Federal manpower training programs have had approximately 450,000 to 500,000 persons enrolled in them at any given time. The overwhelming majority are involved in training programs rather than real job opportunities. Unfortunately the job placement record for these manpower programs is not particularly high.

But most important of all, manpower training programs are no answer to a problem such as the sharp increase in unemployment which has occurred in the past 15 months. It was hard enough for graduates of our manpower training programs to find jobs when we had 3.3 percent unemployment in February 1969. Imagine the increased difficulty for those who have been turned out into a labor market with 5.8 percent, 6.0 percent and 6.2 percent unemployment such as we have had in this past December, January and February.

Manpower training programs have not expanded to take care of any significant portion of the massive increase in the unemployed.

Attempts to place manpower training program graduates in jobs in the private sector have not been successful at a time when industries are laying off veteran employees with highly developed skills and considerable seniority.

It is obvious if we are to place any significant number of the unemployed in worthwhile jobs in the near future, public service employment offers the greatest potential of any program.

The jobs are already there. Mayors, Governors, and county executives have testified that they have thousands of jobs—vital, necessary jobs, already approved in the normal budget process—which simply cannot be filled for lack of tax revenues.

By placing some significant number of the unemployed in these vacant jobs in State and local government agencies we not only will be easing the crisis of unemployment and making destitute people self-sufficient again, but we also will be strengthening and raising the quality of vital public services which are of benefit to the entire community.

Questions often are asked as to the kinds of jobs which would be filled under this program. Public service employment offers the broadest possible array of job opportunities. Government is the largest single employer in America and offers the broadest range of employment opportunities at various skill and wage levels. In State and local service, there are more than 10 million jobs.

Eligible applicants under the Emergency Employment Act would include States, cities, counties and other units of general local government and public or private nonprofit agencies and institutions such as hospitals.

These units of government or agencies would submit applications to the Secretary of Labor outlining the kind of public service employment program which they would propose to operate. It is anticipated that applications would cover a broad range of jobs in areas such as education, health care, housing, neighborhood improvement, public safety, street and park maintenance, transportation, conservation and so forth. No specific wage and salary levels are established. The bill provides that public service employees would be paid the minimum wage or prevailing wage for those doing identical work. In other words, public service job slots could be provided at many different levels consistent with existing job descriptions, education and skill requirements and so forth.

The Secretary of Labor would be authorized to pay up to 90 percent of the cost of an approved public service employment program.

In 1968, at a time when unemployment was much smaller than it is today, the Kerner Commission recommended the creation of 1,000,000 public service jobs in the public sector and an additional 1,000,000 jobs in the private sector. The estimated 150,000 jobs which the Emergency Employment Act would create would simply be one small step toward fulfilling that recommendation.

This emergency bill does not of course involve the comprehensive reform of our existing manpower training programs which was embodied in the Employment and Manpower Act which was passed and vetoed last fall. However, it retains that bill's emphasis on good jobs, real jobs, offering solid career opportunities as opposed to "makework" or "dead end" type jobs.

This is an area in which the sponsors of this bill and the Labor and Public Welfare committee agrees with the administration. In facing up to the need to fund jobs as a tool with which to fight unemployment and poverty, we are most anxious that these be good jobs which perform vitally needed public services.

An interesting article was written by Jerome M. Rosow, Assistant Secretary of Labor, in the Saturday Review of Literature of January 23, 1971. Mr. Rosow stated:

> I fear that if the job is not a real one, and if a man loses self respect by working in a job that has an image of being a program for cast-offs on the dole, then he is not going to achieve independence . . . In the past the idea was to search for a task that the unemployed could perform; little weight was given to its community benefit. The opposite approach is first to select a product or a service that is actually desired by the community. If we emphasize the product and perform a needed service to the community, the program will more nearly serve its function as an adjunct to regular employment.

I agree wholeheartedly with those thoughts. So do the chief executives of our cities who have testified so strongly in favor of this bill.

For example, Mayor Lindsay of New York testified on February 8:

> The notion is often expressed that this legislation will represent simply temporary make-work of a WPA nature. Totally incorrect. It is not make-work. It is badly-needed public service.

Mayor Lindsay said that New York could provide "50,000 to 75,000 additional public service jobs tomorrow morning if we had the funding." People who might otherwise be on welfare could be employed in areas such as sanitation, educational aides, nurses aides, practical nurses, and law-enforcement aides, Mayor Lindsay said.

Mayor Gribbs of Detroit testified:

> I could hire 2,600 today for the city of Detroit. And there are positions that go along the whole vertical structure of various services from an executive level down to technical and down to laborers level.

County Executive John H. Mulroy of Onondaga County, N.Y. testified:

> We are faced with an unemployment crisis and an employment shortage at the public service level. How fortunate that there is one solution to both problems; that is, to hire the unemployed in public service jobs. Our county provides some 26 countywide services including health programs, welfare, parks, recreation, civil defense, water and sewer services, sewage treatment, road maintenance and even a community college. Potential jobs exist in almost every department of our county government. These services are not "make-work" jobs. Rather they are a response to the new needs of the community, and I dare say that each of our 3,049 counties could cite similar examples.

When our committee first developed proposed public service employment legislation in 1969 and early 1970 the administration indicated opposition to the concept. However, after considerable discussion in committees in both Houses, the administration came to support the concept of public service employment in a number of significant ways.

The administration supported public service employment in the comprehensive manpower bill which passed the House of Representatives last November.

The administration is now supporting public service employment, with 100

percent Federal funding, in its recently introduced Manpower Revenue-Sharing Act.

And the administration has proposed an $800 million public service employment program to create 200,000 jobs for welfare recipients as a part of its family assistance plan, with an effective date of July 1, 1972.

We welcome these significant moves on the part of the administration to embrace the public service employment concept. If a family assistance plan is enacted in this session of Congress it certainly should include a significant public service employment component because otherwise there would be virtually no hope of placing any substantial number of welfare recipients in jobs. Public service employment as a part of the family assistance plan is perfectly compatible with this Emergency Employment Act.

The Emergency Employment Act has the advantage of being able to take effect immediately and to serve a much broader segment of the population than the family assistance plan is designed to serve.

Mr. President, I ask unanimous consent that immediately following my just-concluded remarks there be inserted in the RECORD an explanation of the Emergency Employment Act of 1971, and appended thereto a long list of cities with unemployment at 4.5 percent or higher, and that there also be printed in the RECORD a summary of the Proposed Employment Act of 1971.

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

THE EMERGENCY EMPLOYMENT ACT OF 1971

The Concept: The Emergency Employment Act of 1971 combines two concepts that have bipartisan and Administration support: (1) Transitional public service employment; (2) Counter-cyclical spending for manpower during periods of economic slowdown.

The bill in brief: The bill would provide for a temporary program of public service employment—in locally designed programs at the state, county, and municipal level—when national rate of unemployment equals or exceeds 4.5% for three months. Appropriations of up to $750,000,000 would be authorized through June 30, 1972, and $1,000,000,000 for the succeeding fiscal year, but the level could be lower because funding is based on a sliding scale depending upon the unemployment rate. (See summary of bill attached.)

The background: In the past few years numerous commissions and task forces have called for public service employment programs, recognizing that declining public services and unemployment were two problems that could thereby be attacked simultaneously.

Rising unemployment during the current recession makes this approach even more urgent. Fourteen mayors of the nation's largest cities and several Governors and county executives, appeared before the Subcommittee on Employment, Manpower, and Poverty, documented the problems, and pleaded for the prompt enactment of S. 31.

Legislative history:

August 1969—The Administration introduced the Manpower Training Act of 1969 asking an automatic "triggering" of an additional 10% in manpower funds when unemployment exceeds 4.5% for three months.

Dec. 10, 1970—The Senate voted 68–13 for the Conference Report on the Employment and Manpower Act of 1970, which included a major reform of manpower programs and a permanent public service employment program.

Dec. 16, 1970 The President vetoed the Employment and Manpower Act, particularly objecting to the permanent public service employment program. In his veto message, President Nixon said: "Transitional and short-term public service employment can be a useful component of the nation's manpower policies."

Jan. 25, 1971 With unemployment at 6% (5.4 million Americans unemployed) a bipartisan group of 34 Senators introduced the Emergency Employment Act of 1971.

Feb. 1971 Administration supports $800 million for 200,000 public service employment jobs for those on welfare assistance. That program would take effect July 1972.

Mar. 16, 1971 Administration's Manpower Revenue Sharing proposals introduced in Senate.

Mar. 17, 1971 Labor and Public Welfare Committee ordered the Emergency Employment Act reported to the Senate by vote of 15 to 2. Report filed March 27.

THE EMERGENCY EMPLOYMENT ACT AND MANPOWER REVENUE SHARING

The Manpower Revenue Sharing proposal, introduced only two weeks ago, would eliminate standards for approving federal funds for manpower programs and also raises many other serious questions, including the future role of vocational education, Community Action Agencies, and the public employment service in the future of local manpower programs. All these questions must be aired in hearings before the Senate can properly consider this "revolutionary" new concept for manpower programs. The Administration's Manpower Revenue Sharing bill has rigid allocation formula, which could result in massive shifts in on-going programs. The matter of how manpower funds are allocated is very complex and requires careful consideration in hearings and mark-up sessions.

(Senate bill S. 31 was introduced on January 25 by the following 34 Senators: Nelson, Javits, Bayh, Bellmon, Brooke, Byrd of West Virginia, Case, Cranston, Eagleton, Gravel, Harris, Hart, Hartke, Hatfield, Hughes, Humphrey, Jackson, Kennedy, McGovern, Magnuson, Mathias, Mondale, Montoya, Muskie, Pearson, Pell, Percy, Randolph, Ribicoff, Schweiker, Scott, Stevenson, Tunney, and Williams)

The proposed Emergency Employment Act of 1971 (S. 31) would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to States, cities and counties, and public and nonprofit agencies, to provide useful employment in such counties, and public and nonprofit agencies, needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Appropriations of up to $750,000,000 through June 30, 1972, and $1,000,000,000 for fiscal year 1973 would be authorized under the following circumstances:

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for three consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of one percent by which the average unemployment rate for three consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State and among significant segments of the population on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

The bill provides for periodic reviews of the employment prospects for each person employed in a public service job assisted under the legislation and requires the Secretary of Labor, as the rate of unemployment approaches 4½ percent, to establish procedures to assure that maximum efforts will be made to assist public service jobholders in locating employment or training opportunities not supported under this legislation.

AREAS WITH UNEMPLOYMENT, 4.5 PERCENT OR HIGHER

	January 1971	
	Number	Rate
Alabama: Mobile	6,200	4.9
Arizona: Phoenix	20,600	5.1
California:		
Anaheim-Santa Ana-Garden Grove	43,300	8.2
Fresno	14,600	8.1
Los Angeles-Long Beach	259,400	7.6
Sacramento	23,700	7.4
San Bernardino-Riverside-Ontario	29,100	7.4
San Diego	33,300	7.0
San Francisco-Oakland	90,400	6.1
San Jose	34,700	7.6
Stockton	13,500	11.0
Connecticut:		
Bridgeport	21,100	11.6
Hartford	20,600	5.7
New Britain	5,800	10.8
New Haven	12,000	6.5
Stamford	6,900	6.8
Waterbury	10,300	11.1
Delaware: Wilmington	11,000	5.1
Florida: Miami	29,500	4.6
Georgia:		
Augusta	5,000	4.8
Columbus	4,000	4.8
Hawaii: Honolulu	13,200	4.6
Illinois: Rockford	8,500	6.7
Indiana:		
Evansville	5,700	5.4
Fort Wayne	7,100	5.4
Gary-Hamilton-East Chicago	11,100	4.6
Indianapolis	26,200	5.5
South Bend	8,200	7.6
Terre Haute	4,800	7.0
Kansas: Wichita	16,700	10.3
Kentucky: Louisville	19,000	5.0
Louisiana:		
Baton Rouge	8,000	6.2
New Orleans	25,600	5.8
Shreveport	6,700	5.5
Maine: Portland	3,300	4.5
Maryland: Baltimore	40,700	4.5
Massachusetts:		
Boston	76,600	5.3
Brockton	5,300	8.7
Fall River	5,400	9.7
Lawrence-Haverhill	8,500	9.1
Lowell	7,600	11.7
New Bedford	7,800	12.3
Springfield-Holyoke	18,400	8.3
Worcester	10,300	7.0
Michigan:		
Battle Creek	5,900	8.1
Detroit	143,000	8.3
Flint	13,600	7.3
Grand Rapids	19,100	8.4
Kalamazoo	6,400	7.5
Lansing	8,400	5.4
Muskegon-Muskegon Heights	6,700	11.0
Saginaw	5,100	5.9
Minnesota:		
Duluth-Superior	2,500	5.1
Minneapolis-St. Paul	42,100	4.8
Missouri:		
Kansas City	38,300	6.2
St. Louis	64,900	6.3
New Jersey:		
Atlantic City	8,100	10.5
Jersey City	27,500	9.0
Newark	57,400	6.3
New Brunswick-Perth Amboy	21,400	6.6
Paterson-Clifton-Passaic	40,900	6.8
Trenton	7,700	5.0
New Mexico: Albuquerque	6,800	5.4
New York:		
Binghamton	8,100	6.6
Buffalo	38,100	6.8
New York	280,800	5.1
Rochester	18,900	4.8
Syracuse	15,500	6.0
Utica-Rome	10,200	7.6

	January 1971	
	Number	Rate
North Carolina: Asheville	3,000	4.8
Ohio:		
Akron	13,000	4.7
Canton	7,500	4.8
Cincinnati	29,800	5.1
Cleveland	47,600	5.0
Dayton	18,700	5.0
Hamilton-Middleton	5,200	6.3
Loraine-Elyria	5,500	5.9
Toledo	14,900	5.3
Youngstown-Warren	11,700	5.1
Oklahoma: Tulsa	11,000	5.2
Oregon: Portland	30,800	6.7
Pennsylvania:		
Altoona	3,500	6.3
Erie	6,400	5.6
Johnstown	7,400	7.8
Philadelphia	114,400	5.4
Pittsburgh	46,500	4.8
Scranton	7,600	7.6
Wilkes Barre-Hazleton	10,000	7.0
Puerto Rico:		
Mayaguez	4,100	13.5
Ponce	8,000	15.7
San Juan	(1)	(1)
Rhode Island: Providence-Pawtucket	31,900	7.8
South Carolina	(1)	(1)
Texas:		
Beaumont-Port Arthur	7,200	5.6
Corpus Christi	4,700	4.5
El Paso	5,900	4.7
Fort Worth	15,900	5.0
Utah: Salt Lake City	12,800	5.8
Washington:		
Seattle	79,900	12.7
Spokane	10,700	9.5
Tacoma	14,400	10.7
West Virginia	(1)	(1)
Wisconsin:		
Kenosha	2,000	4.9
Milwaukee	33,900	5.3
Racine	5,400	8.4

[1] Information not available.

Source of material: Bureau of Labor Statistics.

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The proposed Emergency Employment Act of 1971 (S. 31) would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to States, cities and counties, and public and nonprofit agencies, to provide useful employment in such needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Appropriations of up to $750,000,000 through June 30, 1972, and $1,000,000,000 for fiscal year 1973 would be authorized under the following circumstances:

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for three consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of one percent by which the average unemployment rate for three consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State and among significant segments of the population on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

The bill provides for periodic reviews of the employment prospects for each person employed in a public service job assisted under the legislation and requires the Secretary of Labor, as the rate of unemployment approaches 4½ percent, to establish procedures to assure that maximum efforts will be made to assist public service jobholders in locating employment or training opportunities not supported under this legislation.

Mr. NELSON. Mr. President, I ask unanimous consent that following the two insertions I have just presented, an editorial from the Washington Post, dated April 1, 1971, entitled "Emergency Employment Act," be printed in the RECORD.

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

EMERGENCY EMPLOYMENT ACT

The Senate is scheduled today to take up an emergency measure designed to put some 150,000 unemployed persons to work in vital state and municipal public jobs. The bill is cosponsored by 34 senators and endorsed by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and a good many other estimable public bodies. Every consideration of logic and necessity seems to support it as well.

Two parallel developments that have taken place in almost every major city of the country dictate emergency action. One is a sharp rise in unemployment which has created a crisis for hundreds of thousands of urban families. The other is a drop in the revenues available to city governments resulting in a drastic cutback of vital municipal services; and this operates, of course, to aggravate the hardships suffered by the unemployed. Fund shortages have resulted in unfilled jobs in the face of eager but idle workers. Mayor D'Alesandro of Baltimore summed it all up graphically enough in testimony recently before the Senate Committee on Labor and Public Welfare:

The jobs are there in Baltimore. Our probation officers are handling the highest workloads in the history of the administration of justice in our city. We have a municipal hospital, one of the finest in the country, yet the amount of registered nurses, the amount of nurses' aides that are servicing the various floors are at a minimum. We pride ourselves on being the showcase in urban renewal and housing and redevelopment; yet in the conservation areas we cannot move beyond the central business district or the little neighborhoods that serve as the core around it, because of lack of inspectors. The Civil Service Commission has waiting rolls of competent, eligible people who can fill the jobs. The work is there. The jobs are there. We have the plans. We don't have the financial resources to follow through.

Mayor after mayor came before the committee to report the same paradox. County Executive John Spellman of King County, Washington, said: "The displacement which has occurred in the Puget Sound area leaves us with the worst national resource waste in our nation's history. Talented men and women, superbly trained, highly productive, with a desire to work and to contribute to the nation's economy, sit idle."

The Emergency Employment Act would put many of these people to work by funding public service employment programs in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets and other public facilities, conservation, beautification and other aspects of community improvement. It would authorize appropriations up to $750 million through June 30, 1972, and a billion dollars for fiscal year 1973 to be provided on a sliding scale based upon the national rate of unemployment.

Last December, President Nixon vetoed an Employment and Manpower Act which embodied a permanent public service employment program. The proposal before the Senate today is temporary in character, with no more than a two-year duration; but the administration is opposed to it anyway, asking Congress instead to take up its Manpower Revenue Sharing bill. Whatever the merits of revenue sharing, its highly controversial character makes it unlikely to win congressional approval in time to be of much service to the crisis-pressed cities or to the hundreds of thousands of city-dwellers now out of work. The emergency calls for emergency help from the federal government. Congress ought to furnish it without delay.

Mr. TAFT. Mr. President, two or three connected questions are not entirely clear to me on the basis of the very able statement made by the Senator from Wisconsin.

First of all, I would like to clarify the Senator's understanding, and verify my own, as to who is a qualified employer under this act. Is it possible or is it not possible, under this act, for a municipality to employ a private concern in a public works project of some type and then to employ men under that program and still have it qualify?

Mr. NELSON. The eligible applicants under the act are States, cities, counties, Indian tribes, public and private nonprofit associations, but no private business is eligible.

Mr. TAFT. So that even if a municipality wished to contract, say, for a service contract or public works contract with a private concern, the employment under such a private concern would not be covered? In other words, this is not a public works type act?

Mr. JAVITS. Mr. President, before we leave that answer, if I may interject, I think we should note that there is a possibility of doing what the Senator has in mind, but, again, not with the kind of entity he had in mind when he asked the question. I refer to a local service company, a truly local poverty based type of corporation, which I think we are very anxious to encourage, and not to discourage.

Mr. TAFT. In other words, he is saying it would be a nonprofit corporation?

Mr. JAVITS. More than nonprofit. It is defined on page 37 of the bill, lines 17 to 22, and it means owned or operated in substantial part by unemployed or low-income residents of the area to be served. So that it is uniquely our effort in self-help in the poverty field. I wish it were appreciable, but I fear it will not be, in terms of actual figures of employment.

Mr. TAFT. I thank the Senator for the explanation.

One other question. I am somewhat disturbed by the reference, in section 11(c) on page 33 of the bill regarding labor organization——

Mr. NELSON. What was the page?

Mr. TAFT. Page 33 of the bill, subsection (c) of section 11.

Mr. NELSON. Which line?

Mr. TAFT. Line 7, which reads:

Where a labor organization represents employees who are engaged in similar work in the same labor market . . .

How is the determination to be made

as to whether a labor organization represents employees? And does that apply to public employee unions, or would it apply only to unions certified under the National Labor Relations Act or some other similar proceeding?

Mr. NELSON. This language provided by the staff was taken from the conference report on the bill last year, and its only purpose is to give public employment organizations an opportunity to comment on the application proposal by the municipality.

Mr. TAFT. What would occur if such notification was not given? How is a complete list of such organizations made if there is not a definition as to who is certified or who represents whom?

Mr. NELSON. We thought it better not to try to define it. The Secretary will establish it through regulation.

Mr. TAFT. Through regulation?

Mr. NELSON. Yes.

Mr. TAFT. I thank the Senator

Mr. JAVITS. Mr. President, I have joined with the Senator from Wisconsin (Mr. NELSON) in this bill as a joint sponsor as I am the ranking minority member of the committee and believed that there was a place to be filled which could not possibly be filled, from present appearances, for at least a year, and therefore that this bill was necessary.

I wish to assure the Senate that we have taken extraordinary precautions to meet the views of the administration in respect of this bill. The Senator from Vermont (Mr. PROUTY) has introduced the administration's special revenue-sharing bill on manpower, and I wish to assure the Senate and the administration that we have in that bill done our utmost to meet the fundamental questions: first, to afford an opportunity for special revenue sharing to phase in, and that is assured by the 2-year duration of this bill. As the President himself does not expect special revenue sharing in manpower to take effect until January 1, 1972. Its trigger provisions, which I shall refer to later, do not take effect until July 1, 1972. Therefore, it seems to me a transitional bill of this character fits in exactly with that purpose.

If I may have the attention of the chairman, I would like to make a statement with respect to him. It is clear, and Chairman NELSON has made it clear, that any bill that we pass or report dealing with special revenue sharing will be tailored and accommodated to precisely what is the temporary public service employment bill which ultimately becomes law.

So for all of those reasons, Mr. President, I feel we are accommodating the situation very closely to the President's free and fair opportunity to win with a special revenue-sharing measure.

Mr. NELSON. Mr. President, will the Senator yield to me for a comment?

Mr. JAVITS. Of course.

Mr. NELSON. I agree with the comments of the distinguished Senator from New York that we would not, under any circumstances, send out of our committee something that duplicated or overlapped this measure. If the administration's manpower revenue-sharing bill passes, in whatever form, I wish to assure the Senate that I shall be working with the minority leader of our committee to be sure that there is no duplication, and that it fits in appropriately with whatever we do with the Revenue Sharing Act; and if there is no act, this one expires at the end of 2 years, or whenever we get to 4.5 percent.

Mr. JAVITS. Correct.

Mr. NELSON. To cite an example, if we adopted exactly what the administration said—and I understand their bill to authorize as an activity by a municipality or a State public service employment—if they already have public service employment under this provision, we would undertake to be sure that in that bill we did not add on top of that.

Mr. JAVITS. There is one important point of substance which the Senator may or may not choose to answer, but I would hope that he could answer it in the affirmative before we are through with the debate, which is this: In view of the fact that we are passing emergency legislation, and in view of the fact that the President's bill is permanent legislation, would the Senator feel—and I do not expect him to answer this before thinking it over; he may speak about it later—that this bill should be accommodated to the President's bill, as we are in the process of passing it, rather than the other way?

In other words, as that is a permanent law and this is a temporary law we could tailor—because it would come out of our Committee on Labor and Public Welfare anyway—the permanent law to suit this measure, in the sense of not running counter to it; but it would be in appropriate, if we were satisfied that the permanent law did everything that ought to be done in this field, to phase this out without the greater whole, to wit, permanent law, taking over the part. So it would be a substantive point, when the Senator says he will do his utmost, and I wish to make it compatible; it is a substantive point as to whether we make this compatible with the President's bill, in which case this would run its course, the other being tailored to suit this, or whether we make the President's bill compatible with this program, in which event we could end this, in view of the fact that we would have a permanent piece of legislation.

Mr. NELSON. I think I understand. Let me reserve judgment until I have time to discuss the matter.

Mr. JAVITS. Surely. In view of the possibility of a veto, which hangs over everyone's head, I think it is important for the President to have assurance that whenever his revenue-sharing plan phases in, this would be phased out. We would have to be satisfied with general revenue sharing as encompassing this bill. We would have to be sure that the two would phase together.

Mr. NELSON. I think I am in agreement with the Senator, but I should like to check it with the staff and respond later.

Mr. JAVITS. Mr. President, as joint sponsor of the Emergency Employment Act of 1971, and the ranking minority member of the Committee on Labor and Public Welfare, I wish to indicate why I think that its passage is essential.

First, we have faced a national unemployment rate of 6.2 percent in the month of December, 6.0 percent in January and 5.8 percent in February—the highest rates in 9 years—with the burden of that rate—like that of inflation—falling on all socioeconomic groups in our society. In New York State the unemployment rate in January was 5.6 percent compared with 4.3 percent in January 1970. The rate ranges from 4.4 percent in the Albany area to 7.6 percent in Utica and in Rome, New York. New York City had unemployment in January of 5.1 percent, compared with 3.7 percent the year before.

The Department of Labor reported yesterday that overall the jobless rate rose by 41 percent in the New York area in 1970. In the 17 county New York—northeastern New Jersey area, an average of 4.5 percent of the labor force of 6.6 million was unemployed last year compared to 3.2 percent in 1969. The black unemployment rate in New York City was at 5.4 percent—almost a full percentage above the overall rate. I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks an article appearing in the New York Times for today, April 1, 1971, which outlines the situation in more detail.

The situation is most tragic and unsettling and even horrendous and alarming in the poverty neighborhoods of the Nation where, according to the Department of Labor statistics released on January 24, 1971, the jobless rate during 1970 averaged 7.6 percent, up from 5.5 percent in 1969. Most serious are the facts that the average yearly rate for teenage residents of poor neighborhoods increased from 19.9 percent over last year to 24 percent, that the rate for blacks among this group rose from 27.9 percent to 35.8 percent, and for white youths similarly situated from 13.8 percent to 16.3 percent.

At the current time, the situation is even more incendiary than these yearly averages suggest; for the trend is even disquieting. For the last quarter of last year the jobless rate among all teenagers was 27.8 percent—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers was 18.8 percent—compared with 11 percent at the end of 1969 and the rate among black teenagers was 42.4 percent—or almost half—compared with 26.7 percent in the last quarter of 1969.

But our concern is not limited to teenagers, nor to the big cities, nor merely to the disadvantaged. The unemployment rate among persons 55 years and older in February 1971 approached twice the rate for January 1970. In Nassau and Suffolk Counties in New York, unemployment has averaged 5.7 percent and in these and other areas throughout the country persons employed in the defense, aerospace, and construction industries have found themselves without work.

Under the bill funds may be used to provide public services employment for unemployed persons not just the disadvantaged—although those in poverty are of great concern.

Approximately 1 year ago, when the Joint Economic Committee, of which I

am a member, began its annual hearings on the state of the economy, we debated the point at which the unemployment rate—then at 3.9 percent—should be regarded as unacceptable.

We have now clearly burst the bounds of acceptability of unemployment by practically everyone's estimate and it is time to alleviate, to the maximum extent fiscally possible, the individual hardships which these levels occasion.

As the President himself noted in the state of the Union message of January 23, "we have paid a price in increased unemployment."

Mr. President, expert opinion suggests that we will continue to pay that price for some time to come. For, while economic indicators are pointing upward, we are dealing here with employment, not business activity, and experience with business recessions has shown that unemployment usually reaches its highest point after the economy has started its recovery. In other words, in the absence of a vigorous and swiftly implemented manpower program such as this, unemployment can be expected to rise in the coming months.

So there is real urgency in this matter. Further evidence in the recent economic report of the President indicates that the administration's own best hope are to set a path that will reduce the unemployment rate to "the 4½-percent zone" by the second quarter of 1972.

Thus the administration itself contemplates that high levels of unemployment will persist through most of fiscal year 1972. And yet, while the fiscal 1972 budget is described as a "full employment" budget—and may have such an effect in terms of total Federal spending—the manpower portion of the budget would not increase significantly the number of additional training and employment opportunities to be made available during that year of expected continued hardship.

The Department has requested, under current authorizations, only 47,000 more employment training slots for 1972 than for this fiscal year. This fiscal year's opportunities were only 65,100 above the previous year, 1970, when, as I have already described, the unemployment figures were around 4½ percent.

It is very important to note that we are dealing, in giving these figures of additional slots, with roughly a million enrollment opportunities under the manpower and employment programs I have described. So that the Federal Government's request is approximately 5 percent more than it was in the last fiscal year. In the last fiscal year it was about 6 percent more than the previous fiscal year. So there is not any great growth of rate here—certainly not compatible with the critical increase in unemployment.

Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitments to save our physical environment and to satisfy our unmet obligations to redeem our social environment. According to a 1965 OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities alone.

Here is work crying to be done and there are persons to fill these jobs if funds could be made available.

Mr. President, I have stated why this legislation is needed; now I wish to comment on certain features of the bill which I commend to the attention of my colleagues.

We all know that the President last December vetoed the Employment and Manpower Act, which would have established a permanent public service employment program—creating as many as 330,000 jobs in the fourth year of the program—as well as effecting a consolidation of all existing manpower programs. It was a most regrettable decision. In his veto message, the President stated:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

Mr. President, Senator NELSON and I and other Members designed this bill with that in mind.

As I noted in the supplemental views of myself, Senator SCHWEIKER and Senator PACKWOOD, the reported bill is short term and transitional in three major respects:

First, it is short term in that authorizations are provided for approximately a 2-year period, beginning with enactment and extending through fiscal year 1973.

Second, the program is transitional and short term within the duration of the act because it is tied to—and will exist subject to—national unemployment levels.

Section 4(b) provides that the funds appropriated pursuant to the authorizations under the bill—$750,000,000 through fiscal year 1972 and $1,000,000,000 for fiscal year 1973 may be obligated by the Secretary only as follows:

> $500,000,000 when the Secretary determines that the rate of national unemployment equals or exceeds 4.5 percent for three consecutive months prior to any such determination.
>
> $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment for three consecutive months prior to any such determination exceeds 4.5 percent.

At an estimated cost of $5,000,000 per opportunity, if the total authorizations were made available, approximately 150,000 jobs could be created before July 1, 1972, and 200,000 jobs during fiscal year 1973.

The bill provides that no more than one determination in respect to the $500 million and no more than one determination in respect to each increment of one-half of 1 percent may be made before July 1, 1972, or in any subsequent 12-month period.

The authorization ceilings and appropriation levels provide a further limitation on the use of funds even if the national unemployment levels justify a greater amount.

Moreover by virtue of section 4(c) no further obligation of funds may be made after a determination that the rate of national unemployment has receded below 4.5 percent for 3 consecutive months.

The concept of providing additional manpower funds under a trigger provision contingent upon the rate of national unemployment was first proposed by the administration.

The administration's Manpower Training Act of 1969, which I introduced in the Senate on August 12, 1969, provided for an automatic appropriation of 10 percent of all manpower training funds—triggering approximately $200 million—in the event of national unemployment in excess of 4.5 percent for 3 consecutive months. During executive sessions on manpower training legislation in the last Congress, I submitted a number of amendments increasing the amounts to be available and making it clear also that funds made so available could be used for public service employment as well as for training. A trigger provision was contained in the Employment and Manpower Act passed by both Houses of the Congress late last year, but vetoed by the President.

The minority members of the Joint Economic Committee—which included Senators MILLER, JORDAN, PERCY, and myself—had also recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training as a transitional program to deal with rising unemployment.

Third, the program created under the reported bill would be transitional and short term as to the individuals involved.

The bill contains a number of provision proposed by minority members of the committee and others to encourage movement of participants from job opportunities financed under the bill to regular employment opportunities in the public or private sector. Among those provisions, I call special attention to the following:

> Section 2, the purpose clause, and Section 3, the principal provision for financial assistance, expressly state that funds are to be made available under the Act not only to provide employment and related opportunities, but to enable such persons to move subsequently into employment or training not supported under the Act.
>
> Section 6, requires that applications for assistance include extensive provisions for training, adequate supervision, supportive services, and linkages with other work and training programs as well as safeguards against "make-work" or "dead end" jobs. See Section 6(a), (2–17), (b). To this end, Section 9 provides that the Secretary may utilize up to 20% of funds for manpower training and related services.
>
> Section 10, specifies three special responsibilities of the Secretary of Labor to encourage movement to regular employment: Under subsection (a) the Secretary is required to establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under the Act to assure that maximum efforts are made to locate regular employment as the unemployment level subsides, or financial assistance otherwise becomes unavailable, whenever there is a finding that the participant's current employment situation will not provide sufficient prospects for advancement. Under subsec-

tion (b) the Secretary is required to review the implementation of these procedures; and under (c) he must conduct a continuing evaluation of programs assisted under the Act. Moreover, Section 12 requires the Secretary to transmit a special report to the Congress as to the extent to which participants subsequently secure and retain regular public or private employment or other opportunities.

I believe that these provisions—coupled with the fact that the authorization is for approximately 2 years—will insure the transitional nature of the employment provided.

In that connection, we note that the bill is compatible with the objective of the administration's proposed Manpower Revenue Sharing Act of 1971 which provides a 2-year limitation on public service employment as to any individual.

Mr. President, I wish to point out also that these provisions—for transitional employment as to the individuals—are much more extensive and much stronger than those which were contained in the Employment and Manpower Act, which the President felt were inadequate to insure movement from supported employment to regular public or private employment.

Finally, I drew special attention to other provisions that were added to S. 31 by myself and others during the committee's consideration of the bill. The bill now contains language to insure that the act will help not only as to the current unemployment situation but as to the related crisis of increasing welfare rolls, which is further aggravated by high unemployment. In that connection, we note that under section 8(b) the Secretary is required to make assistance available "on an equitable basis among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed in each such segment" and that the definition of "unemployed persons" set forth in section 13(7) specifically includes adults receiving assistance under the Social Security Act who are determined by the Secretary of Labor to be available for work.

I believe that the Secretary's authority to grant assistance for such persons will not only help persons who would otherwise be forced to rely upon cash welfare assistance, but provide the concerned governmental agencies with early experience in the use of public service employment programs in reducing welfare dependency, before the proposed Family Assistance Act—under which the administration would make as many as 200,000 jobs available—would take effect, on July 1, 1972.

Mr. President, I believe, therefore, that this is a very strong and necessary bill which deserves the support of the Senate. However, as the ranking minority member of the Committee on Labor and Public Welfare, I consider it my obligation to indicate also the administration's view on this legislation. When he appeared in opposition to S. 31 before the Subcommittee on Employment, Manpower, and Poverty on February 23, Secretary of Labor Hodgson stated:

There were strong possibilities that the President would veto it.

The administration's position—which I think deserves consideration—is in essence that we should not go forth with adding a new categorical manpower program to the existing programs, but should instead deal with the matter of a total reform of exigent programs by comprehensive legislation.

The Congress has before it the administration's proposed Manpower Revenue Sharing Act of 1971 (S. 1243), introduced by Senator PROUTY on March 16, 1971, as well as other comprehensive measures to fund training and job activities over the long term. These proposals would repeal the authority for existing programs and give State and local governments basic responsibility. The administration has now made clear that under its proposal any portion—or for that matter all—of the $2 billion in funds could be used for public service employment programs if the State and local prime sponsors choose to do so.

With the administration's objectives in mind, Senator SCHWEIKER, who is the ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, Senator PACKWOOD and I indicated in our supplemental views that we reserved the right to seek an accommodation between S. 31, the Emergency Employment Act, and S. 1243, the administration's Manpower Revenue Sharing Act of 1971, consolidating if possible the objectives and terms of these two bills into one bill. I regret very much the fact that we have thus far been unable to reach such an accommodation, despite, I think, good faith efforts on the part of all concerned. As consideration of S. 31 continues, I shall continue such efforts as I know others will and may offer amendments, consistent with my basic support of this emergency bill, if necessary to bring it closer to what the administration might eventually support.

I must state to the Senate that I have tried to accomplish that, but we have been unsuccessful with the utmost of good faith on the part of all concerned; but I think also, in fairness, I should state that as we consider S. 31, when it leaves here and goes to the other body and into conference, and so forth, I shall continue my efforts to see if it is possible to reconcile the two measures. That, of couse, is consistent with my support of this emergency bill because I believe that both objectives—to wit, the permanent manpower and public or private employment option as the administration provides, as well as the fundamental core of public service job opportunities are necessary legislation in the manpower field. Therefore, I want to continue to work, even though the situation looks discouraging right now, to bring that about. I pledge my best efforts to do so, at whatever stage this legislaiton or the administration's legislation on special revenue sharing may stand.

But I submit that, right now, this is a bill which deserves the support of the Senate. While I invoke the utmost consideration for the initiatives of the administration in the Manpower Revenue Sharing Act of 1971, I believe that the commitment which will be given—and I know that he will give it—by the chairman of the subcommittee will further assure compatibility. Hopefully, we may end up with a complete bill for manpower training as well as public employment opportunities, which are traditionally inherent in this kind of bill and the public service opportunities of the order and at least of the magnitude which are set forth for in this emergency bill.

For all of those reasons, Mr. President, I join the Senator from Wisconsin (Mr. NELSON) in support of this bill and commend it to the Senate.

Mr. President, I ask unanimous consent that an article published in the New York Times dealing with the drastic increase in the jobless rate in the New York area since 1970 be printed in the RECORD, together with an analysis of funds requested in the President's budget in the last few years for manpower and manpower training.

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

[From the New York Times, Apr. 1, 1971]

JOBLESS RATE ROSE BY 41 PERCENT IN NEW YORK AREA IN 1970

(By James F. Clarity)

The unemployment rate in the New York-New Jersey metropolitan area increased 41 per cent in 1970, while the increase for the city alone was 33 per cent. The increases, reported yesterday by the United States Labor Department, necessitated sharp rises in unemployment payments in the city and in four suburban counties in New York and eight in northern New Jersey.

The report said that in the 17-county New York-Northeastern New Jersey area, an average of 4.5 per cent of labor force of 6.6 million was unemployed last year, compared to 3.2 in 1969.

The average number of unemployed persons in the area, the report said, was 300,000, of whom 159,000 were New York City residents. The city labor force was estimated at 3.3 million.

CITY RATE RISES TO 4.8

The increase in the unemployment rate in the city, 3.6 in 1969 to 4.8 in the last year compared with national averages of 3.5 to 4.9 for the same period.

The extent of joblessness was not the worst in the city's history. In 1966, for example, the number of unemployed was 174,000 and in 1958 it was 251,000.

The report, issued by Herbert Bienstock, regional director of the Labor Department statistics bureau, also said that "the relationship of black to white unemployment remained more favorable in New York City than in most of the other major cities surveyed."

The black unemployment rate in the city was 5.4 compared to 8.2 for the entire country. The black unemployment rate was higher in most other large cities studied than in New York. In Cleveland the black rate was 14.5, while in Washington the lowest big-city rate of 5.1 was recorded.

In New Jersey, the report said, the black rate was 8.3 per cent.

The report, which gave no breakdown by job category, said that the black-to-white unemployment ratio in the city was 1.1 (black) to 1 (white), compared to the national ratio of 1.8 to 1.

The rate for adult Negro women in the city was "strikingly different" from the national pattern, the report said. It showed that the city rate for black women averaged 3.7 per cent, compared with a 6.9 national average.

INCREASE IN NEWARK AREA

In the Newark area, the report said, the rate of joblessness rose from 2.7 in 1969 to 4.3 last year. The area, comprising Essex, Morris and Union counties, had 34,000 unemployed persons of a labor force of 786,000.

The combined rate in Bergen and Passaic Counties increased from 3.6 to 5.2, reflecting the unemployment of 31,000 persons of a labor force of 587,000.

While the city rate of 4.8 was close to the national average, it was lower than the figure for nine of the 14 other cities surveyed. Los Angeles and Cleveland, with rates of 8.4, had the greatest unemployment, while Houston, with 3.8, had the lowest rate.

The report showed that, generally, the rate for women was higher than for men. An exception was the unemployment rate for Negro women in New York City, 3.7, compared to rates of 4.5 for Negro men, 4.2 for white men and 4.5 for white women.

In the New York-New Jersey metropolitan area, the rates were 5.0 for black women and 4.6 for white women, compared to 4.2 for black men and 3.4 for white men.

JOBLESS PAYMENTS UP

The rise in joblessness resulted in an increase in state unemployment payments in the city from $166-million in 1969 to $253-million last year. In Nassau and Suffolk Counties combined, the payments increased from $27-million two years ago to $49-million in 1970.

In Westchester and Rockland counties combined, the payments increased from $10.5-million in 1969 to $19.3-million last year.

In New York and New Jersey unemployment benefits are paid for a maximum of 39 weeks. The maximum weekly payment in New York is $65, while the New Jersey limit is $72.

DEPARTMENT OF LABOR—FUNDS REQUESTED IN PRESIDENT'S BUDGET FISCAL YEAR 1972

[Dollar amounts in millions, enrollments in actual]

Item	1970	1971	1972	Change, 1971 to 1972
Administration of manpower programs	$72.2	$77.9	$86.0	+$8.1
Training:				
Private sector on-the-job training	$223.2	$260.7	$260.5	−$.2
Enrollment opportunities	133,600	136,900	136,900	
Public sector on-the-job training	$95.9	$126.8	$125.8	−$1.0
Enrollment opportunities	41,300	66,800	66,800	
Institutional training, regular	$315.5	$327.6	$324.9	−$2.7
Enrollment opportunities	141,400	148,600	146,600	−2,000
Institutional training, Job Corps	$158.2	$156.2	$196.1	+$39.9
Enrollment opportunities	20,400	23,100	26,200	+3,100
In-school work support, in school	$59.2	$59.1	$69.8	+$10.7
Enrollment opportunities	97,100	94,700	94,700	
In-school work support, summer	$200.4	$165.7	$165.7	
Enrollment opportunities	413,100	414,200	414,200	
Post-school work support	$149.0	$165.8	$165.8	
Enrollment opportunities	52,700	48,900	48,900	
Work incentive	$85.8	$60.1	$197.0	+$136.9
Enrollment opportunities	[1] 80,000	[1] 111,500	[1] 160,000	+48,500
Special targeting	$187.3	$177.9	$172.8	−$5.1
Computerized job placement	$9.7	$22.3	$22.3	
Program support	$51.7	$55.4	$61.6	+$6.2
Federal benefit payments to unemployed Federal workers, ex-servicemen, and persons displaced under Trade Adjustment Act	$187.9	$317.1	$274.5	−$42.6
Administration of unemployment compensation and employment service administration	$665.8	$743.4	$806.0	+$62.6
Subtotal, manpower programs	$2,461.8	$2,716.0	$2,928.8	+$212.8
Enrollment opportunities	979,600	1,044,700	1,094,400	+49,600
Labor-Management Services Administration	$13.1	$18.1	$21.8	+$3.7
Workplace Standards Administration	42.5	58.6	77.9	+19.2
Federal workmen's compensation benefits	[1] $81.5	[1] $84.0	$90.0	$+6.0
Bureau of Labor Statistics	24.7	28.0	33.6	+6.5
Bureau of International Labor Affairs, Office of the Solicitor, and general support	14.9	20.4	20.5	+.1
Subtotal, other programs	176.7	209.1	243.8	+34.7
Total, operating funds	2,638.5	2,925.1	3,172.6	+247.5
Source of funds:				
Department of Labor:				
Federal funds	1,092.2	2,123.3	2,154.7	+31.4
Trust funds	687.2	767.4	806.0	+38.6
Office of Economic Opportunity	752.7			
Department of Health, Education, and Welfare	85.8	60.1	197.0	+136.9

[1] Represent program levels.

Note: Figures may not add due to rounding and nonprogram items.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I also noticed that article in the New York Times this morning. I believe it speaks in terms of 4.5 unemployment in a 17-county region around New York City; is that not correct?

Mr. JAVITS. That is exactly right. The critical factor which weighs in so heavily is that in 1 year there has been a 40-percent slide. When we look at it in modern terms, as to where we stand now in terms of what we consider unacceptable as to unemployment, it gets alarming. Let me assure the distinguished minority whip that I am serious, notwithstanding my present discouragement, that still, before we are finally through with this legislation, we will find some way to have a permanent law as well as this emergency approach to the detailed problems of today.

Mr. GRIFFIN. I am sympathetic with the problems of unemployment in the New York area. I was frankly surprised that it was not higher than it is; 4.5 percent, of course, as the Senator well knows, is only one-half of 1 percent, which is what economists generally consider to be full employment. It is much higher than that in many parts of the country.

Mr. JAVITS. If the Senator will allow me to implement that, New York is a large State where there are serious pockets of unemployment. For example, in New York City alone it stands at 5.1 percent with this drastic increase. Buffalo, with a million in population, has 6.8 percent unemployment. That is almost the highest in the State. Utica-Rome area, 7.6 percent. Syracuse, 6 percent. Binghampton, 6.6 percent. So the profile is very, very alarming to us.

Mr. GRIFFIN. I might say, for the information of the Senate, that unemployment in Detroit is closer to 9 percent.

Mr. JAVITS. Think of the horrors and the suffering in the aerospace industry now, in both the States of Washington and California.

Mr. GRIFFIN. I thank the Senator for yielding.

Mr. JAVITS. I thank my colleague very much.

Mr. NELSON. Mr. President, will the Senator from New York yield for an observation?

Mr. JAVITS. I yield.

Mr. NELSON. Perhaps the Senator covered this while I was out of the Chamber temporarily, but on the point of the unemployment rate at 4.5 percent, the Senator is well aware, of course, that in the inner core of New York, there is unemployment—I have not gotten the figure right with me—but I think it is——

Mr. JAVITS. Thirty-five percent.

Mr. NELSON. How much?

Mr. JAVITS. Thirty-five percent among Negro teenagers.

Mr. NELSON. Yes, and it is very high among——

Mr. JAVITS. Among white teenagers.

Mr. NELSON. Adults. We have looked over the metropolitan areas and they have unemployment of less than 4.5 percent but the inner core, because it takes in the whole area, but many of the inner core areas are up to 10, 15, and 20 percent; so that across the board, 4.5 percent really does not tell the story, necessarily, of any metropolitan area.

Mr. JAVITS. The Senator from Michigan (Mr. GRIFFIN) answered the point himself that this is a national law we are talking about it. However we may feel, and I have not the remotest notion how the Senator will vote, that is his sovereign privilege as to however he may feel about the measure, for any reason, but we are really in a terrible "crunch" on unemployment. We are trying to do something on a transitional and emergency basis. There seems to be a big demand in the public service employment field and, therefore, we see the opportunity, consistent with the general pattern of the administration's approach, anyhow, to strike a blow against that crisis in unemployment.

I would like to make it clear because I think that the Senator from Wisconsin (Mr. NELSON) has already made it clear. The idea that the administration opposes any public service is no longer true. It contemplates it itself. It necessarily wants its own bill because of the revenue sharing—which would give the locality the option—but also the locality could use the whole of the $2 billion a year, or a piece of it, for public service employment and be perfectly compatible with the present program. So I hope Senators on my side of the aisle will realize that whatever their views may be on the finite details—the fact is, we no

longer face any administration position which is against public service employment as an element in manpower training and emergency employment programs.

Mr. NELSON. Will the Senator from New York yield again for an observation?

Mr. JAVITS. I yield.

Mr. NELSON. If I understood our discussions correctly with the administration's spokesmen yesterday, they in fact would have no substantial objection to this precise bill if it were tied to their revenue-sharing bill that is now in our committee; is that not correct?

Mr. JAVITS. I would not wish to say that. I hope that the Senator from Wisconsin will forgive me.

Mr. NELSON. I said it was my understanding.

Mr. JAVITS. There are negotiations that will go on. In negotiations many things lean one upon the other. I would not want to feel that I dilute the administration's opposition to the bill by anything I say. However, certainly we have explored the possibility of putting the two bills together.

All I was saying is that I have a continuing dedication to that objective, which may not be accomplishable.

Mr. NELSON. Mr. President, I was attempting to say that it was my interpretation that there was no substantial objection to the bill if it were part of the revenue-sharing bill. That is my interpretation.

Mr. JAVITS. I think we have a fairly good enlightenment of the matter by one sentence of Secretary Hodgson's testimony before the committee. That appears on page 212 of the hearings record. He says:

> The administration cannot support a separate public service employment program which is not an integral part of manpower reform, welfare reform, and revenue sharing. We are, in fact, obliged to oppose it.

I think that characterizes it.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I take the floor in opposition to this particular bill. I do not, for the sake of my colleagues who are present, intend to talk at great length on it. There will be others talking as well. I would hope that we could get to a vote today.

I rise in opposition to the bill today, which has been described to us by the Senator from Wisconsin and the Senator from New York.

My individual views are set forth in the report at pages 29 and 30. The individual views of the distinguished Senator from Ohio (Mr. TAFT), who also voted against it, are included in the report immediately following mine.

They give a bare outline of why I am opposed to this so-called bill.

First, I oppose it because I believe the measure as we now have it ignores the lessons which we learned in the consideration of the manpower bill in the last session—that categorical public service employment programs must be part of a comprehensive, coordinated manpower program if we are going to make them successful.

Second, the bill also ignores the even harder lessons which President Nixon taught in the veto of the manpower bill in December; namely, that public service jobs provided under Federal manpower programs must be transitional and short term and must be truly linked to other positions or further opportunities.

I understand perfectly well the position of the Senator from Wisconsin who will reply to me that this is an emergency bill and it is obviously therefore short term. But I would say that that does not necessarily follow.

There have been many bills we have put through as emergency bills of one kind or another with limitations of time, and which have then gone on endlessly.

I cite as an example the interest equalization tax bill that passed the Senate by a voice vote on Tuesday of this week. We did not even have a roll call vote on it. That was originally put in as an emergency measure in 1963 in order to do something about the problem of a short-term outflow of money to European companies. It is still in effect and has now been extended.

We put in the excise taxes as an emergency measure. They are still in effect.

We will put in this bill as an emergency public service employment jobs program. Every single mayor, every single county commissioner, and every single person around this country who decides that they want the Federal funds to get more employees will be petitioning the Members of Congress, and the bill will go on and on and on in the history of this country.

I have no objection to the fact that we ought to cure the unemployment situation. There are many ways of doing it.

The administration has proposed a massive series of programs along the line of manpower retraining with a budget of $2 billion. It is a comprehensive, massive program for retraining for skills for transitional public sector work if it is really needed. But the Emergency Employment Act, S. 31, which we have before the Senate for consideration, does not deal with the need for manpower reform. It only provides jobs immediately in the public sector, and not for reform of the training program.

The Emergency Employment Act ignores the need for manpower reform. That need was fully documented through many days of public hearings last year.

It is apparent, to me at least—and I would think it would be to the members of the committee who have been following the hearings—that categorical programs are not the answer to the manpower need.

The bill as passed by Congress last year and the bill before us today, however, both perpetuate this categorical approach. That is the problem. The provision before us would add another separate program to the current disjointed disarray of programs. It would not consolidate the jumble of 10,000 manpower contracts that we now have. There are nationally at this time 10,000 separate manpower contracts which are run nationally.

Indeed, if I may say so, it would not add just one program, but it would add thousands of these separate agreements to the pile of 10,000 contracts we now have.

The Senator from Vermont (Mr. PROUTY) introduced S. 1243 on March 16 of this year. The Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), and I are cosponsors of that bill.

This is one part of their program for manpower retraining.

The President has proposed the Manpower Revenue Sharing Act of 1971 as a means of reducing the categorical programs and of supplying cities and States with the funds necessary to develop their own programs. Yet this bill has not had any hearings at all of any kind. We have been faced with S. 31, which does not provide this overall reform that I am talking about. It simply deals with public sector employment and says that we must pass this immediately without regard to what is in S. 1243 and without hearings on this particular bill.

Experience has taught us that the administration and delivery of effective manpower programs are essentially local matters, based upon current knowledge of local needs and resources. State and local governments are in the best position to assure the active cooperation of employers, employees and other organizations. The manpower revenue sharing concept will enable these governments to meet their own needs in a flexible unified manner.

For example we have heard a great deal today from the Senator from Wisconsin and the Senator from New York about those people who are professionally skilled, people who are engineers and who are out of work in the aerospace and defense industry.

It is curious to me that this is brought up all the time since most of the supporters of S. 31 voted against the SST which might have done something about the situation. I think it is only fair to put that point in the record.

Exclusive of that, one of the universities in my State started a consortium of 30 universities willing to get together to provide the training programs under the administration's manpower retraining program to provide retraining and skills for these very professional people so that they can move into other areas such as health, hospital administration, environment, and into many other areas of domestic needs for which we have public concern.

Obviously we will not be able to do much with that type program under the bill before us because this provides only for public service work.

Mr. President, all that we are doing if we pass this bill, is to have the Federal Government supply $750 million the first year and $1 billion the second year to hire more people on the public payrolls even though we are faced with objections that Federal Government is not responsive to the needs of the people and that the Government is ineffective.

Unless we have these reforms we are going to find ourselves in a constant and continuing series of frustrations and a series of disenchantments with all levels of government by the American people.

The essence of the President's proposed Manpower Sharing Act is that we enable local and State governments to meet their needs in a flexible and unified manner.

The Manpower Revenue Sharing Act would place an area's manpower funds under a single leadership—the Governor, the mayor, or the county commissioner. The public service employment sponsor would also be the general manpower program sponsor. I might add that there is built in a trigger for public service in the administration's bill. The Governor, the mayor, or the commissioner would have the capability to carry out his commitment to temporary public service employees—if the President's proposed reforms were in effect.

Mr. President, while I recognize that involvement of the public sector in manpower development is desirable, I strongly disagree with the concept that Federal manpower funds should be used to finance categorical programs which are mere job creation or a permanent expansion of local public services.

For example, I just pointed out that there are 10,000 separate manpower agreements already piled up, one on top of another. I had a communication this morning which indicates that in the past 10 years in the field of education we have gone from 20 categorical programs to 108 categorical programs, and in most cases requiring local governments and the State governments to match this with funds to provide administrative services when they may not be in any way the order of priority that particular locality needs. We will be getting shortly a special revenue-sharing program designed to do something about this in the field of education.

I oppose, and I want to be clear about this, the concept that the Government should be the employer of last resort. I do not think that is right.

The Government can take its effect in the way of providing opportunities for training but to say those people who are the hardcore unemployed must be hired by the Federal Government at the expense of taxpayers or by the local government at the expense of taxpayers does not seem to me to be the way to handle the problem. We need education, training, opportunities and skills for these people; we need more incentive to move into the private sector rather than the public sector.

I am deeply apprehensive that the type program envisaged under this bill will establish a permanent pool of otherwise unemployable persons who are being maintained on the local level by the direct expenditure of Federal funds.

No one has pointed it out clearly but 90 percent of the amount of money that will be involved in hiring the unemployed will be paid by the Federal Government, even though they are working for the local government. Query: Who has control over them? Obviously, with 90 percent of the money being paid by the Federal Government, control will follow the funding.

Despite much rhetoric, I believe that this authority will evolve into the basis for a steady stream of make-work projects. This bill, once on the books, will stay there as a source of ready cash for a full scale permanent public service employment program. Persons who cannot otherwise be employed will be carried on these employment rolls year in and year out. There will be pressure from all sources, State and local government, interested groups, nonprofit organizations, and the like, to delay and finally prevent termination of the program. The argument will run that those employed will immediately become unemployed and we must begin again where we are today in trying to solve unemployment problems. We will have to begin where we are today to solve the situation. How can we positively and realistically terminate this program if we say x number of people are hired under the program and are going to be unemployed again? We will still have the problem the Senator from Wisconsin though he solved by means of S. 31.

We will witness amendment after amendment as the years go by, so that the act would undoubtedly be extended beyond its 2-year authorization. Then, we will see the trigger of 4½ percent reduced or removed so that moneys may be made available continuously. I predict that this nibbling away will not stop until a permanent public service employment bill is with us which cannot be terminated.

Of equal concern to me, Mr. President, is what administration must be devised to carry out this bill. Merely to gear up for its responsibilities, it seems to me the Department of Labor will, of necessity, establish another new bureau and add staff to review and process applications for funds, provide the funds, and evaluate performance under the program. This, too, we cannot call temporary but will be another source of pressure to continue this program.

Furthermore, on December 16, 1970, President Nixon vetoed the Employment and Manpower Act of 1970. One of the primary reasons which he cited in support of his veto was the bill as adopted by the Congress provided public service employment which was not transitional. That bill provided that as much as 44 percent of its total funding go for dead-end jobs in the public sector.

I objected to it at the time, during debate on the original bill, and I continue to object to it.

The President objected to the lack of requirements in that bill that the jobs be linked to training or the prospect of other employment opportunities.

We have before us a bill which again attempts to provide public service employment—$1.75 million of public service employment. What has been done in this new bill to remedy the deficiencies of the vetoed bill in regard to the transitional nature of the jobs provided? How has the Labor and Public Welfare Committee responded to the clearly stated reasoning of the President? What changes have been made from the vetoed bill? Have those changes been sufficient to meet the President's objections and thereby avoid a veto? Mr. President, I think not.

The basic change in S. 31 in this regard is the inclusion of language which provides that programs under the bill should be designed with a view toward enabling participants to move into employment or training not supported under the act.

For example: In section 2(6), the statement of findings and purpose clause, a finding is made that public service employment job programs can be a useful component of the Nation's manpower policies in providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities.

This may be true, but it is unlikely if the only thing being provided for is public service employment.

Section 2 also states that it is a purpose of the act to enable unemployed persons to move into employment or training not supported under this act. Also, section 3 makes funds available for providing jobs for unemployed persons, training and manpower services related to such employment, and for enabling unemployed persons to move into employment or training not supported under this act.

While this language is an improvement over the original act—it does not go far enough to insure the transitional nature of the employment. Indeed, the language is taken from the provisions of S. 1243, the Manpower Revenue Sharing Act of 1971. I quote:

(4) Supported employment, which shall consist of—

(B) transitional public service employment—

And I emphasize the word "transitional"—

transitional public service employment in Federal, State, and local government, which, within the period of support, will enable participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by revenues shared under this Act.

Clearly, S. 31 does not go as far as this provision. S. 31 leaves out the key word "transitional." Nowhere in the language of S. 31 are the jobs clearly defined as transitional.

Nor can we look to the committee report for clarifying legislative history. Nowhere in the report of the majority is there any language which would indicate that it is the intent of the committee to insure that these jobs provided by this bill are to be transitional and short term. Nowhere are there instructions to the Secretary of Labor or cautions to mayors or Governors to make sure that the jobs they provide are to be temporary jobs and to enable participants to move up into permanent jobs in the public or private sectors. The report does characterize the overall program which it provides as being temporary because of the 2-year term of the bill and the trigger mechanism. This is not responsive to the complaint of the President against permanent public service jobs, as I have already indicated.

It is my firm belief that S. 31 is defective because it does not provide specifically that the jobs it provides are themselves transitional. Unless the language of S. 31 is changed to at least comply with the provisions of S. 1243, the thrust of the President's veto message will not be met and we will face the strong possibility of another veto for the same reason.

To sum up, Mr. President, S. 31 is defective because it is not integrated into a comprehensive program. Its program is likely to produce a permanent pool of otherwise unemployable persons, and the

jobs it creates are unlikely to be transitional into permanent, real jobs unsupported by Federal subsidy.

I would say that there is nothing involved in here which impinges on the intent of the people who have been supporting S. 31. There is nothing in my statement which is designed in that way. What I am saying is that we have not an opportunity even to have had a hearing on the revenue-sharing manpower bill and the other bills that are related to it. We have not had an opportunity to decide whether that bill itself is a far better vehicle than S. 31 in order to give necessary skills so people can get off the unemployment rolls and off the welfare rolls and off the disadvantaged rolls and into the private sector where they belong.

We have been talking about unemployment and the percentage of it. It is really interesting to me that one can look at the classified advertisements of any newspaper in this country—any one of them—and find page after page after page where employers are trying to find people to fill jobs. The problem is that the jobs that are needed by those employers require skills which the unemployed do not have. So if we are going to put the two together, what we have to do is provide training and retraining, not just keep them on the public payroll at the taxpayers' expense, but to provide training so they can go into those jobs and therefore hold down a more fruitful situation than they now have. This would be for the benefit of both the private sector of business and those who are unemployed, and in some cases in rather desperate need.

I am going to stop at this point without offering any specific amendments, but I believe amendments will be offered by the distinguished Senator from Ohio, the distinguished Senator from Vermont, and myself at some point this afternoon.

Again, I want to assure my colleagues I have no desire to conduct any kind of filibuster. I think it is unfortunate that we were unable to reach a compromise agreement. I think it is extremely unfortunate that we are faced with a situation where we have not appropriately weighed S. 1243. I think it is even more unfortunate that we do not have before us proper means to provide local assistance at the local level where we really need it.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an inquiry?

Mr. DOMINICK. I am happy to yield.

Mr. GRIFFIN. I notice the bill provides for funds to finance jobs not only by local units of government, but also, as I read it, by private nonprofit agencies and institutions. I looked at the section in the bill under "Definitions" to see how a private nonprofit agency or institution is defined, and I do not see any definition. I wonder if the Senator from Colorado—or perhaps my question should be directed to the Senator from Wisconsin—can suggest as to what would be included in the term of "private nonprofit organization."

Mr. DOMINICK. I frankly cannot give the Senator an answer to that question offhand. Perhaps the Senator from Wisconsin can. Under the definition of eligible applicants, the Senator will find it says public and private nonprofit agencies and institutions, including local service companies—and I do not know what that means, either. I assume that a public nonprofit agency would certainly include a school. I would think that it is certainly nonprofit. I do not know of any public school that is making a profit. Other than that, I do not really know what is being suggested.

Mr. GRIFFIN. Perhaps my question should be directed to the Senator from Wisconsin.

Let me be more specific. A chamber of commerce is a nonprofit organization. A labor union is a nonprofit organization. Could this money be used to pay 90 percent of the pay for jobs allocated to a labor organization?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator?

Mr. DOMINICK. I shall yield. First I would like to comment that it seems to me it is totally within the realm of the bill as it is written. As to the intent of the drafter of the bill, I can give no further indication on that.

The PRESIDING OFFICER. Does the Senator from Michigan wish the floor?

Mr. GRIFFIN. Yes, Mr. President. If I have the floor, and if the Senator from Wisconsin heard my inquiry, perhaps he would be the appropriate one to whom to direct the question.

I notice in reading the bill and studying it that the funds under this measure can be made available for jobs to be provided by local units of government, but also for jobs to be provided by private nonprofit agencies and institutions. This language is on page 21.

Mr. NELSON. Yes.

Mr. GRIFFIN. When I read that, I wondered what would be meant by "private nonprofit agencies and institutions," which would be eligible to apply and receive funds, and have jobs for which 90 percent would be paid out of the public treasury. I do not find—maybe I have not looked in the right place—any definition of or limitation on the meaning of the term "private nonprofit agencies."

This bill is generally referred to as a public service employment measure. Obviously it is not confined to that, if we mean governmental employment, because it also includes jobs provided by private nonprofit institutions.

I suspect that many people would probably feel that if a private nonprofit hospital is the kind of organization that was intended—and I am sure that would be included—there would be a good deal of sympathy and feeling that that would be appropriate. But unfortunately there is no limitation on the term, and presumably, I guess, it could apply to an association of manufacturers, a labor organization, or almost any other kind of a nonprofit organization. If I am mistaken, I hope the Senator from Wisconsin will correct me.

Mr. NELSON. Yes. The language "private nonprofit" is language used in education legislation and in health legislation; we have had it in the law for a long time. It applies, for example, to hospitals. A nonprofit hospital is eligible; nursing homes, colleges, day care centers—institutions performing public services. The language has been used in the statutes in the past; we have experience with it.

Of course, the one protection for all of it is that the Secretary has to approve it himself. So we know what has been intended in past laws and this one by private nonprofit organizations, and the meaning of public service is spelled out on page 37. The Secretary has control of what public services may be included, because the sponsoring agency has to make a application to the Secretary.

Mr. DOMINICK. If I may just comment on that, if I still hold the floor, in answer to the original question raised by the Senator from Michigan, I would assume that a private nonprofit agency includes any private nonprofit agency, which could be the Ford Foundation or any one of the big foundations, which are certainly capable of hiring people with their own money, without having a 90-percent Federal contribution for their employees.

I would think it would include a labor organization. As to the "local service company," of which I said I was not quite sure what that meant, I am still not quite sure what it means. It does have a definition, but it is awfully broad. The definition is on page 37, in subsection (6), wherein it says:

"local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

In other words, in this case I would presume we are saying a local service company must in fact be owned by the unemployed. But if they are unemployed, they are not going to own it very long, that is the cinch, because where are they going to get the money to operate it on, whether it is nonprofit or otherwise?

I would think we would have a great deal of trouble in trying to fulfill that definition right there.

Mr. NELSON. Mr. President, if the Senator will yield, I really do not think that is a problem. On page 21, line 15, we define the purpose as "providing employment for unemployed persons in jobs providing needed public services."

There are bound to be needed public services. When the Senator says a labor union, I agree that that is a nonprofit organization. If they were running, for example, a nonprofit hospital, or if they were running a nonprofit day care center, then employment there would be public service employment, and it would be an eligible activity. But they have to be running a program which provides public services.

Everyone expects that the major sponsor is going to be the cities, and that they are going to be working in city employment and hospital situations. But it has this additional flexibility, under the control of the Secretary.

Mr. DOMINICK. So that the unions, if they wanted to, or the Ford Foundation, or anyone else, can set up one of these programs with 90-percent Federal funds and then take this situation on; is that correct?

Mr. NELSON. If it was a public service and nonprofit, and was acceptable to the Secretary, yes.

Mr. DOMINICK. Once again, if I may have just comment, this is one of the points I made in my introductory statement, which is that the Secretary of Labor is going to have to set up a whole new situation within his own department once again, just as they are doing with occupational health and safety at this time. I wondered about that at the time, but I could not get the Senator from Wisconsin to agree to set up a panel to establish standards, separate and apart from the Department of Labor. So we will have more expense there, too.

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield for a further observation?

Mr. DOMINICK. I am happy to yield.

Mr. GRIFFIN. I believe it is now established, in the light of the observation of the Senator from Wisconsin, that a labor union or a foundation is a nonprofit organization which would be eligible, under this act.

I would ask the further question: Is there any limitation on the allocation of funds as between public, governmental institutions, and private nonprofit organizations, or is it completely within the discretion of a Secretary of Labor, and could a Secretary of Labor allocate 75 or 80 percent of the funds to private nonprofit organizations, if he wished to do so, under this legislation?

Mr. DOMINICK. I would think that the Senator's comments are accurate. I just want to check with my staff to be sure.

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

Mr. DOMINICK. Mr. President, I still have the floor, I believe. I am trying to do something in answer to the Senator's question.

The question was, Is there any allocation of funds between public and private institutions, or is it left up to the discretion of the Secretary, and could, therefore, the Secretary pour $750 million into one organization if he wanted to?

I think the answer to it is that not many Secretaries would take that kind of political risk, to begin with. But I do not really think there is any set formula. The bill simply says that the funds will be—

Apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas.

Then it goes on to say, on page 29—

such funds shall be apportioned on the basis of the relative numbers of unemployed persons and the severity of unemployment in each such area.

So that does provide some kind of divisibility between States. But I suppose if a big national outfit wanted to start one in each State, he could give the whole amount to that.

I might say to the Senator from Michigan that on page 29 it also says that:

The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable—

And this occurs in subsection (a), also—

Public service employment opportunities will be available on an equitable basis in accordance with the purposes of the Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

But it does not say what proportion shall be given to public agencies and what proportion shall be given to private nonprofit agencies, which is solely at the discretion of the Secretary, as I see it.

Mr. GRIFFIN. I think the last sentence makes the point that I believe ought to be clear, and that is, first of all, that funds can be made available to private nonprofit organizations. This, apparently, is a wide and broad definition, because it is not defined in the act and would be defined by the Secretary, himself.

Furthermore, there is the possibility, although I certainly conceive that it is not the probability, that a large percentage or a substantial percentage of the funds authorized could actually be put in the hands of the nonprofit agencies and institutions which are nongovernmental and in which case, of course, the title of this legislation could be misleading. Most people believe that these funds are going to be made available for local governmental agencies, and it would depend entirely upon the outlook and the intention of a particular Secretary of Labor who was administering this act with very wide discretion.

Mr. DOMINICK. I thank the Senator for his comments. I think his comments are very suitable. I am certain that he will get the answer that the act extends only for 2 years; therefore, we are questioning whether our own Secretary of Labor will do it.

But, as I said before, it seems to me apparent that once we have the legislation, although it is called an emergency or temporary matter, it is not going to be that, but will continue on and on indefinitely.

Mr. President, I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. NELSON. Mr. President, will the Senator yield to me for two or three questions, because this fits in this colloquy?

Mr. TAFT. I am happy to yield.

Mr. NELSON. I just want to call to the attention of the distinguished Senator from Michigan and the distinguished Senator from Colorado the fact that I believe they have voted several times for the Manpower Development and Training Act. The Manpower Development and Training Act, passed 10 years ago, provides that manpower training may be carried on by private nonprofit organizations, exactly the same definition. Some of the best programs in the whole Manpower Development and Training Act are programs carried on by nonprofit organizations. For example, I mention the Mainstream program, which I happen to think—since I offered it—is a great program. Part of it is run by the Farmers' Union. It has wide praise and is supported by this administration. They have assured me several times that it is an excellent program.

Then we have Rev. Leon Sullivan's OIC, a private nonprofit organization, running the manpower training programs, one of the most successful programs, in many cities all over this country.

So we have been using private nonprofit organizations as a creative arm of the Government to run the manpower training programs. In the case of Green Thumb, under the Mainstream program, that in fact is a public service employment program, because the people are getting paid salary maintenance for the work they do under that program.

So this is a 10-year-old program, a 10-year-old definition, under the Manpower Development and Training Act and under title I of the Economic Opportunity Act.

For each Government program area, the Director shall recommend a public or private nonprofit agency which shall serve as the prime sponsor. The prime sponsor shall be encouraged to make use of public and private organizations as delegate agencies to carry out components of the progressive work and training program, including agencies governed by the participation of the poor and other residents of the neighborhoods or rural areas served. It is in the Economic Opportunity Act, it is in the Manpower Development and Training Act, and it is supported by this administration in these acts. There is nothing new about it. Some of our best programs are run this way.

I emphasize that this is an emergency bill. Perhaps I have more confidence than some other Senators that the Secretary will administer it intelligently. I have no worry. We have long experience with private nonprofit organizations. We have been dealing with them in manpower training programs for 10 years. This is nothing new. It makes eminent good sense, in my judgment.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief comment?

Mr. TAFT. I yield.

Mr. GRIFFIN. I believe that the Senator from Wisconsin, if he was listening, will recall that when I asked the question at the outset, I indicated that I was sure that there were nonprofit agencies and institutions which would be appropriate to receive funds and to have jobs under what I think is the purpose of the proposed legislation. I was trying, however, to find out what the outer limits were, what the definition of this term was; and I would say that reference to other acts is not very useful or meaningful. This is not an amendment to an earlier act. This is a separate act. It has its own definitions. It defines some of the terms and some it does not define. So it is interesting but not necessarily conclusive to refer to how other acts have been administered and how other acts have been interpreted.

What I was trying to do was to bring out what is included within the broad scope of this bill and to at least make sure that we understood that we were not just making money available for jobs to local institutions of government.

I thank the Senator from Ohio for yielding.

Mr. TAFT. I thank the Senator from Michigan. In commenting on what he has just said, I should like to point out that we are also dealing here with the broadest scope of employment or projects that may be proposed.

In the case of the Community Development Corp. or the community development program under the poverty bill and in the case of other specific programs, we know what the objective is—to train people for work in the manpower training program. In this case, however, I point out that on page 37 "public service" is defined as follows:

Public service includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation . . .

Does this apply to an amusement park, if one wishes to run an amusement park? Possibly so. I have no idea whether it does or does not.

Going on from there:

maintenance of parks, streets, and other public facilities . . .

Apparently, there are some public works possibilities here. I asked the question earlier and got a negative response as to whether a public works type of program might be involved here. This would seem to me to include public works, at least so far as these particular agencies are concerned—solid wastes, pollution control, housing and neighborhood developments, beautification, and other fields of human betterment and community improvement. Certainly the Senator from Michigan is correct that this is the broadest possible gambit. I can understand why the Secretary of Labor might want to see this bill defeated because he would not want to take on the responsibility of making the choices he would have to make under such tremendously broad authority which would be given him under this bill.

Mr. NELSON. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. NELSON. Just so we are clear on this, the committee report, on page 19, has this paragraph:

The programs under this legislation are designed to provide public services. Maintenance of parks is one example. While there might be incidental construction involving repair or rehabilitation of public facilities, it is not the intent of the committee that persons employed in public service jobs under this legislation be employed in construction projects as such. This is a public services bill, not public works legislation.

So, our intent is clearly spelled out. As the Senator knows, the Secretary will define these matters in the guidelines. We have spelled out the intent in the committee report, as well as in the language of the bill. The Secretary will draw up the guidelines. The definition of private nonprofit agencies has a well-defined meaning and we are protected against the kind of problems that the Senator is concerned about. I would be concerned about them, too, if we had not spelled out the intent in the committee report, if we did not have a 10-year history with such legislation, and if it were not for the fact that the guidelines will be spelled out by the Secretary who will obviously follow the intent of the bill and be careful that the intent is complied with.

We did not wish to name all the specific organizations that might engage in some kind of important public service work. If we tried to enumerate them all we would omit some group, which the Secretary may want to approve because they are performing a significant public service in a significant area.

Mr. TAFT. Mr. President, I appreciate the remarks of the Senator from Wisconsin. I am well aware of the provisions in the committee report in that regard. However, there are a number of other things in the bill which seems to me to fly in the face of that and thus I raise these questions.

Let me point out one—I am not sure what we may do on it—that on page 32 of the bill, line 23, it states:

(b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), from the provisions of that Act.

That is clearly a reference to a public works type of project, or the provision is meaningless. It has other implications that I will mention in a few minutes in discussing some other amendments, but I do not want to labor this point further, as it has been fairly thoroughly examined. But there are many unanswered questions which should be studied carefully if this legislation proceeds from this body to the other body.

Mr. President, I should like, at the outset of my remarks, to express my admiration for and to associate myself with the views of my colleague, the Senator from Colorado, in his remarks on this legislation. I feel that, as always, he has gotten down to the basic problem of legislation and still recognizing the target at which it is aimed, which we are all concerned about and would like to attack in the most feasible and practical way we can to achieve some results.

Unfortunately, I think that S. 31 as it stands is a mirage in the desert of unemployment. We have a major unemployment problem in this country today. I believe that Congress should act on it. I want to support programs that are designed toward attempting to do something about it.

This bill is premised properly upon the undeniable fact that millions of Americans are unemployed today—some 5,442,000 by the last count. It is properly premised, also, on the consideration that it is better to have people employed than to have them receive welfare—certainly something with which no one will disagree. It is also premised on the fact that the seriousness of the unemployment problem requires immediate solution to alleviate the personal tragedy faced by many American families. We are anxious to do something for them. Regrettably, when we examine this piece of legislation, as I have had the opportunity to do in committee, we find that it is very badly drawn and in its present form, does not serve the purposes upon which it is being justified.

The language of the bill itself and the language of the committee report say on the very first page, that it is an emergency piece of legislation:

The Emergency Employment Act of 1971 is an emergency piece of legislation sharply focused upon the crisis of high unemployment. It is stopgap legislation designed to deal with an extremely serious national problem in a responsible manner for the immediate future.

The committee report goes on to say that the bill will deal with a national emergency. Unfortunately, this bill does not tackle the problem in a way that can solve it. We must do something about providing to States and local governments funds to fill the vacancies that they have at the present time, because they do not have enough money with which to employ the people to provide the services desired.

The answer is not in an employment bill. We are putting the cart before the horse. The answer is to go to revenue sharing, to go to revising means for local government and State government to obtain revenues and providing them with the financial wherewithal where they can make the choices as to what particular public employees they want to employ, and not the Secretary of Labor to make that choice. This is what the revenue-sharing concept is all about.

I think that Congress, rather than trying to enact stopgap legislation, should move with great dispatch to do something about correcting the major shortage of revenues, which constitutes such a tremendous national problem. If this bill would really attack the problems of unemployment, I would be one of its most vocal advocates.

I think, as my colleague from Colorado has mentioned, that we are doing a great disservice to many of the existing programs which we already have in the field of manpower today.

Today, in fiscal year 1971, we are spending $3.314 billion on manpower programs. Roughly, that breaks down into $1.331 billion for manpower training service—$123 million under work incentive programs for the welfare types, $235 million under veterans' programs, $533 million under vocational rehabilitation, $319 million under miscellaneous work and training, $344 million for Federal-State employment services, and $428 million under other placement and supports.

I am not against allocating national priorities in a way that would result in an additional $500 million or $750 million, as this bill would do to the manpower program. We can well use them and I feel do far more effectively something about unemployment in this country by allocating these additional funds to such ongoing projects as the Neighborhood Youth Corps, which has some public service employment concept in it, and allocating it to the employment program or to some type of permanent public service employment program. These are areas in which we already have ongoing programs. I expect that we would do better to put our effort in the ongoing programs rather than putting them in a new branch that would administer this new program.

Unfortunately, however, I am afraid that some of the targets not mentioned in the report are to be found in the po-

litical climate in which we find ourselves today.

It is true that a bill was vetoed by the President in the last session of Congress. It is true that the bill might be vetoed again. It might or might not be a political issue.

It came to be a public issue as far as some are concerned. I have already found that out. I am not particularly disturbed by it. But I have already received a copy of the Ohio AFL–CIO News and Views with a specific provision giving recognition and attention to my opposition to the bill in the committee.

The statement reads as follows:

By an overwhelming vote of 15 to 2, a United States Senate committee has recommended a 2-year $1.75 billion public works program designed to provide jobs for unemployed workers who are the victims of the Nixon recession.

The AFL–CIO does not necessarily agree with the Senator from Wisconsin and does not understand the bill in the way in which he understands it.

I continue with the quotation from the AFL–CIO News and Views:

We're sad to report Ohio Senator Robert Taft Junior (R. Cincinnati) was one of those two men who voted against this bill.

Junior Taft can't see the forest for the trees in this issue. Like Defense Secretary Melvin Laird, Taft probably thinks unemployment is "good" for the nation. They think "tax credits" for their Fat Cat friends is the way to end the recession! So Junior once again turned his back on the folks back home.

The AFL–CIO News has never been a publication that has been particularly responsible for any of my success in elections except through the reverse English application.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous consent request without losing his right to the floor?

Mr. TAFT. I yield.

Mr. BYRD of West Virginia. Mr. President, I propose a unanimous-consent agreement which has been discussed with the Senator from Wisconsin (Mr. NELSON), the Senator from Vermont (Mr. PROUTY), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT).

I ask unanimous consent that the distinguished Senator from Ohio (Mr. TAFT) be recognized to proceed for 15 minutes at this time, following which there be a live quorum; that following the establishment of a quorum, the distinguished Senator from Vermont (Mr. PROUTY) be recognized for the purpose of introducing a motion to recommit, the time on that motion to recommit to be limited to 30 minutes, to be equally divided between the Senator from Vermont (Mr. PROUTY) and the manager of the bill, the Senator from Wisconsin (Mr. NELSON).

Mr. PROUTY. Mr. President, reserving the right to object, I want to make certain that a motion to table will not be made before I have completed my remarks.

Mr. NELSON. Mr. President, I have no intention and know of no intention on the part of any Senator to make a motion to table.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, if the time is fixed, a motion to table is not in order until the time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct. A motion to table would not be in order.

Mr. JAVITS. That is the assurance to the Senator from Vermont.

Mr. BYRD of West Virginia. Mr. President, I add to my unanimous consent request that at the expiration of 30 minutes, a vote on the recommittal motion shall occur. That will prevent a motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

Mr. TAFT. I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I hope that the staff will notify all Senators that a vote will occur shortly after the motion to recommit has been made. I may not utilize the entire 15 minutes. I hope that Senators will be on the floor so that they will have some idea of the purpose of my motion.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Vermont. The staff will notify all Senators.

Mr. TAFT. Mr. President, there is a possible political label connected with this legislation with respect to those who express their opinions in opposition to some of the provisions of the legislation. I am afraid that I must point out that the political factor, I think, is very strongly involved. We had very copious testimony by a number of public officials at the State and local levels as to their interest in the bill and the desirability of having the legislation passed. Most of them spoke of the high unemployment in their areas and also spoke of the great shortage they had of employees to do public service jobs.

Their eye is on that ball, as the Senator from Colorado said a few minutes ago. Their eye is going to continue to be on that ball.

The expiration date of the legislation will come, and I feel sure that we will see tremendous pressure upon the Congress of the United States to continue the program so that we will have permanently funded a cadre of locally paid officials.

I think we ought to take a good hard look at the possibility of doing anything about hiring the unemployed that deserve the most to be hired from the point of view of their need and the point of view of our being of assistance to them.

There is little or no civil service protection that I can see in the bill. There is lipservice given. But, so far as enforcement is concerned, veterans' priorities are ignored in the bill.

Unless we can restore some incentive to having people take other private employment under this program, because of the truly transitional nature of the employment involved, I think we will find this program will become a haven for political hacks. I do not think that is the way to go about solving the employment problem in this country.

An Emergency Employment Act should be drawn to maximize employment opportunities. It should be drawn to promote the employment of the greatest number of Americans within the set budget levels. S. 31 does just the opposite. It provides that people employed shall receive "the prevailing rates of pay for persons employed in similar public occupations by the same employer."

Much of the testimony on S. 31 related to the unemployed engineers, technicians, and business managers. Under this bill a city could employ such individuals at $20,000 or $30,000 a year as environmental consultants. Indeed, they could be paid more than that. There is no limitation whatever upon the wages or salaries which could be paid out under this act.

I refer to the testimony on the Emergency Employment Act of the Senator from Washington (Mr. MAGNUSON), testifying on page 30, that the State government definitely requires at least 150 highly skilled technicians in its efforts to clean up the environment.

These men are supposed to be paid the prevailing rate of $20,000, $25,000, or $30,000. This is something that may be determined by the nature of the skill a man possesses. It would be left for the city to take care of the particular problem.

The mayor of Seattle testified at page 45:

We, for example, have a former Boeing physicist now working for our Seattle Health Department, at $2 an hour.

We have found that with the skilled work force in Seattle, we can put people to work on such urban problems as health services, waste disposal, law enforcement, and many other fields.

This man also would be employed at a very high rate of pay.

Then, turning to page 113 of the hearings, John D. Spellman, county executive, King County, Wash., stated:

We propose to employ the skilled, technically trained, the engineers, the managers, the system integrators unemployed in our community, retrain them to work in public service employment for nine months with the goal making them ready to seek the emerging jobs in the environmental and urban problems job market.

And meanwhile pay them, I take it, under the language of the statute proposed here, the prevailing wage.

The prevailing wage language would restrict the number of public opportunities under this act. If all employees under this act were paid $5,000 a year, as pointed out by the committee report, 150,000 individuals could obtain jobs under this act. If the ante were raised above that, the number of people covered would go down.

In addition, we are not talking about a great number of people. The number of people hired under this bill would represent only 2¾ percent of our unemployed Americans. This is not an answer. The object is to provide to the public bodies involved people to take care of the vacancies they have not been able to finance, because they have not had sufficient revenue sources on which they could rely.

At the appropriate point in connection with this bill I intend to offer amendments and to speak on them at that time. The nature of the amendments will be to eliminate the prevailing wage language and to try to bring the bill in line with solving the problems of those Americans in greatest need today.

With 5 million people unemployed in this country today, our first intention in the bill before us should be to take care of those truly in need and not those with skills they can take elsewhere. As pointed out by the Senator from Colorado, one merely has to look at the various classified advertisement sections of newspapers throughout the country. Perhaps those persons cannot get the job they want in the location they want, but if they have their skills, they can and will get a position.

The act provides that individuals in public service jobs must receive retirement benefits. It is incomprehensible to me why individuals who are given temporary jobs under an emergency employment measure should be provided with retirement benefits. The purpose of the emergency employment legislation should be to maximize employment so that employees can move into permanent jobs in a public or private sector. It should not be the function of a temporary emergency employment program to provide retirement benefits. This should be the proper function of the permanent employer.

The act is triggered nationally when the rate of unemployment reaches or exceeds 4.5 percent for 3 consecutive months. There is no provision, however, which would require that all dollars obligated under this act be funneled into areas of high employment.

I have an amendment I expect to propose which would do just that. It would require 6-percent unemployment for funneling funds of this program. The 4.5-percent figure would remain at the national level. That would do much to improve the impact of the bill and put jobs where they are needed.

The language in section 8 is very loose and would permit dollars to be spent in areas with minimal unemployment in the event that the act is triggered nationally. In my judgment, if we are sincere in our endeavor to help those who really need help, we will funnel all of the dollars in this act into those areas of high chronic unemployment when the act is triggered.

I yield the floor.

Mr. CRANSTON. Mr. President, it is with the most resolute conviction that I ask for the overwhelming support of Senators for S. 31, the Emergency Employment Act of 1971, as it has been reported from the Committee on Labor and Public Welfare. I want to express my appreciation to the floor manager of the bill, my friend, the Senator from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower and Poverty Subcommittee, who has been laboring diligently and effectively to pass public service job legislation for over a year.

The emergency measure before us today is a tribute to the leadership and perseverance of Senator NELSON, and I have been privileged to work with him and the able ranking minority member of the committee, the Senator from New York (Mr. JAVITS), and of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), in bringing the bill, with such truly bipartisan support, to the floor of the Senate for consideration. I also want to note the outstanding contributions to the bill of the Manpower Subcommittee staff members, Bill Bechtel, Dick Johnson, Bill Spring, and John Scales. I thank them particularly for their always excellent cooperation with me and my staff.

Mr. President, the bill before us today is an absolutely essential piece of legislation to begin the fight against the scourge of unemployment which blights our land so intensely.

The bill is a reasonable bill. I personally would like to do much more in the way of an on-going public service employment program with a far higher level of funding. But I recognize the need for administration acceptance of this bill, now, and have worked with Senators NELSON, JAVITS, and SCHWEIKER to hammer out an acceptable compromise—an emergency measure which can make a meaningful contribution to providing respectable jobs for tens of thousands of Americans now out of work.

We have acted to stem a paramount emergency that affects virtually every town, city, and county, urban and rural, east and west, north and south. I doubt that too much needs to be said to stress the hardship, despair and frustration being felt by so many persons and their families across our land. I feel sure the mail received by all Senators, as does the mail I receive, reflects the people's urgent appeal for immediate congressional action to relieve this intolerable burden.

We on the committee have acted with the requisite speed, I believe, and I know the full Senate will respond with similar urgency.

On January 25, 1971, in introducing the Emergency Employment Act, Senator NELSON said:

> We view this legislation with utmost urgency. Congress cannot delay a single week in facing up to the crisis of 4½ million unemployed. . . . It is our intention to hold hearings before the employment, manpower, and poverty subcommittee in the first weeks of February. After the hearings, we hope to mark up the bill in subcommittee and full committee bringing it to the Senate floor by March.

We have held the hearings, we have held those markup sessions, and the entire labor and public welfare committee voted 15 to 2—A strong bipartisan vote—to report the bill to the Senate floor just 2 months after it was introduced.

The Wall Street Journal of March 19, contains an article on the situation in England. The headlines say: Britons Despair As Growing Unemployment Strikes and Inflation Depresses the Economy. That sounds pretty serious does it not? But in illustrating the gravity of the unemployment situation, the article states:

> Yesterday the Government announced unemployment in mid-March rose to a seasonally adjusted 754,000 or 3.3 percent of the work force. . . Such figures are unusually high for Britain where many worry if the jobless rate much exceeds 1 percent.

In February, Mr. President, America had 5.4 million unemployed, the same number that it had in January when the unemployment rate was 6 percent. There can be no question of the extreme severity of the unemployment problem facing every part of our Nation, especially our poverty neighborhoods and areas.

The bill before us—S. 31—represents our only opportunity to provide a significant number of public service employment jobs this spring and summer to meet the current crisis in the Nation.

At current levels of unemployment, the bill could provide sufficient funding for 150,000 jobs for unemployed persons this spring and summer.

I am delighted that the committee bill includes an amendment I offered to cut in half the local contribution requirement by raising the Federal share from 80 to 90 percent. This 10-percent local share should make it possible for any locality or nonprofit private organization, no matter how hard pressed, to raise sufficient resources to participate in this vital program.

With 680,000 individuals out of work in my State of California—about 12.5 percent of the national total—and a statewide unemployment rate of over 7 percent, the bill offers some vital relief for tens of thousands of my constituents. On the basis of the allocation formula in section 8(a) of the committee bill, both the severity of unemployment in a particular area as well as the total number of unemployed persons there would determine the allocation of funds. Thus, relatively sparsely populated rural areas with very severe unemployment, such as in many California agricultural communities, would receive special consideration for public service jobs for their unemployed residents.

I want to highlight one additional feature of the committee bill regarding allocation of jobs. That is section 8(b) which is the result of an amendment I authored in subcommittee. It provides generally for equitable distribution of the jobs among various significant segments of the unemployed population.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the description in the committee report—pages 11 to 19—of this provision and the special segments of our unemployed population it is designed to serve.

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

CONSIDERATION FOR GROUPS ESPECIALLY HARD HIT BY UNEMPLOYMENT—SECTION 8(b) OF S. 31

Section 8(b) was added in committee to provide generally for equitable distribution of public service jobs among various significant segments of the unemployed population. A principal factor in determining equitability would be the relative number of unemployed persons in each segment.

The reference in the section to equitable distribution of jobs among significant segments "in accordance with the purposes of this Act" is designed to incorporate those segments identified in the section 2 "Statement of Findings and Purposes" as experiencing particularly serious unemployment problems during this nationwide unemployment crisis. These groups are: low-income persons and migrants, persons of limited English-speaking ability and others from

socio-economic backgrounds generally associated with substantial unemployment; new entrants into the labor market, including young and older persons and recently separated veterans; persons receiving welfare assistance; and persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, such as in the defense, aerospace and construction industries.

WORKERS LAID OFF IN AEROSPACE, DEFENSE, AND CONSTRUCTION INDUSTRIES

It is well known that many unemployed scientists and engineers and other aerospace and defense workers have exhausted their unemployment benefits and have no idea where to turn next. Meanwhile their idle talents constitute a scandalous waste of valuable national resources. Especially as they are often unemployed because of Federal government decisions.

It is the intent of the committee that this target group receive an equitable share of the funds available under this Act.

Aerospace, defense, and construction workers who are unemployed "as a result of shifts in the pattern of Federal expenditures" are referred to in the "Statement of Findings and Purposes" section 2(2) as persons who could usefully be employed in providing needed public services.

There are currently over 400,000 unemployed aerospace workers. Included in this group are approximately 60,000 unemployed scientists and engineers.

From December 1969 to December 1970, the number of California aerospace workers declined by 82,000. During this same period over 40,000 aerospace workers in the State of Washington lost their jobs. Substantial aerospace unemployment has occurred in cities around the nation such as Boston, Wichita, Dallas, and St. Louis.

As a result of cutbacks in federal aerospace spending together with a general slowdown in commercial aircraft purchases, over one third of all aerospace employees have lost their jobs during the past two years. An additional 600,000 employees have lost jobs due to general defense cutbacks during this period. These employees worked in areas such as armaments, chemical manufacture and defense planning for private corporations and the Department of Defense.

UNEMPLOYED VETERANS

One of the most important segments of the unemployed population is "persons who have recently been separated from military service," as described in section 2(2) of the bill. The Committee wished to give special recognition to the needs for public service employment jobs for recently returned veterans.

It is a personal tragedy for an individual to be unable to find a job in order to support himself and his family. But when that individual has just spent 12 months or more risking his life in support of his country, being unemployed is an unconscionable injustice.

The Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress conducted extensive hearings on veterans unemployment and general readjustment problems. These hearings showed that high rates of unemployment inflict an especially serious handicap on recently returned veterans.

The unemployment rate for young veterans is significantly higher than that among their nonveteran peers. For example, during the first two months of 1971, the most recent period for which data is available, the unemployment rate among veterans 20 to 29 years old was 10.2 percent, up sharply from 7.9 percent in the last quarter of 1970. During that quarter the unemployment rate for nonveterans in the same age group was 6.8 percent.

Comparable figures for the last quarter in 1969 were 4.8 percent unemployment among veterans and 3.3 for nonveterans 20 to 29 years old. This tremendous increase in a single year of the unemployment rate for young veterans highlights the crisis facing our returning ex-sevicemen.

For released veterans who are fortunate enough to secure employment, it takes on the average, nearly two months to find a job. The more we learn of the veterans' situation, the more grim the picture becomes. Still, we do not know as much about the employment circumstances of veterans as we should. For example, there is no information available about the unemployment of disabled veterans.

Although there are no official statistics on the unemployment of disabled veterans, individuals directly involved with the problem tell us that disabled veterans have an extraordinary difficult time finding employment. In other words, unemployment is high for veterans in general, but it is even higher for veterans who are disabled.

There are few situations more tragic than that of a man permanently maimed in the service of his country who is unable even to find a job to support himself. This national outrage has continued for too long.

Part of the problem is related to the great increase in the number of recent veterans returning to a tight job market. Military separations during the last few years have increased from 565,000 in fiscal year 1966 to 1,003,000 in 1969, and 1,120,000 in 1970. It is estimated that another million young veterans will be thrust upon the job market during fiscal year 1971. Thus, over 90,000 young veterans begin looking for jobs each month, far too often without success.

The Committee recognizes a special obligation to do all possible to ensure that veterans be placed on at least an equitable basis in their search for employment. However, it was not the Committee's intention that the terms of this amendment should operate unduly to limit the Secretary in making available public service employment jobs for recently returned veterans.

Although the bill does not specify which veterans are "recently" separated, the Committee believes an appropriate eligibility date would be the point where overall unemployment in the country crossed the four-percent level and began to move toward the crisis proportions confronting us today. A January 1, 1970, date would accord with the emergency purpose of S. 31.

The Committee feels very strongly that we owe a particular duty to those who served in Vietnam and who do not have adequate educational achievement or training to find a job when they return.

A recently published study by the Department of Defense found that men who served in combat occupations such as the infantry and gun crews tend to have the highest unemployment; and that men who serve a duty tour in Vietnam are more likely to be unemployed than those servicemen who did not. Thus, the country is doing the least for those whom we have required to make the greatest sacrifices.

In view of this, the Committee believes that there is a great opportunity under this public service employment program to assist educationally and economically disadvantaged veterans enrolled in college under the GI bill and who are struggling to make ends meet. Many more of these men, who often are high school dropouts, could pursue college or junior college training if they had part-time jobs to supplement their GI bill educational assistance allowances.

The Committee is hopeful that the Secretary of Labor would give serious consideration to the great potential of such an allocation of public service jobs. Along the same lines the Committee feels that, to the extent practicable, he should also give special preferences to veterans disabled with service-connected conditions who are nevertheless employable.

OLDER WORKERS

More and more, it is recognized that a critical period in the work lives of adults occurs during their forties or early fifties. Beginning about age 45, several clearly discernible trends become evident:

Unemployment increases;

Long-term joblessness rises sharply;

Occupational mobility is seriously limited;

Employers may be reluctant to hire older workers, even though the Age Discrimination in Employment Act prohibits such practices;

Labor force participation declines; and

Poverty increases.

From January 1969 to February 1971, the unemployment rate (on an adjusted basis) has jumped precipitously from 3.4 to 5.8 percent—adding nearly 2.2 million workers to the jobless rolls. All age groups have felt the sharp effects of this economic decline. But older workers and their families have been especially hard-pressed. During this period, unemployment for persons 45 and older has risen from 596,000 to 1,062,000, approximately a 78 percent increase. Long-term joblessness (15 weeks or longer) for mature workers has jumped steeply by 218 percent, from 115,000 to 365,000. And their very long-term unemployment (27 weeks or longer) has increased by 221 percent, from 48,000 to 154,000.

Yet, these statistics only represent a small portion of the overall grim employment picture for persons 45 and older. They do not, for example, reflect the labor force "dropouts," those who have given up the active search for work. With the trend toward earlier and earlier retirement, an alarmingly large number of older workers has withdrawn from the work force—in many cases unwillingly. During the past 10 years the number of men aged 45 to 64 who have dropped out of the labor force has risen from 1.4 million to 2.1 million, for a 50 percent increase. And with unemployment continuing to remain at a high level, the evidence now strongly suggests that more and more older workers are being "eased out" of the job market.

If current labor force participation trends continue, one out of every six men in the 55 to 59 age category will no longer be in the work force by the time he reaches his 65th birthday. Ten years ago this ratio was only one out of eight. And the one in six ratio is only for the short run. Unless major policy changes are made, this ratio will accelerate during the 1970's.

In many cases, early retirement is chosen only as an alternative to long-term joblessness or sporadic underemployment. For some it may provide an escape. But for others, it is an acceptance of the inevitable, a life of poverty. Nearly 8.5 million individuals in the 45-plus age category fall below the poverty line. Persons 45 and over now constitute about 30 percent of our total population, but they comprise nearly 35 percent of all individuals living in poverty. Even more disturbing, 28,000 persons in this age group were added to the poverty rolls during 1969. In sharp contrast, the number of people under 45 in poverty declined by about 1.2 million in 1969.

Despite such urgent needs, the United States still lacks a clearcut, effective policy to maximize employment opportunities for older workers. By whatever barometer one would choose to use, persons 45 and older have been under-represented in our Nation's manpower and training efforts. Mature workers now constitute 38 percent of the civilian labor force; they represent close to 22 percent of all unemployment in the United States; they account for 34 percent of the long-term joblessness; and they comprise 40 percent of all unemployment for 27 weeks or longer. Yet, they account for only 4 percent of all enrollees in present work and training programs.

For these reasons, the Committee has included provisions in the bill to help assure that older persons will be more equitably

represented in federally assisted public service employment programs. For example, in making financial assistance available for this purpose, section 8(b) directs the Secretary of Labor, to the extent practicable, to give due consideration to the relative numbers of unemployed persons in various segments of the civilian labor force, and paragraph (2) of section (2) recognizes older persons as one of these significant segments. A major purpose of these provisions is to help assure that the participation rate for persons 45 and over in Federally financed public service employment programs—as well as for other groups which have been traditionally underrepresented in our Nation's manpower efforts—will be reasonably consistent with their proportion of the total unemployment in the United States.

In far too many cases, the employment and training needs of mature workers have been largely overlooked or ignored. The price the Nation pays for this neglect is a growing "dependency ratio" of nonworkers to workers. Much more can be gained, the Committee strongly believes, through a national effort to raise our productive capacity and to provide new employment opportunities as well as related manpower services for all age groups, the old as well as the young. For many unemployed individuals, opportunities for public service employment can help them return to the mainstream of our work-oriented society. For others, it can provide a means to move into other jobs in the private sector. And for many older persons, it can mean a new and rewarding career, providing valuable and urgently needed services in their communities.

MIGRANTS

Section 2(1) of the bill specifically recognizes the severe unemployment which characterizes the plight of migrant and seasonal farmworkers. Because unemployment is significant in the farmworker population, the provisions of section 8(b) provide for an equitable share of public service jobs for migrant farmworkers.

The need for programs designed to meet the needs of migrants has been well documented during Congressional hearings, especially by the Migratory Labor Subcommittee. These hearings have shown that, while the American economic system has worked reasonably well for everyone except the poor, it has abysmally failed the migrant farmworker.

In fact, over one million migrant farmworkers and their family dependents are practically excluded from the mainstream of our economic system. They are only limited participants in existing manpower programs, and their power to effect or improve present manpower programs is severely restricted. Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporadic and uncertain.

Unemployment is high, and subemployment and underemployment are pervasive among migrant farmworkers. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skill, ability and educational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of government programs designed to raise income and make it more certain now, and in the future, are limited or non-existent. Instead of controlling their own lives, migrant workers are at the mercy of an exploitive system.

It is therefore not surprising that residents of rural areas lag far behind those in cities, in employment, income, schooling, housing and health care. The unemployment rate of migrants in view of the very nature and seasonality of the work is very high. Farmworkers had a median yearly income of less than $1,000 in 1969.

In view of the special nature of the migrant problem, it is the clear intent of the Committee that under no circumstances shall the definition of "unemployed persons" in Section 13(7) be construed to exclude a migrant merely because he might be employed for three summer months out of the year. It is imperative that farmworkers who have for so long been excluded from this nation's social and worker benefit programs, be guaranteed the public service job opportunities provided by this important legislation.

PERSON OF LIMITED ENGLISH-SPEAKING ABILITY

Section 2 of the bill recognizes the special problems faced by individuals with limited English-speaking ability.

In field hearings in Corpus Christi, Tex., and in San Francisco, Calif., last year the committee heard compelling testimony that many Americans whose primary language is not English have extreme difficulty in preparing for and securing good employment, and the Federal programs are not reaching these groups.

Census figures show that there are between 7 and 10 million Americans for whom Spanish is the primary language. There are 1 million in Los Angeles, and they make up 10 percent of the population of New York City. They include Mexican-Americans, Puerto Ricans, and Cuban exiles and Chinese immigrants.

Equal Employment Opportunity Commission figures show that 70 percent of all male Spanish surnamed Americans work in the lowest occupational categories—as operatives, laborers or service workers; 1966 figures from the Department of Labor show that 47 percent of the men in the Mexican-American district of San Antonio are either unemployed or earning less than $60 a week. Across the Nation, more than half Mexican-American families have incomes of less than $3,000 a year.

In San Francisco the Chinese-speaking population has increased from 37,900 to 62,000 between 1961 and 1968, primarily due to eased immigration quotas.

San Francisco is not alone in being specially impacted by the settlement pattern of immigrants. Data developed by Howard Hallman, a manpower consultant, indicates that four out of seven immigrants in 1968 indicated an intent to settle in cities over 100,000. The 12 cities frequently mentioned were the following:

New York	75,449
Miami (47,077 from Cuba)	51,254
Chicago	17,615
Los Angeles	12,964
San Francisco	7,896
Boston	4,187
Detroit	3,754
Washington	3,533
Philadelphia	3,508
Newark	3,404
Seattle	3,286
Honolulu	3,197

For those born in China, the largest number intended to settle as follows:

New York	2,949
San Francisco	1,653
Los Angeles	765
Chicago	386
Boston	257
Seattle	224
Honolulu	220
Washington, D.C.	211

Those born in Mexico stated an intent to settle most frequently in the following places:

Los Angeles	3,894
Chicago	2,885
El Paso	1,851
San Antonio	1,270
Houston	1,048
Dallas	486
San Francisco	425
San Diego	396
Santa Ana	378
San Jose	357

For Cubans, the intended pattern of settlement emphasized the following:

Miami	47,077
New York	8,271
Chicago	2,238
Los Angeles	1,284
Newark	1,282
Elizabeth	1,194

Published data are not available for intended city of settlement for other Latin American countries. However, among the aliens from those countries who registered in January 1968 as permanent residents of the United States, six out of ten from Central America were residing in New York and California and seven out of ten from South America were living in those two States.

As these data illustrate the challenge of assimilating immigrants into the employment market is concentrated in relatively few urban centers. Since national policy brings this about, Federal funds should be available to assist these localities.

The committee, therefore, believes that efforts must be made to provide individuals of limited English-speaking ability with public service job opportunities for which they are qualified and to afford them opportunity to improve their facility with the English language.

PERSONS RECEIVING WELFARE ASSISTANCE

The welfare rolls have lengthened disastrously during the months of the current unemployment crisis. For those on welfare—who are willing and in circumstances that enable them to work—the Federal Government has a double incentive to provide job opportunities: to meet their desperate human need for the self-respect that comes from decent paying employment, and for the savings to the Government in reduced welfare costs and increased productivity in the economy.

In recognition of this the committee provided in section 8(b) that the Secretary is required to make assistance available "on an equitable basis . . . among significant segments of the population of unemployed persons" and the committee provided a definition of unemployed persons (section 17(7) that explicitly includes adults receiving assistance under the Social Security Act who are determined by the Secretary to be available for work.

The committee notes that the administration in the proposed Family Assistance Act has provided for 200,000 public service jobs for adult heads of families in a program to begin July 1, 1972. That program and the program provided under this bill would be entirely compatible, but the program under this bill would go into effect immediately during the height of the present unemployment crisis.

INDIAN TRIBES AS ELIGIBLE APPLICANTS

While Indians represent less than 1 percent of the population of this country, they constitute between 5 and 10 percent of the Nation's unemployed. Joblessness on some reservations runs as high as 80 percent, or 16 times the currently unacceptable national average. The average Indian income is $1,500—75 percent below the national average—and three-quarters of reservation Indian families have earned income of less than $3,000 per year.

Geographic isolation, the absence of State or local jurisdiction, and unique unemployment problems set Indian reservations apart from cities and other local areas in States. Collaboration and integration of Federal and State employment and manpower programs relating to Indians have been infrequent, and State employment services on reservations have traditionally played a passive and minimal role. Thus to fulfill most effectively the purposes of this Act in Indian territory, consistent with the national policy to promote self-determination for Indian people, section 5(3) of the bill makes Indian tribes

eligible to carry out their own public service employment programs.

The bill calls for an equitable apportionment of funds within each State. Since Indian reservations constitute well-defined local areas within States, section 8(a) of the bill provides that reservations shall be considered local areas in the apportionment of funds allocated to such States.

Mr. CRANSTON. Mr. President, there are a number of segments of the unemployed population for whom I have a particular concern because they are not now getting a fair shake in terms of the impact of present manpower programs. These are recently returned veterans; middle-aged and older persons; persons thrown out of work in the defense, aerospace, and construction industries; and persons of limited English-speaking ability—including migrants and Indians.

With respect to recently returned veterans, the situation is intolerable. The latest figures available to me show an unemployment rate of over 10 percent among young men just out of service, many of them with service-incurred disabilities. At present there are over 350,000 20- to 29-year-old veterans without any work. This bill provides a chance for a fair share of these men—especially GI bill trainees needing part-time jobs to meet their expenses—to become employed in productive public service work and not have to wage the misdirected war on inflation at home after the sacrifices we have called on them to make to wage the war in Indochina.

The vetoed manpower bill, S. 3867, contained a number of provisions to provide special assistance to veterans in seeking and finding jobs and manpower training opportunities. I plan to introduce in the next 2 weeks a new bill, entitled the "Veterans Employment Act of 1972," containing these provisions of the vetoed bill along with other new programs to help our returning servicemen compete effectively in the job market.

Older persons also bear particularly heavy unemployment burdens today, and this is a large problem in my State. With more than 1 million persons 45 and older searching for jobs, and another 2.1 million men 45 to 64 who have dropped out of the labor force, and a more than doubling of the number of older workers unemployed for periods of 15 weeks or more, we are facing a crisis for middle and older age workers that threatens to grow worse unless we take effective action to reverse the trend.

The shifts in patterns of Federal spending in the defense, aerospace, and construction industries have caused particularly acute problems for my California constituents. For example, in the last year 82,000 California aerospace workers, including many scientists and engineers, lost their jobs. Nationwide, there are over 1 million workers who have been laid off from aerospace and defense jobs, with very severe pockets of unemployment concentrated around installations with phased-out or canceled Federal contracts or subcontracts.

The Emergency Employment Act of 1972 offers us a realistic start toward solutions to the great unemployment problems of our recent veterans, older workers and those who have lost defense, aerospace, and construction jobs.

Mr. President, there has been some talk about an inevitable veto of this bill should it pass. In my view, a veto of this bill during the current crisis in unemployment would be an irresponsible act on the part of the President. It would be a politically unpopular act on his part, and I believe that, if he takes thought and is accurately advised about the contents of this bill, he will not veto it.

Although many Senators strongly support a massive permanent public service employment program closely integrated with Federal manpower training programs, we have developed this limited, temporary bill to avoid a stalemate between the Congress and the administration. We plan to consider comprehensive manpower legislation later in this session after we have extended the Economic Opportunity Act for 2 years. But the crisis of unemployment cannot wait. We need legislation to put people to work immediately.

Let me emphasize that this is not a permanent public service employment program of the sort the President vetoed last December. This point is extremely well discussed on pages 25 through 27 of the committee report in the supplemental views of Senators JAVITS, SCHWEIKER, and PACKWOOD, and I commend their comments to all Senators—especially those across the aisle.

First of all, the program in this bill is temporary. The funds would be made available only when unemployment nationwide exceeds 4½ percent for 3 months. When unemployment falls below 4½ percent again, there would be no new Federal contracts supporting such jobs. This very "trigger" concept was recommended in the administration's proposed Manpower Training Act of 1969. Again, the administration just recently, in its manpower revenue sharing proposal, proposed such a trigger.

Second, the total authorization of funds in this emergency bill for fiscal years 1972 and 1973 is about $1 billion less at current unemployment levels than was authorized for public service employment for those years in the bill vetoed by the President on December 16.

Third, the jobs, at the maximum, would be limited to 2 years and, at the end of their public service employment, workers will be trained and assisted to move into other jobs. In his veto message, the President stated that—

Transitional and short term public service employment can be a useful component of the nation's manpower policies.

And the concept of public service employment is prominently featured in the President's manpower revenue sharing and welfare reform proposals.

If ever there were a time when such public service employment jobs were needed, it is now during the current crisis of unemployment. Thus, in drafting this legislation, we attempted to move toward, and in a number of instances we adopted, the administration's position in the hope that we can gain its support for this emergency act. I do not see how any one can seriously dispute that during times of extremely high unemployment some kind of automatic funding for job creation should be available.

In view of the recent administration embrace of public service employment in its F.A.P. and manpower revenue sharing proposals, Secretary of Labor Hodgson stated at our February 23 hearings on S. 31 that he imagined we on the committee must react to their position as follows:

It seems to me you would find yourselves thinking that you have come to play ball in our court and we have moved the court.

In marking up the bill in committee, we have done our best to place ourselves squarely in the Secretary of Labor's court and to find the correct ball game to play.

We believe, the bill, with its strong bipartisan support in the Senate, is a carefully drafted, reasonable approach and is absolutely essential to the national interest. It cannot wait for us to work out our differences with the administration on comprehensive manpower reform.

At the time of the unfortunate veto of the Comprehensive Manpower Act last December 16, many thought that it might be possible in the new Congress to reach some kind of speedy compromise between the position of the Congress and that of the administration on manpower legislation.

However, that has not worked out. It was not until March 16 that the administration's new manpower proposals were introduced in the Senate. And the bill as introduced does not represent a compromise between the administration's position and the congressional position on manpower reform and public service employment. Instead it represents, to use the President's own phrase, "revolutionary proposals" for revenue sharing.

Mr. President, there is no issue before this session of Congress more controversial than that of revenue sharing. The proper consideration of this legislation is going to take time. The final form in which it will come to a vote is as yet to be determined.

On manpower revenue sharing there are many voices to be heard pro and con including those of mayors and Governors, local community action agencies, the vocational educators, local industry, labor organizations and those to be helped by the programs themselves. Such a hearing process will take many months, and yet the administration seems to be urging us to abandon the Emergency Employment Act and pass the manpower revenue sharing bill on an emergency basis to meet the current unemployment crisis. That is just not a tenable, responsible or feasible request.

It is not possible for Congress to deal with extremely complex legislation affecting many interest groups on an emergency basis. It is not possible, it is not practicable, it is not proper.

It was in recognition of the complexity of the legislative situation in regard to manpower, it was in recognition of the fact that no new major manpower legislation could be completed during the current unemployment crisis that a bipartisan coalition of 34 Senators introduced the emergency employment act of 1971. It is in recognition of that pressing crisis that we have hastened through hearings, through subcommittee and full committee markup.

And it is in recognition of the urgent

needs of the Nation and the demands of the people for action to fight unemployment, that I say it is our duty to pass the bill promptly by such an overwhelming margin that the President will join with our effort and sign it into law. Then we can turn to the business of securing appropriations for the bill and putting Americans back to work.

Mr. MUSKIE. Mr. President, I support fully the bill we are debating today—the Emergency Employment Act of 1971, S. 31. Enactment of this bill is long overdue. If congressional initiative had been respected by the President last year, thousands of Americans would be employed who are presently out of work. They would be earning paychecks instead of waiting for unemployment or welfare checks. This bill then is necessary but two facts about it should be clear. First, this bill is merely emergency legislation responding to the present crisis of unacceptable high rates of unemployment and; two, this bill is stopgap legislation and it should and must be replaced by a much more comprehensive and long-range bill.

For many months, the Nation has been assured that the ever increasing rate of unemployment is only transitional; that it is the sacrifice we must make to combat inflation. The sacrifice has been made but the victory has not been achieved. The plague of inflation continues largely unabated.

Today, while the average rate of unemployment has slightly dipped from its December high, it is well above the 4.5-percent rate that the administration proposed last year as the rate which would trigger emergency funds for additional manpower training programs. The average rate of unemployment of 5.8 percent is not the whole story. Like the man who drowned trying to walk across a lake, the average depth of which was only 3 feet, large pockets of our economy—50 major labor areas and many rural areas—have unemployment rates shockingly higher than the national average. For some areas, and for some selected groups in our Nation (nonwhites and youth particularly), rates run as high as 30 and 40 percent.

We are told by administration supporters that we must be patient and wait for the day when the unemployment rate drops as the pace of the economy quickens. Many of us feel that we can no longer wait.

While we play statistical games with index changes of 0.4 percent we forget that each 1 percent of that index represents 800,000 people—men without paychecks, families with growing expenses and decreasing funds. This is not just a statistical fact, it is a human problem; a problem that must be handled now.

Also, it must be remembered that even during the prosperous periods of the 1960's, persistent unemployment haunted the country. National prosperity did not break the cycle of poverty in many areas of our economy. Yet many policymakers believed and still believe that economic growth alone will do the job.

Other peoples have, of course, realized that special efforts are necessary if we are to cure the persistent problem of unemployment. The private sector, particularly through the National Alliance of Businessmen, has made a creditable effort to hire and train the unemployed and especially the hard-core unemployed. Many of our business leaders have devoted time and interest to this effort. It would not be reasonable, however, to expect the private sector to do the whole job, particularly when the practical effect of national economic policies is to dampen economic expansion in the name of inflation control. When orders decrease, layoffs occur. The last employed, often the recently employed "hard-core", are the first to go.

In the meantime, coexisting with the problem of persistent unemployment, there is the problem of the deteriorating conditions of our cities and of our rural areas. Revenues decrease while the demands for services increase. Without revenues, vital services are not provided. The unemployed could be put to work providing these necessary services. These are real jobs.

During the hearings on the Employment and Training Act of 1970, uncontested testimony was given that jobs exist. In a survey of the mayors of 50 cities of 100,000 population or more, 280,000 job possibilities distributed among 13 municipal public service functions were uncovered. In every case it was noted that these possibilities were purely theoretical because funds were not available to make them into real job openings.

Even more significant was the fact that city representatives estimated that there were at least 140,000 jobs that did not require technical or professional training and could be filled by inner city residents.

These jobs are not only real, they are essential. Even assuming that supervisors often overestimate their manpower needs, it is clear that public services are deteriorating in all areas of our country and that there is an infinite variety of useful work that can be done. With unemployment persistently higher than any acceptable level, and needed work begging to be done, we are wasting precious resources.

Finally, the great merit of this kind of public service program is that it is aimed specifically at those sectors of the labor market that benefit least from present programs, that share least in economic growth, and suffer most from the unemployment caused by present national economic policies. We know that while many of the uneducated and unskilled did not share in our previous prosperity, they have more than their share of the present recession. This situation is pervasive and explosive.

After extended hearing and debate, the last Congress passed the Employment and Training Opportunities Act of 1970, a comprehensive overhaul of the country's manpower programs. That bill included a strong permanent public sector job creation program. The President vetoed that bill largely because of the public sector job provisions. The administration proposes creating 200,000 public service jobs for welfare recipients, but it has difficulty accepting this concept for the unemployed. Calling jobs transitional will not change the fact that we need the jobs, whether a person is on welfare or not, and the jobs need to be done. If we pass this legislation today, we establish the concept that there are public sector jobs that are needed and important, and that people who need jobs can do them.

I support fully the view of my colleague, Senator NELSON, the distingushed chairman of the Subcommittee on Employment, Manpower and Poverty of the Labor and Public Welfare Committee, that the Nation must have a strong comprehensive manpower legislation. He led the effort to enact such legislation last year. I know he will make that effort again this session. This legislation will allow us to go forward and create a permanent comprehensive public employment program during this Congress.

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

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

STATEMENT BY SENATOR EAGLETON

The Emergency Employment Act of 1971 is a vital piece of legislation designed to stem the crisis caused by the higher and higher rates of unemployment in the United States. In February, 1969, the unemployment rate was at its post-Korea low of 3.3%. In December, 1970, it had risen to its 10 year high of 6.2%, and in February of this year it was still at 5.8%. The bill is designed to run for two years in order that there be time to design and implement permanent legislation which will solve this major problem for our citizens. During the first year of operation, $750 million, and in the second year, $1 billion, would be authorized in order to create public service jobs, that is, jobs which local governments have been unable to afford—such as those in the fields of environmental protection, health care, housing, and public safety.

For the first time the jobs created by a manpower bill would not be simply training jobs; rather, they are existing vacant positions which would be filled by local governments in the normal course had they the money to do so. So the bill really achieves two purposes. First, it will lower the unemployment rate by creating new jobs. Second, it will give local governments money to spend on jobs which they could not otherwise fill for lack of money.

This is revenue sharing in the best sense of the word. It is the federal government lending a helping hand to the local governments, but it is also not an abrogation of responsibility by the federal government. It is not the signing of a blank check. Rather this bill indicates in a broad area how the money should be spent and then says to the local governments: "You pick out which needs are of the greatest concern to your community and go hire the people you need to help solve these problems."

I should note that this bill also gives priority to several special groups which we in the Congress feel are in need of especially careful consideration. Section 8(b) of the bill ensures that the well publicized problems of aerospace and defense workers will be taken into consideration, and I note that the committee report mentions my home city of St. Louis as one of the areas which has suffered from the cut back in defense work and is in need of special consideration.

Older workers are also singled out for special consideration as well they should be.

From January 1969 to February 1971, the unemployment rate (on an adjusted basis) has jumped precipitously from 3.4 to 5.8 percent—adding nearly 2.2 million workers to the jobless rolls. All age groups have felt the sharp effects of this economic decline.

But older workers and their families have been especially hard-pressed. During this period, unemployment for persons 45 and older has risen from 596,000 to 1,062,000, approximately a 78 percent increase. Long-term joblessness (15 weeks or longer) for mature workers has jumped steeply by 218 percent, from 115,000 to 365,000. And their very long-term unemployment (27 weeks or longer) has increased by 221 percent, from 48,000 to 154,000.

Yet, these statistics only represent a small portion of the overall grim employment picture for persons 45 and older. They do not, for example, reflect the labor force "dropouts," those who have given up the active search for work. With the trend toward earlier and earlier retirement, an alarmingly large number of older workers have withdrawn from the work force—in many cases unwillingly.

In many cases, early retirement is chosen only as an alternative to long-term joblessness or sporadic underemployment. For some, it may provide an escape. But for others, it represents a resigned acceptance of the inevitable—a life of poverty. Nearly 8.5 million individuals in the 45-plus age category fall below the poverty line. Even more disturbing, 28,000 persons in this age group were added to the poverty rolls during 1969. In sharp contrast, the number of people *under* 45 living in poverty declined by about 1.2 million in 1969.

Despite such urgent needs, the United States still lacks a clearcut, effective policy to maximize employment opportunities for older workers. By whatever barometer one would chose to use, persons 45 and older have been under-represented in our Nation's manpower and training efforts. Mature workers now constitute 38 percent of the civilian labor force; they represent close to 22 percent of all unemployment in the United States; they account for 34 percent of the long-term joblessness; and they comprise 40 percent of all unmeployment for 27 weeks or longer. Yet, they account for only 4 percent of all enrollees in present work and training programs.

As Chairman of the Subcommittee on Aging I am especially pleased that the problems of the older worker are given special consideration in this bill and in the report of the Committee, and I trust that the Committee's concern in this area and in the area of layoffs caused by the cut backs in aerospace and defense work will be followed by the administrators of this bill when it becomes law.

I should also like to commend the very able junior Senator from Wisconsin (Mr. Nelson) for his exceptional leadership in bringing this vital bill to the floor of the Senate with the skill, vigor and expedition which he has shown. I trust that the members of this body will be made aware by his persuasive arguments of the great need for this legislation and that by this will we will help show the way out of the economic slump which has plagued this nation for the past two years.

Mr. KENNEDY. Mr. President, a third of the Nation's major labor market areas are suffering over 6 percent unemployment. Over 5.4 million men and women are out of work. In my own State of Massachusetts, industrial unemployment is at its highest point since the end of the depression in 1940 with a total of 184,000 out of work. The Nation's economy is stagnating and unemployment has become a national crisis.

Mr. President, we cannot wait for the administration's promised economic upturn. For the first time in more than a decade, there is a feeling of desperation as men and women fruitlessly seek work. For the first time in more than a decade, men talk of "if I find work" rather than "when I find work."

The Emergency Employment Act of 1971, which I cosponsored, would finance vitally needed jobs—not at some far in the future date—but immediately. The $750 million available now would permit some 150,000 jobs to be opened across the Nation.

Mr. President, this bill also insures that the needs of those groups who have traditionally suffered persistent unemployment—the migrant workers, the non-English speaking, the Indian, the black—will be considered in the allocations of funds.

Mr. President, some have argued that this bill would only offer make-work jobs. I would emphasize that the Nation's mayors, in testimony before the Subcommittee on Employment, Manpower, and Poverty cited critically important jobs in their cities that were unfilled solely because of lack of funds. Mayor Wesley C. Uhlman of Seattle testified for the Legislative Action Committee of the United States on specific needs of the Nation's cities.

In health, in transportation, in schools in social services and in the daily administration of public business, jobs are going vacant, programs are being cut, and people's needs are not being met because insufficient funds are available.

Mr. President, the administration has objected to this bill because it says it does not provide long-term solutions to unemployment problems. Instead the administration points to its manpower revenue-sharing package. But even they estimate that the earliest possible date for a start on that program—even if it were rushed through the Congress—would not be until sometime in 1972. But we have an emergency today, we have 5.4 million workers unemployed today: We cannot stand silent on the hope that something might happen next year.

We already have seen an unnecessary delay of several months because the administration vetoed last year's comprehensive manpower training bill which contained a public service employment section. Now, I find it extremely difficult to understand the administration's refusal to endorse the measure now before us. The administration objection last time we were proposing a permanent public service program. This is not a permanent program. It is a temporary 2-year program which authorizes the expenditure of funds only when the national unemployment rate stays above 4.5 percent for 3 months.

Mr. President, the Emergency Employment Act of 1971 is a specific answer to a specific problem in this Nation today, and I strongly urge its passage. It will neither totally solve the Nation's unemployment problem nor will it end the financial crisis of local government but it will alleviate both and its effects will be immediate. Again I strongly urge approval of this legislation.

Mr. HUGHES. Mr. President, I am a cosponsor of the pending measure, S. 31, the Emergency Employment Act of 1971. I believe it is addressed to one of the most urgent problems facing us today—the problem of unemployment. Its passage is made necessary by two facts, first, we have the highest unemployment rate in almost a decade and, second, that the President last year vetoed a similar measure which would have enabled us to begin to attack this problem 3 months ago. In his veto message, the President did not predict that unemployment would miraculously drop making it unnecessary to enact such a piece of legislation. Subsequent events have proven the wisdom of his silence. This bill would guarantee some relief to the Americans now suffering from unemployment. That is why we need it.

The Emergency Employment Act of 1971 provides that when the Secretary of Labor determines that the rate of unemployment has exceeded 4½ percent for 3 consecutive months, $500 million will be authorized to be appropriated for a public service employment program. For each additional 0.5 percent increase in unemployment, an additional $100 million will be authorized to be spent up to a ceiling of $750 million in fiscal year 1972 and $1 billion in fiscal year 1973. Public service employment is defined to include police and fire protection, sanitation, transportation, recreation, education, conservation, housing, and maintenance work. Up to 20 percent of the funds would be available for training in public service fields and in ways which would enable people to move into fields not covered by the bill. Public and private, nonprofit organizations would be eligible to administer programs covered by this bill. The bill also provides that when unemployment drops below 4½ percent for 3 consecutive months, the program will be terminated.

Mr. President, the Subcommittee on Employment, Manpower, and Poverty, of which I am a member, held hearings for 4 days on this measure. We heard testimony from the mayors of nine cities and the Governors of four States. The mayor of Philadelphia, the Honorable James Tate, testified both in behalf of his city and of the National Conference of Mayors. Two Senators and three Congressmen appeared before the subcommittee as did county officials from three States and the representatives of the National Farmers Union and a community development agency in Tennessee, The administration was represented by the Secretary of Labor.

With the sole exception of the Secretary, all of these witnesses testified that there was considerable need for this sort of legislation. Only the administration objected to this bill and requested that Congress enact instead the manpower legislation the President proposes.

There is a serious unemployment problem in this Nation today. According to figures developed in our subcommittee, the program enacted by this bill would put an estimated 150,000 persons to work in vitally needed jobs in State and local agencies. Last week, the Senate was told that nearly 13,000 workers would be unemployed by termination of the SST program. Now we have the opportunity to create almost 12 times that many jobs; jobs which would provide vitally needed services such as police and fire protection, street maintenance, and recreational services and would hasten our progress out of recession by putting more

money into the nonmilitary sector of our economy.

Furthermore, there is every conceivable indication that our cities are rapidly becoming unable to provide these basic services to their citizens. This bill clearly offers the beginnings of a solution to these problems.

We have stalled around long enough. Millions of Americans are jobless and on welfare rolls. Our cities are simply collapsing. These problems themselves are already costing more than this bill proposes to spend. In his testimony before our subcommittee, the mayor of Seattle quoted an old Chinese proverb:

> If you give a man a fish, it will feed him for a day. But, teach a man to fish and he will feed himself and his family for a lifetime.

What more reason do we need for enacting this legislation?

Mr. President, I feel that this bill is one of the most important and urgently needed pieces of legislation the Senate has acted on in recent months. It is already long overdue. I hope it is enacted speedily.

Mr. BAYH. Mr. President, it is with a great sense of urgency that I support the Emergency Employment Act of 1971. At a time when the unemployment rate is nearly 6 percent and more than 5 million of our citizens are unemployed, it should be obvious that we are in the midst of a national emergency. This crisis in unemployment is even more urgent because of its long-term nature. In December 1970, when unemployment was at a high of 6.2 percent, 325,000 persons who were actively looking for work had exhausted their unemployment compensation benefits. In February of 1971, although there was a drop in unemployment to 5.8 percent, the number of people who had been unemployed for 27 weeks or more had risen to 451,000, an increase of 126,000 in 2 months. With only a modest increase in economic activity likely in 1971, moreover, unemployment will remain high.

I am convinced that any time we have such substantial number of workers unemployed the source of our economic ills is national and reflects a failure in national economic policy. This is precisely the situation that exists today. That is why I introduced an admittedly nongermane amendment to the interest equalization tax, an amendment to improve and accelerate the effective date of the Federal State Extended Compensation Act of 1970 so that those unemployed workers who had exhausted their unemployment insurance could begin to receive the benefits of the act instead of waiting another 9 months. We almost passed it. The vote was 40 to 45 on a motion to table. A substantial number of Senators who had expressed support of the bill—enough to assure a majority—were absent, I might add. I intend to offer the amendment again. And I am confident that the Senate will act soon to alleviate the personal hardships of those who have exhausted their unemployment insurance.

There is another crisis in our country which is equally pervasive. It results from a gradual disintegration of our public services. There are vast unmet public needs in education, health, recreation, public safety, sanitation, neighborhood services, and other basic municipal services. The National Commission on Technology, Automation and Economic Progress in 1966 estimated that there were 5.3 million potential jobs in public services that were not filled. It is indeed ironic that even as millions of our citizens are unemployed and looking for work, most of the cities in this Nation are unable to adequately sustain the most basic services because they cannot hire additional personnel. This crunch of rapidly expanding public service needs and a tax burden already at its maximum limit has resulted in driving most of the large cities close to bankruptcy.

This bill is designed to deal with the national emergency created by the crisis of unemployment and the collapse of vital public services in the cities throughout our country. It is a stopgap bill designed to provide temporary relief for a relatively short period of time. It is a bill whose trigger formula assures that it will be needed only in times of economic recession.

The act authorizes financial assistance to States, counties, cities and public and nonprofit agencies to provide useful employment in such needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of public facilities, waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification and other fields of human betterment and community improvement.

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for 3 consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of 1 percent by which the average unemployment rate for 3 consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

Under this bill, eligible applicants would contract with the Secretary of Labor for employment programs under which the Federal Government would pay up to 90 percent of the cost of the program.

I recognize that many cities are so strapped for funds they cannot even afford to put up the "good faith" 10 percent that would enable them to get the additional Federal financing. In some cases in which we require matching funds we wind up providing Federal assistance for cities who need it least while those who may need the program the most cannot afford their share and must do without. This bill attempts to prevent that by giving the Secretary of Labor the authority to waive the 10-percent local requirement in special circumstances. I am hopeful that the Secretary will use this discretion wisely so that the poor communities who may need these benefits the most are not excluded from participation.

Senators NELSON and JAVITS and the other distinguished members of the Labor and Public Welfare Committee have demonstrated once again their judiciousness in adding section 8(b). This section provides for an equitable distribution of these public service jobs among those segments of the unemployed population who are identified as experiencing particularly serious unemployment problems. It makes good sense that where only a relatively small number of unemployed persons are to be helped, such assistance should be equitably distributed among those who need help the most.

During the extended discussions on the SST, I was greatly troubled by arguments about increases in unemployment that would result with the termination of the SST program. I am deeply concerned about the fate of those workers involved in the program. When the Federal Government makes a significant change in policy, as in the case of Congress action on the SST, the Government has a definite moral responsibility to ease the burden on those workers adversely affected by the cancellation and to facilitate their transition into areas where there are employment opportunities.

This bill is a step in that direction. However, the legislative and executive branches working in concert, still have a responsibility to consider how future Government contracts and programs can best be allocated so as to best utilize the work force affected by Congress action.

Toward that end, Mr. President, I am introducing a sense of the Senate resolution expressing the Senate's concern for the fate of the SST work force and urging the development of programs to provide transitional assistance and for the channeling of Government contracts into affected areas.

Mr. HARTKE. Mr. President, I am pleased to be one of the 34 cosponsors of the Emergency Employment Act of 1971. It is plain that this legislation will meet a real and continuing need in this country. The 5½ million people currently unemployed are the tragic byproducts of our economic problems. Although constantly reassured by this administration that the country has turned "the economic corner," the unhappy truth remains that 5.8 percent of our work force remains idled.

The distinguished Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty, has led the battle to insure that the problem of massive unemployment will not go unattended. S. 31 authorizes public service employment during periods of high unemployment, and by so doing better insures that the severe and cyclic periods of unemployment which has plagued this country in the past, will be moderated.

As the newly selected chairman of the Veterans' Affairs Committee, I am particularly distressed by the unemployment rates found among Vietnam era veterans. It is estimated that there are today more than 250,000 veterans of the Vietnam conflict who want work but cannot find it. Among veterans aged 20 to 24 unemployment is especially severe, with rates in excess of 12 percent. The situation among young, black veterans is even worse with unemployment almost double that of whites. These figures take on particular significance when they are compared with the unemployment rates of their non-veterans peers. For example, the rate of unemployment for veterans age 20 to 29 was 10.2 percent during the first 2 months of 1971 while the rate for nonveterans in the same age group was 6.8 percent during the last quarter of 1970.

In a very real sense the unemployed veteran of the Vietnam war is himself a victim of that conflict. Because of his military service, the veteran has lost precious time in his competition for a job. Too often military service interrupted his schooling or job training, and now he must try to pick up where he left off. Yet inadequate educational benefits under the GI bill, more often then not force the unprepared veteran into an already overcrowded job market, where his chances of finding work are diminished as a direct result of his military service.

I note with pleasure that the findings and purpose section of S. 31 provides that special consideration will be given to the employment of veterans who have recently been separated from military service. Further, the report of the Committee on Labor and Public Welfare makes it clear that a priority should be given to the Vietnam era veteran. Although I personally would have preferred to see an even stricter indication in the language of S. 31, that the returning veteran will receive particular attention, my support for this bill remains undiminished. Let me say however that it is my intention to begin hearings in the Veterans' Affairs Committee, as quickly as possible to determine how the problem of the unemployed veteran can best be met. I am confident that the legislation which we are considering today will go far toward better guaranteeing fair treatment to the veteran in the job mart. If it does not live up to this expectation, I am confident that the distinguished author of the bill (Mr. NELSON) will be as anxious as I am to amend it so that equity will be granted the veteran.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have a statement by the Senator from Oklahoma (Mr. HARRIS) printed in the RECORD.

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

Mr. HARRIS. Mr. President, every able-bodied American citizen has a moral and economic right to a decent job at a decent wage, and the right to share in the nation's productivity and wealth.

On numerous occasions many members of this body have addressed themselves to the need for reorienting our nation's priorities in order that we might do more for our people here at home, particularly those who are ill fed, ill housed, or without the means to be self-supporting. I believe that the most realistic and fundamental way to accomplish this objective is to strengthen the economic base of American families by providing good jobs for those who are capable of working. That is what the Emergency Employment Act of 1971 will assist in doing, and as a cosponsor I am pleased to have this opportunity to speak in support of this much needed legislation.

Mr. President, unemployment in the nation today stands at approximately six percent of the work force. Nationally, more than 5 million individuals are without work. In my home State the number of persons unemployed has increased from approximately 36,000 a year ago to more than 52,000 persons at present. This is an unnecessarily large number of individuals and families without stable incomes and represents the highest and lengthiest unemployment rate in ten years. The high unemployment has forced welfare payments up as much as 22 percent in Oklahoma. Those persons eligible for surplus commodities in the State increased by approximately 23,000 from 1969 to 1970.

These unfortunate circumstances exist at a time when so many of the individuals affected by unemployment could be performing useful and needed work functions in public and nonprofit agencies. As I have stated on previous occasions on this floor, several studies have shown that as many as 150,000 job opportunities for nonprofessionals in public service type employment already exist in 130 of our largest cities.

The bill before us would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to states, cities, and counties and public and nonprofit agencies to provide useful employment in a variety of occupations including health care, public safety, education, transportation, environmental quality, parks and recreation, streets, conservation, pollution control and many other areas of community improvement.

The bill authorizes $750 million during the first year and one billion dollars thereafter. Whenever unemployment reaches 4.5 percent or higher, $500 million would be authorized. Additional sums of $100 million would become available for each one-half of one percent by which the average unemployment rate exceeds 4.5 percent for three consecutive months.

I am glad to know that up to 15 percent of the funds appropriated would be available for training and other manpower services required to assist persons employed in public service jobs.

Today our nation is faced with many problems here at home and abroad. State and local government officials continuously remind us of the serious problems with which they are confronted in their respective jurisdictions. Again unemployment ranks high on the list. This is why S. 31 has received such strong endorsements from the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and numerous other respectable agencies and organizations.

Mr. President, somehow, those of us here in the Congress and the Administrative Branch of Government must be made to sincerely understand and feel the agony of the millions of frustrated American citizens who are without work or the means for supporting themselves or their families. I do not believe that the majority of these individuals, nor Americans in general, want welfare or charity. What they do want, I believe, is the right and the opportunity to be self-supporting, even in this time of high inflation and catastrophic unemployment.

In vetoing the Employment and Training Opportunities Act of 1970—forerunner to the present legislation—President Nixon stated that he was against the establishment of permanent public service jobs and that such employment should be provided only on a temporary basis until high unemployment decreases.

The bill before us now is of a temporary nature and could provide up to 200,000 jobs if high unemployment persists. The Administration, however, is also opposed to this bill stating now that it would prefer a "Manpower Revenue Sharing bill." Why the sudden shift in positions? Is this Administration against any kind of public service employment program? That would seem to be the case, because any effort to develop a manpower revenue sharing bill will almost certainly involve a long drawn out process and is unlikely to be approved by the Congress in time to be of assistance in relieving the present unemployment crisis.

Therefore, it is imperative that we offer practical alternatives and solutions to the problem of unemployment now. We can begin by passing this Emergency Employment Act. Legislation is also needed to assist those individuals affected by cutbacks in the aerospace and defense industries. A number of such proposals have been introduced in this session. They, too, should receive early hearings with quick passage by the Congress.

Finally, Mr. President, I urge the members of this body, in the strongest possible terms, to pass this emergency legislation. Also, I commend my colleagues, the distinguished Senators from Wisconsin (Mr. NELSON) and New York (Mr. JAVITS) and members of the Employment and Manpower Subcommittee for their hard work in developing such meaningful and useful manpower legislation.

TIME TO ACT ON PUBLIC SERVICE EMPLOYMENT

Mr. PELL. Mr. President, I believe now is the time to act to establish a public service employment program in the country.

For example, in my own State of Rhode Island, there is a 7.4 percent unemployment rate. The State government, despite the many additional demands put upon it to provide more services, must release employees because the State lacks the funds necessary to pay many of their employees.

The passage of public service employment program would not only reduce the rate of unemployment, but it would also provide for the provisions of many needed services.

I would hope that we do not allow partisan considerations to delay the establishment of this program.

Mr. HUMPHREY. Mr. President, I strongly support the Emergency Employment Act and urge its passage by the Senate. Endorsed by the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties, this act would enable some 150,000 unemployed persons to work in important public service jobs of immediate benefit to society.

The word, "Emergency," in the title of this act is entirely appropriate. Over 5.4 million Americans are currently unemployed, and almost one out of every 10 of them has been out of work for over 6 months. We simply cannot wait for any remodeling of Federal manpower services, for the critical need for jobs and income demands immediate action.

By apportioning up to $750,000,000, authorized by this act for the coming fiscal year, among States and local areas confronted with severe unemployment, we can help these governments as well as public and nonprofit agencies provide vitally needed jobs in such areas as health, education, transportation, the maintenance of public facilities and services, and community and rural development programs. Thus, it is totally wrong to look upon this legislation as another make-work program. In point of fact, this bill contains carefully drawn provisions to enable public service jobholders to obtain further training and locate other employment opportunities.

The sharp rise in unemployment across the Nation has created a crisis for hundreds of thousands of individuals and their families. Meanwhile, our States and cities have had to undertake extensive cutbacks in vital public services as costs outstrip revenues. Surely, these directly interrelated facts call for effective and urgent action by the Federal Government.

Last year in Minnesota, about 28,700 jobs were lost, raising the number of unemployed persons in the State to 78,000. A large number of these jobs were held by highly skilled persons in the defenses and computer industries. Must we continue to deny this resource of expertise, imagination, and solid ability to our society, in the name of controlling inflation and reorganizing Federal manpower services?

I hope that the Senate will give the administration an explicit answer that our immediate unemployment problems merit priority Federal action. Then, because this act is operative only during periods of high unemployment, the Senate must renew its highly commendable effort in the last Congress to draft comprehensive manpower reorganization legislation that assures the maintenance and expansion of effective programs and demands accountability for the expenditure of Federal funds to promote the substantial increase of job opportunities across the Nation.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that an additional committee staff member, Peter Benedict, may be allowed the privilege of the floor.

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

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

Mr. JAVITS. Mr. President, will the Senator withhold his request?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. Is this the quorum part of the unanimous consent?

Mr. BYRD of West Virginia. Yes, this will be a live quorum.

Mr. JAVITS. I thank the Senator.

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 called the roll, and the following Senators answered to their names:

[No. 33 Leg.]

Aiken	Fong	Nelson
Allen	Gambrell	Pastore
Allott	Griffin	Pearson
Bayh	Hansen	Pell
Bellmon	Hart	Prouty
Bentsen	Hruska	Randolph
Brock	Hughes	Ribicoff
Byrd, Va.	Humphrey	Roth
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, Idaho	Scott
Case	Kennedy	Sparkman
Chiles	Mansfield	Stennis
Church	Mathias	Taft
Cooper	McGee	Talmadge
Dominick	McIntyre	Williams
Eastland	Metcalf	Young
Ervin	Moss	

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business. I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Orgeon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson	Curtis	Muskie
Beall	Dole	Percy
Bible	Fannin	Proxmire
Boggs	Fulbright	Smith
Buckley	Hartke	Spong
Burdick	Hollings	Stevenson
Cook	Inouye	Symington
Cotton	Miller	Thurmond
Cranston	Mondale	Weicker

The PRESIDING OFFICER. A quorum is present. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, I yield to the Senator from Mississippi not to exceed 1½ minutes.

Mr. PROUTY. Mr. President, I move that S. 31 be recommitted to the Labor and Public Welfare Committee with instructions to further consider this bill and report it back to the Senate not later than May 4, 1971.

My motion stems from my optimism that the committee can, within the time specified, draft and report a comprehensive manpower bill to positively redirect our Nation's disparate job training efforts.

It is tempting to be swept along by the worthy intent of the bipartisan measure before us. One cannot ignore the compelling truths embodied in the measure's findings and purposes. I commend the sponsors, Democrats and Republicans, for their excellent intentions embodied in S. 31.

Unemployment is ravaging those in our society who suffer most, low-income persons, non-English-speaking persons, and young returning veterans.

Our hard-pressed States and municipalities operate on austerity budgets that deprive citizens of vital public services.

Put these two truths together and you have the findings of the bill. Propose that the unemployed be hired to bolster public services and you have the purpose of the bill.

It sounds simple, Mr. President, but it is not. There is a wide chasm between intent and implementation across which this measure provides only a rudimentary and shaky bridge. Its provisions are inadequate to insure that, if enacted, the intent of Congress will be realized in fact.

All the tools necessary to build a stronger bridge are available. All that is needed is a little time. Thirty-three days will be sufficient.

Mr. President, on March 16 I introduced the administration's Manpower Revenue Sharing Act of 1971 (S. 1243). I regret that the preparation of this measure was delayed and thus it was not ready for consideration by the committee during hearings on S. 31. This measure reflects the obvious need to unify manpower program resources under a single local authority. The bill would provide the States and major units of local government greatly expanded responsibility and flexibility in implementing manpower programs.

Of the revenue to be shared under this measure, some or all of the funds received by a State or local government could be used for transitional public service employment. This is clearly spelled out in the language of section 101(a)4(B) of S. 1243. Thus, the administration has recognized the need for and proposed to fund transitional public service employment as part of a sponsor's overall manpower strategy.

The essential ingredient in the administration's proposal is that the State or local government, as the prime sponsor, determines what portions of the manpower resources can most effectively be utilized in transitional public service

employment. Such employment is, therefore, part of a sponsor's overall manpower strategy, which is tied in with other essential training, counseling, and work experience components.

The day following my introduction of S. 1243, the Committee on Labor and Public Welfare, by a vote of 15 to 2, ordered S. 31 reported. I supported reporting the measure at that time, while noting that I might oppose the measure in the Senate if an accommodation could not be reached between S. 31 and the administration's revenue-sharing proposal, S. 1243.

Subsequent discussions toward this end reflected the good faith of the participants but resulted in no accommodation. I believe the failure to reach an accord was due in large part to the limited time available. I further believe that our discussions brought us almost within sight of an effective compromise on a comprehensive manpower package. I feel that with the time allowed by this motion, such a compromise can be achieved.

What remains to be resolved are the questions of proliferation versus consolidation of our manpower program sponsors and whether funds triggered in times of high unemployment should be used for a broad range of manpower programs or solely for public service employment.

I believe that if this motion succeeds, the committee can hold hearings on manpower legislation, draft a comprehensive manpower bill, and report back by May 4.

While there are other provisions in S. 31 that fall short of its worthy intent and portend poorly for the equitable and effective use of the sums authorized, I have intentionally limited my remarks to the major points that must and, I believe, can be resolved.

Mr. President, I ask unanimous consent that an outline of the problems attendant with this measure be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROUTY. I believe that with more time, further hearings, and discussions, we shall be able to develop a comprehensive framework of manpower services into which transitional public service employment fits as an integral component.

I have long supported the concept of federally supported public service employment, and I wish to see it become law in a carefully constructed framework, rather than in a jerry-built fashion.

I can only ask that Senators give careful consideration to the consequences of public service employment as a new, separate, categorical program layered on top of our existing manpower maze.

I can only ask that Senators give careful consideration to my request for 33 days' time in which to seek a solution to our differences. I believe they are not as great as they may have seemed when we were pressed for time.

I believe that those who we all seek to assist will be better served by further deliberations, rather than by hasty approval of a measure that might be vetoed if enacted in its present form.

If we are impatient to proceed, I ask only that Senators consider the present course on which we are set. I believe it is the wrong course, and the prudent course at this time is patience for 33 days.

I reserve the remainder of my time.

EXHIBIT 1

PROBLEMS ATTENDANT WITH S. 31 AS DISCERNED BY SENATOR PROUTY

There are fourteen problems which in total seem to defy refinement by the amendment process.

The problems I discern are:

(1) With no size limit on the eligible applicants detailed in Section 5 of S. 31, every county, municipality, township, school district and special district would be a potential applicant for funds. The Bureau of Census' 1967 Census of Government revealed 81,248 such independent units of government which could conceivably join the states and private non-profit agencies in a stampede on the funds authorized by S. 31, once triggered and appropriated. Such a potential proliferation of applicants moves our manpower efforts in the wrong direction, away from consolidation toward chaos.

(2) Section 6(c)(1) of S. 31 is drafted in such a way as to imply that funds under this Act would be used for "for profit" public works projects under contract from a sponsor. I do not believe that such profit-making activities are consistent with the intent of this legislation.

(3) Section 6(c)(3) of S. 31 in requiring "assurance that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment . . ." negates the concept of transitional public service employment as part of the job training processes.

(4) This bill, viewed in its entirety, is in direct conflict with the demonstrated need for local self-determination in the areas of manpower employment and training, and with the basic concept of revenue sharing which has strong support in principle from states and units of local government.

(5) S. 31 opens the door to improper infringement by the Federal Government into areas properly under control of the states. This, of course, flows from the broad authority and discretion vested in the Secretary of Labor and the lack of adequate limitations and controls.

For example, the authority given the Secretary in section 6(c)(14) to promulgate regulations requiring the reevaluation of state and local civil service requirements is completely inappropriate.

In 1966, a bill to amend the Wagner-Peyser Act was passed by the Senate. One of my amendments adopted at that time deleted authority given to the Secretary to interfere with state wage scales and state merit systems.

That bill was S. 2974, reported by our Committee, but not the bill submitted by President Johnson and endorsed by his Administration.

In testifying before our Committee on this subject, then Secretary of Labor Willard Wirtz detailed his personal convictions of the manner in which a proper Federal-State partnership relationship should be maintained.

With respect to S. 2974 and a similar House bill, Mr Wirtz stated that these bills:

"Provide the opportunity for a quite different Federal-State relationship . . . by permitting greater federal control."

"The provisions of these bills do not seem to fully recognize the division of authority between the Federal Government and the States which is needed in a Federal-State partnership. Rather, they give almost complete authority to the Secretary, who can in turn utilize State agencies as his agents in carrying out his authority."

I submit, that this comment is completely relevant with respect to the pending bill.

(6) The requirements in Section 7 that Governors, local governments, and Community Action Agencies be afforded the opportunity to comment on lengthy and detailed applications required by Section 6 would, if followed, be unwieldly to administer. If such comments are required, they should be reviewed by the Department of Labor. Such reviews would require an army of bureaucrats and an inordinate amount of time inconsistent with the emergency nature of this legislation.

(7) The apportionment formula in Section 8 requires the Secretary to apportion funds on a basis for which no data exists at the city and county level. Detailed data would have to be developed. Here again the delays attendant with the development of the data are inconsistent with the emergency nature of this legislation.

I also am distrubed by the loosely-drafted apportionment formula, which seems to me a throwback to the mid-1960's when funds allocated under the Manpower Development and Training Act were shifted by the Secretary of Labor from rural to urban areas. My 1968 amendments to MDTA corrected these abuses and I cannot support a reversion to broad discretionary apportionment powers such as contained in Section 8.

My apprehension in this instance stems from my concern, bolstered by experience in the 1960's, that our rural areas are discriminated against in the absence of safeguards as to the allocation and duration of availability of funds.

(8) The 20 percent set aside of funds for use by the Secretary of Labor specified in Section 9 is contrary to our manpower experience, which dictates that the decision on mix of services and allowances, program design and responsiveness to the needs of the unemployed are matters which can best be locally determined. I am also opposed, in principle, to the authorization of appropriations in the amount of $350 million to be spent as the Secretary of Labor pleases. The language of Section 9 can best be described carte blanche.

(9) Again in Section 10 the Secretary of Labor is given unbridled authority to spend "such amount as he deems necessary to provide for continuing evaluation of programs assisted under this Act and their impact on related programs". I endorse the concept of ongoing evaluation of all programs, but in principle I object to the unlimited authority granted to the Secretary to spend funds appropriated pursuant to this Act.

(10) Section 10(a)(2) seeks to answer the problem of what happens to those employed pursuant to this bill when funds are detriggered. The language requires the sponsor to make "maximum efforts" to find other employment or "training opportunities" for these employees. The impact of this provision on other "training opportunities", i.e. manpower programs, has not been clearly thought out. "Employees" under the provisions of S. 31 would not be eligible for the majority of other manpower programs. Legislative enrollment standards of the Economic Opportunity Act and Work Incentive Program (Social Security Act, Title IV) would exclude most S. 31 employees from consideration. The same holds true for many categorical programs funded under MDTA.

(11) Section 11(a)(2) of this Act provides for wage floors for those employed under S. 31 without providing a wage ceiling. I do not believe Congress intends that public service employment should include $20,000 a year administrators or public relations men. Yet, without a wage ceiling on compensation, high paying programs could be created that would lure persons in low-paying jobs into the public service slots and provide a disincentive for those employed under the pro-

gram to move to permanent private jobs or public jobs not subsidized by this bill.

(12) Section 11(a)(3) could not be applied. An employee under the S. 31 program could not be eligible for retirement, health insurance, etc., unless the employer could view him as a permanent worker in a permanent job slot. Permanent, federally-subsidized public service employment is not the expressed intent of S. 31. How can the provisions of Section 11(a)(3) possibly be implemented when funds authorized under this bill are only a "shot in the arm"?

(13) Section 11(h) of S. 31 is not adequate civil rights language. While it seeks to protect an employee hired pursuant to S. 31, its protection falls short in that the nondiscrimination provision is not applied to the administrative, technical, supervisory and other "overhead" staff of the sponsor. Nondiscrimination with regard to those employed can only be achieved if the sponsor's staff has been established on a nondiscriminatory basis.

(14) The definition of "unemployed" found in Section 13(7) poses many practical problems, since apportionment of funds under Section 8(a) is based on the number of unemployed and rate of unemployment. The definition of Section 13(7) is not consistent with current statistical standards and will require the creation of a duplicate data collection system, yielding results that are inconsistent with the accepted concepts of unemployment.

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

Mr. PROUTY. I yield.

Mr. DOMINICK. I congratulate the Senator for putting into very clear context this motion to recommit. It is not designed to kill the bill. It is designed to try to work out some compromise between the present bill, as I understand it, and S. 1243, which was introduced by the distinguished Senator from Vermont and cosponsored by me.

It seems to me that the few days we are talking about are not going to create much problem, because before this bill could become effective, it would have to go through the House and conference and then there would have to be a national index of 3 months or more of a certain unemployment rate.

So we are not delaying things, in the way of trying to provide legislation which will be of assistance. I think, rather, we are working in the right direction to try to provide better legislation for the problem we all face.

Mr. PROUTY. I thank the Senator for his remarks. That is exactly what we are trying to do.

Mr. President, I ask for the yeas and nays on the motion.

The yeas and the nays were ordered.

Mr. PROUTY. Mr. President, I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. NELSON. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I see no reason to recommit this bill. We had hearings last year. We had a bill that was different in several substantial ways go down to the White House and be vetoed. We have come back and again had hearings. We have produced a bill that goes a long way to meet many of the major objections that led to the veto in the first place. I think we have moved toward the President's position on several matters of real substance.

This is not a permanent employment bill. It is an emergency bill. Recommittal would act as if we have no emergency, that there is no unemployment facing our country.

The desire here is to get going with a bill that will meet the problem now. If it were passed now, there would be employment for at least 150,000 unemployed Americans by this spring or summer, if the other body acts with the dispatch that this body does, and if the President does not veto it—and I do not think he has any grounds for vetoing it so that it will not be vetoed—we would at least make that dent in unemployment now and demonstrate that the program could work, and then have a full opportunity with the permanent legislation that comes before us to make a wise decision based on the experience with this or that bill.

I urge the Senate to vote not to recommit this measure.

The PRESIDING OFFICER (Mr. BROCK). Who yields time?

Mr. NELSON. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, this is another opportunity for the Senate to act.

There is trouble in the countryside. The cities and towns, the States and, indeed, the Federal Government, are ready to utilize manpower that lies dormant or unused.

It is a capital crime to permit unemployment when this Nation needs men and women on the job.

This Congress has an obligation to provide employment. If the private sector cannot provide it, then the Government must.

One of the new bill of rights of the 20th century should be the right to gainful employment, the right to obtain work and earn one's way.

I hear about the program for reorganization. They say we have to recognize the Government.

I suggest that we start to govern and start to get things done. It will take some time to get reorganization. Maybe reorganization is needed. But I tell you, Mr. President, what is needed more than reorganization is jobs—j-o-b-s.

They can be fulfilled immediately. There is not a city in America that does not have a list of jobs waiting to be fulfilled.

This emergency act is desperately needed. It should have been signed into law a year ago. The unemployed people should have been at work. The country has suffered. The people have suffered. The economy has suffered.

I submit, Mr. President, that if we do not do something about it, some of us will suffer, so I think it is about time to act.

Mr. NELSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, as to the suggestion of the distinguished Senator from Vermont that we recommit the bill back to committee and reconsider it, I understand he expressed his hope that we could come out with a comprehensive manpower bill and consider the President's manpower revenue sharing bill. Is that correct?

Mr. PROUTY. That is correct. And I would hope that many of the provisions in S. 31 would be included in such a comprehensive manpower measure.

Mr. NELSON. I thank the Senator.

I understand the Senator's intent. We do need to pass comprehensive manpower reform legislation. We did it last year by a large majority and the President vetoed it. This is an emergency public service employment bill before us now. If we are going to do something, we need to pass it soon.

The subcommittee is now conducting hearings on the administration's request for legislation providing for an extension of the Economic Opportunity Act, which expires at the end of June. We hope to complete the hearings on the OEO legislation and mark up the bill, and finish that by late May or early June. So that the earliest we would be able to take up the question of comprehensive manpower reform, and the President's newly introduced proposal, as well as other proposals that will be before the committee, would probably be some time in June. When we conducted hearings and the markup of the comprehensive manpower reform bill, starting more than a year ago, it took us 10 months for the hearings, the markup, the debate, and passage of the bill in both Houses of Congress. It will not, I think, take 10 months this time, but I do not see any possibility of having comprehensive manpower reform legislation passed in both Houses of Congress to go into effect prior to some time next year. It just is not in the cards.

So that would be my objection to recommittal of this emergency bill. I hasten to say that we do need comprehensive manpower reform legislation. I shall be conducting hearings and we will get it out as fast as we can. To recommit the pending emergency bill would constitute a fatal delay, considering the objectives and the purposes of this bill to provide jobs in the immediate future.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. NELSON. Does any Senator wish time on the bill at this time? If not, I am prepared to yield back my time.

Mr. PROUTY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes.

Mr. PROUTY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, I think

we should recognize, first, that this is not a bill which will take care of large numbers of the unemployed. At most, some 150,000 jobs would be created under the provisions of this legislation.

Certainly, if we can provide 150,000 jobs for unemployed persons, that will be a worthwhile effort. However, this bill does not create the massive programs which I think many people have been led to believe it will create.

Mr. President, earlier, I referred to this as a bipartisan bill. It has a number of Republican sponsors. But I think some Republicans may have sponsored S. 31 primarily because of their interest in the overall objective. I do not think all were aware of the provisions of the bill as it finally emerged from committee.

I think, Mr. President, that the two bills, the administration's Manpower Revenue Sharing Act of 1971, and S. 31, can be combined and enacted at about the same time. No one wants to wait for a year or two before putting such a comprehensive program into action.

Mr. President, although I cannot speak for the administration, I would guess that so far as the money is concerned, there would be relatively little difference between the two proposals for triggering extra manpower funds in times of high unemployment.

I also believe that we must recognize that the mayors and the Governors of our Nation, and the people throughout our country, are concerned with the enormity of the problems confronting them now. They rightfully insist on revenue sharing. It seems to me that my motion provides us the opportunity to combine the best features of S. 31 and the administration's manpower revenue sharing bill, enact a comprehensive manpower bill promptly and implement workable job training programs with dispatch.

Mr. President, I hope very much that the motion to recommit will be agreed to. Let me point out again that this motion is not a move to kill the bill but merely offers a chance to analyze it in all its complexity and report it back with instructions by May 4.

Let me raise one or two questions with respect to the present bill. Once detriggering is announced, can we reasonably expect to leave the sponsors of cities and States either to pick up the tab or to turn the S. 31 employees out? Also, with the prevailing rate-of-pay provision are there any incentives for those employed under S. 31 to seek a permanent job if available? I think we will find that, in many cases, people who are now employed will leave their jobs and become involved in this program because of the lure of a higher income.

There are many aspects of this bill that compel further study. These are outlined in the material I have earlier inserted in the RECORD. I would suggest that we have not given sufficient thought to the complexities of S. 31 with which we are confronted at the present time.

I hope very much that we will return the bill to the committee for a brief period of time and that by May fourth we can bring out a bill which will be broader in scope and more responsive to our needs than the one we are considering at the present time.

Mr. President, unless there are further requests for time over here, I am willingly to yield back my time.

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

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

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Oregon (Mr. HATFIELD). If he were present and voting, he woud vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would change my vote. Therefore, I withdraw my vote.

Mr. FANNIN (after having voted in the affirmative). I have already voted "yea." I have a pair with the Senator from Arkansas (Mr. MCCLELLAN). If he were present and voting, he would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). I have already voted in the negative. I have a pair with the distinguished senior Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "nay." If I were allowed to vote, I would change my vote to yea; having already voted in the negative. I, therefore, withdraw my vote to pair with the Senator from Washington (Mr. MAGNUSON).

Mr. BYRD of West Virginia: I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) would each vote "Nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "Yea."

The pair of the Senator from Oregon (Mr. HATFIELD) has been previously announced.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Texas would vote "Yea" and the Senator from Massachusetts would vote "Nay."

The result was announced—yeas 29, nays 44, as follows:

[No. 34 Leg.]

YEAS—29

Aiken	Cooper	Jordan, Idaho
Allen	Cotton	Miller
Allott	Curtis	Prouty
Beall	Dole	Roth
Bellmon	Dominick	Stennis
Boggs	Eastland	Taft
Brock	Ervin	Thurmond
Buckley	Fong	Weicker
Byrd, Va.	Hansen	Young
Cook	Hruska	

NAYS—44

Anderson	Hughes	Pell
Bayh	Humphrey	Percy
Bentsen	Inouye	Proxmire
Bible	Javits	Randolph
Burdick	Kennedy	Ribicoff
Cannon	Mathias	Schweiker
Case	McGee	Scott
Chiles	McIntyre	Smith
Church	Metcalf	Sparkman
Cranston	Mondale	Spong
Fulbright	Moss	Stevenson
Gambrell	Muskie	Symington
Hart	Nelson	Talmadge
Hartke	Pastore	Williams
Hollings	Pearson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Griffin, for.
Mansfield, for.
Fannin, for.
Byrd of West Virginia, for.

NOT VOTING—23

Baker	Harris	Montoya
Bennett	Hatfield	Mundt
Brooke	Jackson	Packwood
Eagleton	Jordan, N.C.	Saxbe
Ellender	Long	Stevens
Goldwater	Magnuson	Tower
Gravel	McClellan	Tunney
Gurney	McGovern	

So Mr. PROUTY's motion to recommit the bill was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TAFT. Mr. President, I send amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments, as follows:

On page 26, line 11, strike out through line 14.

On page 31, line 22, beginning with the

word "whichever" strike out down through "(B)" on page 32 line 1.

On page 32, line 3, beginning with the word "or" strike out down through line 5, and insert in lieu thereof the following: "and not higher than $500 per month each;"

On page 32, line 8, strike out "retirement".

On page 33, line 7, strike out through line 13.

The PRESIDING OFFICER. Does the Senator from Ohio request that the amendments be considered en bloc?

Mr. TAFT. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc.

The Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment (Mr. TAFT) and the manager of the bill (Mr. NELSON).

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Temporarily, Mr. President.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. NELSON. I reserve the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. NELSON. Would the Senator from Ohio advise us as to whether he has a copy of the amendment. We do not have it.

Mr. TAFT. I have a copy of the amendment. I am sorry.

Mr. NELSON. Mr. President, I have no objection to the proposed unanimous consent agreement.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent agreement? Without objection, the request is agreed to.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendments at the conclusion of the time allotted on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? Does the Senator from Ohio desire recognition?

Mr. TAFT. Yes, Mr. President.

The PRESIDING OFFICER. How much time does the Senator from Ohio yield to himself?

Mr. TAFT. The Senator from Ohio yields himself 10 minutes.

Mr. President, the purpose of this amendment is a general one. While there are four separate sections to it, its purpose is to try to make this a transitional bill, to try to make it a bill which will broaden the impact and direct it primarily toward doing something about unemployment in this country.

As was pointed out in the discussion on the bill generally today at an earlier time, the maximum number of jobs involved under the bill in any event is 150,000, if the average pay per employee under the bill is to be $5,000.

There was a great deal of testimony in the record before the committee to the effect that the intention of the cities and States involved in connection with this bill was to hire skilled personnel, to get them to work on particular projects for which they had been unable to hire such people previously.

I am afraid the purposes are conflicting. That purpose, to me, conflicts with what ought to be the primary purpose of this bill. To attempt to correct the purposes, these amendments have been drafted. I shall review them very briefly.

The first of these amendments, on page 26, would strike out lines 11 through 14. This provision in the bill refers to and I quote:

> The wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer.

In other words, persons employed under this act would have to be paid the going rates which employees employed by a city or State, or whatever other body might employ them, would pay them. This is basically a mandatory provision.

I point out one or two ways in which it could be clearly alarming in some districts, and I know that is particularly so with reference to the pay scales of police officers in some municipalities in Ohio. It would have the effect of requiring for men employed in this area a wage rate in excess of the rates already being paid those police officers by a particular municipality. The prevailing rate in Cleveland—and it says the rate shall be at least as high as that paid anybody else in the entire State—is a great deal higher than the rate in Cleveland Heights or some other city of that particular county.

If anybody were employed under this act, we would automatically find there was a conflict between the rate paid people presently permanently employed and those who would be temporarily employed in that same type of work. The purpose of my amendment is to eliminate that conflict.

One other purpose of the amendment is to make it more possible to meet other purposes of the act in connection with employment of disabled veterans, whose capacity to work may be somewhat limited but who might not be hired under the bill if this provision were not in it.

Then there are the disadvantaged people. We talk about hiring disadvantaged persons by establishing realistic standards which they can meet for the practical purpose of getting the job done, but who might not be able to measure up to the standards usually required.

Those are some aspects of the amendment which is designed to make it a sound provision and to broaden the base of that provision.

The next amendment provides on page 31, line 22, beginning with the word "whichever," strike out down through "(b)" on page 32, line 1. It would prevent application of the Federal minimum wage laws being imposed upon public service employees, which would be the situation with regard to the public service employees hired under this law unless this provision is changed. It retains the requirement that State and local minimum wages be observed.

Again, it is a matter of broadening the provision and trying to get jobs to people who need them most, who need the training and the skill, who may be particularly oriented toward public employment, trying to get to them and allowing them to take advantage of this particular provision of the act.

The next provision is a very simple one. It puts a limitation, which I strongly feel should be applied, upon the top pay to be received by any employee under this bill.

Admittedly, it rules right out of the bill, unless they are willing to take work at a salary limit of $6,000, specialists, professionals, skilled persons. Particularly it rules them out if we retain the provision now in the bill, because it might require pay of $25,000, $30,000, or $35,000. When we have only $500 million being authorized here for what would be only 150,000 jobs, and we have an unemployment roll of somewhere near 5,440,000, it seems to me it makes good sense to put a top limitation of this type in the bill and try to orient it toward doing something about unemployment.

I am not against cities hiring more people, if they need them to do public service jobs, but they ought to, under the Federal sharing provisions, hire employees they want to hire and pay what they want to pay them under the program.

The next provision would remove a provision which I think is completely contrary to the transitional nature of the program proposed under this bill, by taking the word "retirement" out of the benefits required to be paid to employees hired under the provisions of this bill. Inasmuch as it is a transitional bill, it seems to me that retirement benefits are not properly considered under it, and one should look to permanent employment if he is going to talk about retirement benefits.

Mr. NELSON. Mr. President, will the Senator yield at that point?

Mr. TAFT. I am happy to yield.

Mr. NELSON. If the Senator wants to consider separately the amendment to delete the reference to retirement benefits, I would be willing to accept the removal of the word "retirement" from the bill.

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

Mr. TAFT. I am glad to yield to the Senator from New York.

Mr. JAVITS. I have discussed that with the Senator from Wisconsin. That would be a very desirable improvement, and I thoroughly agree that on a short-term bill, we should leave out the complexities of the matter of retirement.

I think the Senator from Ohio has made a distinct contribution to the bill in that respect. As to the other parts of his amendment, there is considerable concern.

If we set a roof of $500 on compensation, for example, and a man has four, five, or six children, he is within the poverty level at $500 a month. As a matter of fact, under present conditions he is probably within the poverty level at $500 a month with two children.

Mr. PASTORE. Mr. President, we cannot hear the Senator from New York.

Mr. JAVITS. I apologize to my colleague. I should use this marvelous device which I urged for so many years.

Mr. President, I am just saying to my colleague from Ohio that I would hope that he might consider some rewriting of his amendment respecting the prevailing wage and the minimum wage. I think it is too restrictive. I think the ceiling is too tight. As a matter of fact, I think a ceiling is impracticable. But I think maybe we can work up something, if we pass this one by and go to his next one, that will give an indication of our purpose to the Secretary, plus some discretion in the Secretary, and take us off the automaticity which I think he objects to with respect to the three categories in this provision.

Mr. TAFT. I thank the Senator for his remarks. Unfortunately, the problem is that the committee, in other statements and other provisions in the bill, plus a good deal of evidence that was put in during the hearings before the subcommittee, would seem to indicate that the intention is to hire substantially paid professional and skilled personnel, with a prevailing wage provision to pay them rather high salaries.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. TAFT. Mr. President, I believe that I have the time.

The PRESIDING OFFICER. The Chair is advised that the time was equally divided between the Senator from Ohio and the Senator from Wisconsin. The Senator's 10 minutes have expired.

Mr. NELSON. Would the Senator like some more time?

Mr. TAFT. I would like a minute or two.

Mr. NELSON. I yield the Senator 2 minutes from my time.

Mr. TAFT. There is one other provision in this amendment we have added, which I think should be mentioned. We have discussed it earlier in the discussion on the bill. That is the removal of the provision, on page 33, requiring notification to and comments upon proposed projects or programs by the Secretary to labor unions representing employees engaged in similar work in the same labor market area to that proposed to be performed under any program.

This certainly would be wholly impracticable without a clarification or definition of just what is a labor organization which represents employees. Is this a certified organization under the National Labor Relations Act? Is it one that even has a national vote, or is it one which just claims it represents the employees? How many such labor unions are there in any particular area? How is the Secretary going to know about it, and, if the Secretary does decide that he wishes to notify them or does not wish to notify them, what sanction is there under the bill?

I believe it is a wholly impracticable and unusable provision, under this particular bill.

These are a framework of amendments which I think fit into one pattern, to try to broaden the base of this bill and truly direct it toward the unemployed—to use the public service transitional concept in the bill, but direct it toward helping the people who need help most.

Mr. President, I yield back whatever time may remain to the Senator from Wisconsin.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin yield 30 seconds to me?

Mr. NELSON. I yield the Senator 30 seconds.

Mr. JAVITS. Mr. President, I demand a division of the amendment. As I read it, it is in three parts.

The PRESIDING OFFICER (Mr. BROCK). The Chair advises the Senator from New York that unanimous consent has been granted to consider them en bloc.

Mr. JAVITS. Was this done at the beginning?

The PRESIDING OFFICER. It was done at the beginning of the consideration of the amendments.

The Senator from Wisconsin may proceed.

Mr. NELSON. Mr. President, this amendment, among other things, would remove the requirement that, in public service employment supported under this legislation, the Federal minimum wage be paid, or the prevailing rate for that particular job in that particular municipality, wherever the employee is employed.

We considered this matter very carefully, and felt we should not be putting Federal funds in to support public service employment programs where the job paid less than the Federal minimum wage, which is $1.60 an hour.

I think almost everyone agrees on this. If someone takes a job in the field of public employment, he should get the rate of pay that that particular job pays, because you do not expect someone to work side by side with another person being paid 10, 20, or 30 percent less than his fellow worker doing exactly the same work.

So the committee, I think, was agreed on the concept that we would pay the Federal minimum wage or the prevailing rate for that particular job. That is the essence of what the amendment would delete from the bill reported by the committee.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. DOMINICK. It would be possible, for a person with the same skill getting less than the prevailing rate of pay, for the local governments to make up the difference, would it not?

Mr. NELSON. I did not understand the question.

Mr. DOMINICK. I think the Senator was commenting on the fact that he did not want someone hired under this program to get less pay than someone else who was not hired under this program. The point I was making is, you could pay them less under the Federal Government subsidy, and make up the difference.

Mr. NELSON. Who would make up the difference?

Mr. DOMINICK. The local government, or whatever organization was hiring the person.

Mr. NELSON. Under the bill, the Federal Government is authorized to pay up to 90 percent of the cost. A job has to pay $1.60, which is the Federal minimum wage, or the prevailing rate for that job. How would the Senator from Colorado rectify the situation so that an employee would not get less than the prevailing wages for employees doing the same job. He would have the municipality pick up the difference, is that what he is saying?

Mr. DOMINICK. All I am saying, in response to the Senator's response to the Senator from Ohio, is that if in fact someone was coming on to this program at a level which was lower than that paid someone doing similar work with similar skills, the difference between what would be paid under the program and raising it to the level of the salary the other person doing the same work would be paid either by the municipality, the local government, or the private or public organization which was going forward with the program.

Mr. NELSON. It could be.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. NELSON. I yield back the remainder of my time.

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

Mr. NELSON. I think my time is gone.

Mr. MILLER. Mr. President, may I ask what the situation is on the time?

Mr. NELSON. I had 3 minutes remaining. The time of the Senator from Ohio has expired. I yielded my 3 minutes back.

Mr. MILLER. Would the Senator withhold that and permit me to speak?

Mr. NELSON. Mr. President, I ask unanimous consent that I get back 2 minutes.

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

Does the Senator yield to the Senator from Iowa?

Mr. NELSON. I yield whatever time the Senator needs.

Mr. MILLER. I thank the Senator.

Mr. President, if I could have the attention of the Senator from Ohio and the Senator from Wisconsin, there may be a way out of this momentary impasse.

I am reading now from the food stamp bill we passed in the Senate last December. We had this very problem in our conference committee with respect to this type of wage scale. Let me read the language and see whether it might serve to be the approach we could use in this instance.

We refused the eligibility of someone who "has refused to accept employment or public work at not less than, first, the applicable State minimum wage, second, the applicable Federal minimum wage, third, the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or $1.30 per hour if there is no applicable wage as described in first, second, or third."

We said this: If this person is in a

position that is covered by the Federal minimum wage, that will apply. If he is in a position that is not covered by the Federal minimum wage but is covered by a State or local minimum wage, that will apply. If there is an applicable wage established by a valid regulation, that will apply. Finally, if none of these conditions apply, it will be $1.30 per hour. It seems to me that this is a pretty sensible approach. We spent a great deal of time on it in the conference committee between the two Houses.

Mr. NELSON. Mr. President, will the Senator yield at that point?

Mr. MILLER. I yield.

The PRESIDING OFFICER. The Chair advises the Senator from Wisconsin that all time has expired.

Mr. NELSON. I got only 2 minutes back. I ask unanimous consent that the other minute I yielded back be given to me.

Mr. MILLER. Mr. President, this is an extremely vital part of the consideration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 6 minutes, to be equally divided between the manager of the bill and the distinguished Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. NELSON. I yield myself 2 minutes.

This is the problem with that suggestion: With a minimum wage of $1.60, if a man or a woman works full time, 8 hours a day, for a year, he or she will receive $3,328. The poverty level for a family of four is $3,800. The Labor Department minimum urban income budget is $6,900. So even at $1.60, this person will be working at almost $500 a year under the poverty wage. I do not think we ought to endorse a payment for a public service job that is more than $500 below the minimum wage for a family of four.

I reserve the remainder of my time.

Mr. TAFT. Mr. President, with regard to the proposal made by the Senator from Iowa, I think it certainly is a vast improvement over the language presently in the measure before the Senate. I question whether it really is an improvement over the provisions we have, letting the State and local minimum wage apply.

One of the problems is that I do not know whether these people are Federal employees or not. The language suggested by the Senator would bring in the Federal minimum wage in a case where one worker was under the Federal minimum wage, working right alongside another worker who was not. The fact is that many public employees are working today at salaries under the poverty level. They may lose their jobs if their salaries are raised over the poverty level and if it is provided that all employees in the particular situation will receive additional pay, without providing the municipality with the wherewithal to pay it.

The whole problem and the confusion emphasize once more that this is not really a single purpose bill; it is a double purpose bill. If it were just aimed at employment, we would be going the way my amendment is going. It is aimed at providing a lot of public service jobs to a lot of municipalities and States and other public bodies which are short on funds, because of the deficiencies of our revenue system in this country, not because of unemployment.

We were talking about New York City a few minutes ago. In New York City, Mayor Lindsay says they could use 50,000 to 100,000 additional public service jobs. I am sure they could. Yet, as the Senator from Michigan has said, the rate of unemployment in New York City is 4.5 percent.

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

Mr. TAFT. I yield.

Mr. MILLER. I want to emphasize that the Senate decided on these provisions last December. The Senator from Wisconsin was not heard to complain about them. These provisions relate to public work, and I fail to see why he is objecting to it now, if he did not object to it last December. This attempts to bring order out of a chaotic situation. All I am saying is that the Senate decided, Congress decided, that these various positions would be covered by the applicable law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, it is my understanding that what we are trying to do here is to find a job for an unemployed person before he goes on relief and not spend a great deal of money to try to train him to get a job after he gets on relief.

If we are going to tamper with the wage level, I am afraid that we are going to make it very attractive for an unemployed person to go on relief rather than take the job, and I hope we will follow the committee and avoid this.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, do I have 1 minute remaining?

The PRESIDING OFFICER. Yes.

Mr. NELSON. In response to the distinguished Senator from Iowa, let me say that the food stamp plan set a wage standard for jobs in private employment one had to take, if available, to be eligible for food stamps.

Mr. MILLER. Mr. President, I must invite the Senator's attention to the language which refers to public or private——

The PRESIDING OFFICER. Does the Senator yield?

Mr. NELSON. I think it is mostly private. In any case, let me cite one statistic: Working full time, 8 hours a day, for a year, under the $1.30 rate, one would receive $2,704. I think it would be immoral for us to endorse so low a wage.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendments of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Washington (Mr. JACKSON). I have already voted in the negative. If he were present and voting, he would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from California (Mr. TUNNEY), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) and the Senator from Arkansas (Mr. McCLELLAN) are absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Texas would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT), is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 27, nays 50, as follows:

[No. 35 Leg.]

YEAS—27

Allott	Dominick	Pearson
Beall	Ervin	Prouty
Bellmon	Fannin	Roth
Boggs	Fong	Stennis
Brock	Griffin	Taft
Buckley	Hansen	Talmadge
Cotton	Hruska	Thurmond
Curtis	Jordan, Idaho	Weicker
Dole	Miller	Young

NAYS—50

Aiken	Burdick	Cook
Allen	Byrd, Va.	Cooper
Anderson	Byrd, W. Va.	Cranston
Baker	Cannon	Eastland
Bayh	Case	Fulbright
Bentsen	Chiles	Gambrell
Bible	Church	Hart

Hartke	Metcalf	Ribicoff
Hollings	Mondale	Schweiker
Hughes	Moss	Scott
Humphrey	Muskie	Smith
Inouye	Nelson	Sparkman
Javits	Pastore	Spong
Kennedy	Pell	Stevenson
Mathias	Percy	Symington
McGee	Proxmire	Williams
McIntyre	Randolph	

PRESENT AND ANNOUNCING, AS PREVIOUSLY RECORDED—1

Mansfield

NOT VOTING—22

Bennett	Hatfield	Mundt
Brooke	Jackson	Packwood
Eagleton	Jordan, N.C.	Saxbe
Ellender	Long	Stevens
Goldwater	Magnuson	Tower
Gravel	McClellan	Tunney
Gurney	McGovern	
Harris	Montoya	

So Mr. TAFT's amendments were rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 20, line 12, between the words "providing" and "employment", insert the word "transitional".

On page 20, line 21, between the words "for" and "public", insert the word "transitional".

On page 21, line 4, between the words "with" and "employment," insert the word "transitional".

On page 21, lines 14 and 15, between the words "providing" and "employment", insert the word "transitional".

On page 24, line 3, between the words "provide" and "employment", insert the word "transitional".

On page 24, at line 15, strike subsection (4) in its entirety and substitute in lieu thereof the following new subsection (4):

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. DOMINICK. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. JAVITS. Mr. President, reserving the right to object, we have had that experience before. If the Senator will give me a moment to look over the amendments, I am sure they will be all right; but I do ask that he be kind enough to withhold his request.

Mr. DOMINICK. Very well. Before I ask unanimous consent, I will go forward and explain the amendment. I do not think we will need a rollcall on the amendment after the Senator has had an opportunity to read it.

When the debate on this bill began, I stated that I was concerned all the way through that we were not providing just transitional jobs but jobs that might become permanent in nature, because of the pressure that would be created to reauthorize this program after 2 years.

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

Mr. DOMINICK. I yield.

Mr. JAVITS. If the Senator will be kind enough to make his unanimous consent request, I have no objection.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

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

Mr. DOMINICK. Mr. President, it is my hope that by putting in the word "transitional' wherever we find reference to public employment we will make crystal clear what I think was the intent of the bill originally. It is for that reason I have offered the amendment.

The last portion of the amendment, a copy of which is on the desk of each Senator, simply takes the definition out of subsection 4, page 24, and substitutes for it the definition under the same type language which is in S. 1243; and it therefore comes closer to what I believe is the intent of the Senator from Wisconsin.

It is my hope that the Senator from Wisconsin will accept the amendment.

Mr. NELSON. As I understand it, the only purpose the Senator is seeking to accomplish is to make clear that these are transitional and not permanent jobs, and that one of the objectives is to seek to move them out of employment supported under this act into permanent public or private employment.

Mr. DOMINICK. The Senator is totally correct.

Mr. NELSON. I think that is a perfectly sound amendment, in language that perhaps we should have placed in the bill ourselves. I agree with the objective. I am willing to accept the amendment.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment. (Putting the question.)

The amendment was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 32 line 8, strike out retirement.

Mr. TAFT. Mr. President, the purpose of this amendment is to take the retirement aspect out of this transitional employment program and, as indicated earlier in debate, this would probably be agreeable to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I think the amendment is perfectly sound. I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. (Putting the question.)

The amendment was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 32, line 5, after the word "employer" insert the following: ", but provided that in no event shall the wages paid to any individual employed under this Act exceed the sum of $600.00 per month;".

Mr. TAFT. Mr. President, the effect and purpose of this amendment is somewhat similar but would operate differently from the amendment over which we had a good deal of discussion just a few moments ago. The amendment would leave in the bill section 11(a) (1) and (2), pages 31 and 32. Section (2) provides that "wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended * * * (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

However, the amendment would go on and place a limitation on these minimum provisions to require that there be no higher level of pay than the $600 figure.

I would like to point out once more that if we are to meet this problem, it is estimated that at the $5,000 per year figured we would see the possibility of employing 150,000 of the 5,440,000 unemployed. As the average goes up the number of jobs go down.

I have a few figures in this connection. At $1.60 an hour the average pay per year would be $3,328. Obviously we are not going to hit that average, but that would be 225,000 jobs. At the $2 an hour figure the average pay per year would be $4,160, with a possibility of 180,000 jobs. At $3 per hour the figure is $6,240 annual salary, and that is approximately where this amendment would take it. If that were averaged out, Mr. President, you would have 120,000 jobs, down from 150,000 jobs. It seems to me this is a reasonable limitation. If we go to $5 an hour, the annual salary would be $10,400 and we could only handle 72,000.

This is a reasonable limitation and I hope it is accepted.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be limited to 20 minutes, to be equally divided between the distinguished Senator from Ohio (Mr. TAFT), the mover of the amendment, and the distinguished manager of the bill, the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Mr. President, I am willing to cut it to 10 minutes for each side, if the Senator is. I will use 5 minutes.

Mr. TAFT. I will be glad to do so.

The PRESIDING OFFICER. The request is for 10 minutes to be equally divided. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment offered by the Senator from Ohio (Mr. TAFT).

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I think this question should be left open and the decision on salary levels should be left up to the employing city or State with the approval of the Secretary, which is in the bill. Under the President's manpower revenue sharing bill no ceiling is

put on the amount that can be paid by a municipality for public service work.

I do not see why we should take a position or a stance on public service employment different from the administration's own bill on manpower revenue sharing.

Next, that wage level will, for all practical purposes, eliminate Seattle from participation in the program, because it has a limitation of $7,200. Skilled technicians for all practical purposes, would be eliminated under this amendment.

I think it is better to leave the matter of salary levels to the judgment of the city, the States, and the Secretary of Labor.

Mr. President, I yield 1 minute to the Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President, about 10 days ago it was my privilege to attend a conference being held at the National Academy of Engineers, one of the most prestigious academies, along with the National Academy of Sciences. We were discussing this whole subject of unemployment with many of the scientists, technicians, and engineers. I was asking them for guidance as to how best we might find ways and means to assure them of productive work and utilization of their talents. Almost to a man, the board meeting in that session said, "Mr. Humphrey, these men and women are needed in local government and State government. They are needed for example"—he mentioned my own State, where we have a crucially understaffed pollution control agency, as we have strict pollution abatement control laws being adopted. They are needed for city planning. They are needed by cities planning public transportation and mass transit systems.

I think it would be a mistake to put this limitation in the bill. I think it should be known that the possibilities of employment of technicians and engineers at wage levels above $600 a month would be limited, but I think this type of restriction would not be in the public interest, and I would hope it would not be agreed to.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

With regard to the remarks of the Senator from Minnesota, I concur that there is great need for these skills in State and local governments throughout the Nation. However, I do not think we should confuse that need with an emergency employment bill to give employment to those in this country who need it most.

If we are going to finance that kind of provision, we ought to finance it. I have voted for many pollution control bills and many other bills to provide funds to State and local governments. If we go ahead with the revenue sharing program, States can go ahead with their programs with permanent employees, with security rights, and not with second-class employment which is a passing employment only because of the unemployment situation.

These people ought to be employed and used, but let us not confuse two programs. The point I make is that the bill does confuse the two. This bill, being an emergency authorization bill, ought to be directed to the low-level pay people who need it most.

Mr. HUMPHREY. Mr. President, my only comment to the Senator from Ohio is that the limitation he seeks to place in the bill is a total restriction. If it is left out, it permits the discretionary judgment of local, State, and other officials who would be doing the hiring. I personally do not think anything is to be gained by placing the limitation in the bill.

I recognize the Senator's purpose. I am confident he wants to see the engineers, scientists, and other professionals have the work they are trained for, but let us not encumber legislation with limitations we may regret.

This is an emergency employment bill, to be sure, and most of the funds, I hope and pray, will be spent for the semiskilled, the unskilled, those who desperately need work. The hiring of one professional, particularly in municipal or State services, can mean jobs for many more, jobs in the private sector, or in State or local government. My argument is simply, do not encumber it. Do not limit it. Let us authorize the definition by department heads and municipal and other officials who will be administering the program.

Mr. TAFT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining.

Mr. TAFT. Mr. President, I yield myself 1 minute.

In reply to the colloquy we have just had, it would seem to me the difficulty here is that local and State governments inevitably are going to be looking at these valuable services. They are going to try to upgrade the average pay and cut down the number of people helped under the act. To me that is wrong. I do not think it is the correct approach.

I yield the 2 minutes remaining to me to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator.

Mr. President, I want to support the Senator's amendment as strongly as I can. I supported his original amendment. The concept he has is excellent.

I would say to my friend from Minnesota that there are a number of ways in which these very excellent professional people can be retained, if one wants to put it that way, or regrouped, provided we can get revenue-sharing going.

A moment ago when the Senator from Minnesota was not present I referred to the consortium of universities, some 30 of them, who are asking for grants for retraining, because these people can be used in the field of the environment, education, hospitals, and a variety of fields. We will do it much faster that way with this type of person than by enabling the State and local governments to hire people of this caliber on Federal funds. This was the point the Senator from Ohio was making.

On this kind of matter, what we are really trying to do is enact a transitional bill to move over into the public sector a number of unemployed who do not have the skills. Every portion of the bill the Senator from Wisconsin has referred to has emphasized that fact.

I thank the Senator for yielding.

Mr. NELSON. Mr. President, how much time do I have left?

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. GAMBRELL. Would it be possible under this act for State or local government to receive a grant whereby aerospace scientists, engineers, and technicians who have been layed off from their regular employment could be employed either directly or through a community nonprofit organization to render engineering, planning, and systems advice and service to State and local governments in community planning and operation?

Mr. NELSON. The answer is, "Yes, they can." Page 19, beginning with line 24, reads: "Many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services."

The PRESIDING OFFICER. All time of the Senator from Wisconsin has expired.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that I may ask one more question of the Senator from Wisconsin.

Mr. BYRD of West Virginia. Mr. President, how much time does the Senator want?

Mr. GAMBRELL. Thirty seconds.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that 1 additional minute be allotted to each side before the rollcall.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GAMBRELL. I wish to ask the Senator from Wisconsin if the passage of this act and the holding of a group of scientific and technological manpower together would not have the effect of preserving that manpower and that scientific and technological capacity for future use in the aerospace, engineering, and technological industries.

Mr. NELSON. Yes; we think it would be helpful in doing exactly that.

Mr. President, I want to make a comment on the dialog of a moment ago. The Secretary of Labor has the ultimate authority over the Federal Government's contribtuions, so the worry that concerns the Senator from Ohio I do not think is very salient. The Secretary has the autority to pay up to 90 percent of the cost of the salaries.

Mr. TAFT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes remaining.

Mr. TAFT. Mr. President, the language involved in that respect says that, in approving an approvable request for funds, the grant may be made if the Secretary determines that "the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program

proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement."

While it is true that he may waive it, it seems to me it is pretty clear, from the history of monetary programs, that the Federal Government is going to be in this program, sharing close to 90 percent of the cost.

I repeat that every indication that I could see from the discussions that we had before us in the hearings on the bill and the testimony before the subcommittee from the various municipal and State officials was that they will be asking for highly paid, skilled employees under this bill, and under the principles of the bill as it stands, unless the amendment is adopted, I believe the Secretary would not be carrying out the purposes of the bill unless he granted considerable leeway.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, what has occurred to me as a possible way to solve this dilemma is the following—I wonder if my colleague could think it over, and we could get a quorum call, even after the time is expired—to substitute for the amendment offered by the Senator from Ohio (Mr. TAFT), the following words: "To the extent determined by the Secretary to be consistent with the purposes of this Act."

That would give the Secretary direct discretion with respect to the compensation level which is involved in a given agreement for public service employment

Mr. NELSON. I do not understand how that insures that there will be a limit in the amount, as proposed by the Senator from Ohio.

Mr. JAVITS. No, not at all. I would substitute for everything he said the provision that the Secretary shall determine it.

Mr. NELSON. Is the Senator offering that as an amendment?

Mr. JAVITS. Not yet. I am just suggesting it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. MANSFIELD. Mr. President, if the Senator will withhold his suggestion, I ask unanimous consent that the time be extended by 10 minutes on either side.

Mr. JAVITS. That is much better. Would the Senator yield me 2 minutes, so that I may explain?

Mr. NELSON. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, there does seem to be a feeling on the part of many Senators—which the Senator from Ohio is quite ardently putting before us—that under these circumstances, for public service employment of a transitional character—and I am very pleased that we did accept the suggestion of the Senator from Colorado (Mr. DOMINICK)—we should not have the prevailing rates of pay proposition.

I do not think we need to depart from the fundamental thrust of this bill to argue that question here and now. Under the circumstances of this being employment to deal with a serious unemployment situation of a public service character and of a transitional character, I was going to suggest to the manager of the bill the possibility, in lieu of the ceiling of $600 which the Senator from Ohio would impose, and the proviso which he would impose, of simply saying, at the end of line 5 on page 32, after the word "employer," the following:

To the extent determined by the Secretary to be consistent with the purposes of this Act.

We would then vest discretion in the Secretary as to what rate of compensation he would consider tolerable and appropriate in respect of the public service job contract which he makes, and thereby not lock the thing in on the strict prevailing wage rate basis, but give some latitude to particular situations.

In view of the feeling of 30 or more Senators that they are disquieted by this situation, I submit that to the manager of the bill as a possibility.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. NELSON. I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, we have had a lot of recessions in our country over the years, but I cannot recall a recession in which we had so many people in the skilled category out of work as are out of work today. This is the unique nature of our trouble: we have never had so many people with advanced degrees out of work in proportion to the population. We have not, in our history, had as many people with highly skilled talents in the blue collar category, the machinists, the diemakers, the toolmakers, and right on down the line, unemployed.

I believe it would be unwise, Mr. President, to place a ceiling in connection with pending legislation. It is my understanding that the administration's manpower revenue sharing bill which was just introduced does not have a ceiling. I think this ought to be left to the discretion of the administrator. Certainly, in the light of the discussion here, I assume that the administration is not going to go to extremes in amending this act in connection with the amount that should be permitted in a higher salary category.

But I do want to emphasize that we have this terrible waste of talent in our country, something that is indeed unique, something that we must correct without delay, and surely we should not put on a ceiling that would limit the administration of this program to deal with some very unique and difficult situations. I hope that the amendment will be rejected.

I yield back the remainder of my time to the Senator from Wisconsin.

Mr. PERCY. Mr. President, does the Senator from Wisconsin have 2 minutes left that he could yield to me?

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. NELSON. I have only 1 minute. I yield it to the Senator from Illinois.

Mr. PERCY. Mr. President, I am very pleased to hear the comments of our distinguished colleague from Washington, and I concur completely that the scientific community today is in desperate need of some support and help of a temporary, transitional nature. I feel confident that the picking up in the economy is going to take care of this, but it is very hard for a man with 5 or 6 children, now in danger of losing his home, to feel that he can wait several years, or even a year or 6 months, until the economy picks up.

So this bill should not have a ceiling. Certainly the provision in it giving the Secretary leeway to use his discretion and judgment is better than the imposition of a ceiling by Congress.

The PRESIDING OFFICER. Does the Senator from Ohio wish to yield further time? The Senator has 5 minutes remaining.

Mr. TAFT. Yes. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want to say to the Senator from Illinois that we are talking about $1,750 million in this measure. Most of the people he is talking about were put out of work by the SST, where the amount involved was $134 million. So it is a 10 for 1 swap. For those who are urging that we not put any limitation on this, I want to point out once again, I think we made a mistake then and are making a mistake now if we try to combine two different purposes in the bill. That is my argument.

Mr. JAVITS. Mr. President, will the Senator from Ohio yield to me momentarily?

Mr. TAFT. I yield to the Senator from New York.

Mr. JAVITS. I would like to explain my complete understanding of and agreement with Senators JACKSON and PERCY—except to point out that we wrote in the provision found at pages 29, line 13, precisely to give the Secretary discretion in this whole area, when we said that he was to make financial assistance available among significant segments of the population of unemployed persons. We had that in mind.

As to this wage business, I would be prepared, if the Senator from Ohio would find it agreeable, to substitute the provision I have just read a moment ago for him. That would certainly be acceptible to me, as I am proposing it, and the manager of the bill, but I would not I believe it would prove acceptable to wish to distort the Senator's purpose.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. JAVITS. May I have 30 seconds more?

Mr. TAFT. I yield the Senator 30 seconds.

Mr. JAVITS. Or to interfere with the Senator's effort, because all I am trying to attain something for him which I think is deserved, and which may be lost if we come to a vote.

Mr. TAFT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. TAFT. Very well. Mr. President, I

regret very much that I do not feel that I can accede to the suggestion of the Senator from New York, simply because it seems to me that it goes, again, to the whole question of what we are trying to do with this bill.

The problems mentioned by the Senator from Illinois, the Senator from New York, and the Senator from Washington are real problems. They are problems to which we ought to be facing up. But we are not going to get anywhere in solving either of those problems with the rather small resources of this bill unless we settle on one or the other. If Senators want to rule out general unemployment, say that this is an emergency employment bill to put in this amount of money without limitation, that 150,000 jobs are out the window, and say that you are going to give from 25,000 to 50,000 jobs in the scientific, engineering, and professional fields, that is very well. To me, that is another piece of legislation.

I do not think we ought to stand on the floor and try to tell the American people that we are going to do something about emergency employment in this country when we have 5,400,000 unemployed in this country and we are passing a bill called the Emergency Employment Act, which is not going to employ more than 100,000 people, the way things are going today.

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

Mr. TAFT. I yield.

Mr. JAVITS. I think Senator PASTORE put his finger on it earlier when he pointed out that we are not dealing only with welfare clients. We are dealing with people who are high-priced, highly skilled union people, and we are dealing with a Secretary whose duty it will be to make this thing go the furthest for different segments of the population.

Personally, I think the Senator from Ohio hamstrings the Secretary too much in what the Senator is proposing, and he flies in the face of every union and other tradition with respect to the employment of people who are not welfare cases.

I have suggested a way out—to give the Secretary enough discretion to make the money go the furthest without running afoul of the very people who feel very deeply about the prevailing wage concept because of their own origin, background, and future.

If the Senator's amendment is rejected, I shall propose mine, and I am rather helpful that it will be agreed to.

Mr. NELSON. Does the Senator have any time?

Mr. TAFT. I think the time has expired.

The PRESIDING OFFICER. The Senator has less than 1 minute remaining.

Mr. TAFT. Does the Senator from Wisconsin desire time?

Mr. NELSON. Ten seconds.

Mr. TAFT. I yield.

Mr. NELSON. I would just say that I share the concern the Senator has, and I thought it was adequately taken care of, leaving the discretion in the Secretary of Labor. However, I think that the Senator from New York offers an improvement, and I certainly would find it acceptable if the Senator from Ohio would.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The clerk will call the roll.

Mr. HUMPHREY. Mr. President, a point of information. What is the amendment? Is it the amendment of the Senator from New York or the amendment of the Senator from Ohio?

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Will it be in order to offer what I have sent to the desk as an amendment if the pending amendment is rejected?

The PRESIDING OFFICER. The Senator's amendment would be in order.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I also announced that the Senator from North Carolina (Mr. JORDAN), is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Texas would vote "yea" and the Senator from Massachusetts would vote "nay."

If present and voting the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 29, nays 47, as follows:

[No. 36 Leg.]

YEAS—29

Allott	Dominick	Pearson
Beall	Eastland	Prouty
Boggs	Ervin	Roth
Brock	Fannin	Smith
Buckley	Fong	Stennis
Cook	Griffin	Taft
Cooper	Hansen	Thurmond
Cotton	Hruska	Weicker
Curtis	Jordan, Idaho	Young
Dole	Miller	

NAYS—47

Aiken	Hart	Nelson
Allen	Hollings	Pastore
Baker	Hughes	Pell
Bayh	Humphrey	Percy
Bellmon	Inouye	Proxmire
Bentsen	Jackson	Randolph
Bible	Javits	Ribicoff
Burdick	Kennedy	Schweiker
Byrd, Va.	Mansfield	Scott
Byrd, W. Va.	Mathias	Sparkman
Cannon	McGee	Spong
Case	McIntyre	Stevenson
Chiles	Metcalf	Symington
Church	Mondale	Talmadge
Cranston	Moss	Williams
Gambrell	Muskie	

NOT VOTING—24

Anderson	Gurney	McGovern
Bennett	Harris	Montoya
Brooke	Hartke	Mundt
Eagleton	Hatfield	Packwood
Ellender	Jordan, N.C.	Saxbe
Fulbright	Long	Stevens
Goldwater	Magnuson	Tower
Gravel	McClellan	Tunney

So Mr. TAFT's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read, as follows:

On page 20, line 10, after "conservation," insert "crime prevention and control, prison rehabilitation,".

On page 35, at the end of line 7 after the comma, insert the following: "all fringe benefits,".

Mr. BELLMON. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

Mr. BELLMON. The purpose of the amendment on page 20 is to make it absolutely clear that work in connection with crime prevention control and rehabilitation of prisoners is included. It appears that it might be permitted in any event. However, this language would make it crystal clear that work in this area is permitted by the legislation.

This matter has been discussed with the manager of the bill and other interested parties. I believe that the manager of the bill is prepared to accept the amendment.

Mr. NELSON. Mr. President, the Senator is correct. This is authorized activity within the language of the act at the present time. However, this does more specifically delineate it. The amendment is perfectly acceptable as far as I am concerned.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The legislative clerk read as follows:

On page 38, after line 20, add the following new section:

TERMINATION

SEC. 15. (a) This Act shall terminate on the effective date of S. 1243 or any amendments or substitutions thereto dealing with special revenue sharing programs concerning manpower.

(b) The Secretary shall make whatever arrangements are necessary in carrying out the provisions of this Act, to assure that the requirement of this section is met.

(c) For the purpose of this section the term "special revenue sharing program concerning manpower" includes any program consolidating grant programs in the field of manpower development and training.

Mr. DOMINICK. Mr. President, this gets back to the basic problem that I talked about when we were first discussing the bill. That is the fact that we have two bills—S. 31, which we are considering today; and S. 1243, which is part of the administration manpower and revenue-sharing program.

Hopefully, the Labor and Public Welfare Committee will get around to holding hearings on S. 1243 before the expiration of this bill. This is a part of the overall reform and review program for manpower training. It is not considered as a temporary act. It is not considered as anything of that nature. It is designed to be permanent in order to be able to regroup and reform the 10,000 separate plans that we now have under manpower training.

If we can that pile of plans down so that it is a manageable deal, we could do it better by leaving it up to local and State governments than we can by continuing to consolidate it in the Labor Department.

It seems to me that if we can get some action on S. 1243 the purpose of the other bill can go by the board. There is no such provision in the act at this moment. All it says is that it will go on for 2 years; $750 million for fiscal year 1972, and $1 billion for fiscal year 1973.

It strikes me that before fiscal year 1973 is over, we ought to be able to get S. 1243 and all substitutes and amendments thereto before the Senate and be able to get it passed through Congress and signed by the President. If that is true, at that point, S. 31—which I presume will pass, even though it is without my endorsement—would be terminated.

That is the position I am taking on this particular amendment.

I will be happy to answer any questions or, if the manager of the bill is disposed to accept the amendment, I would be delighted.

Mr. NELSON. Mr. President, I have great respect for the receptiveness and penetrating evaluation which our distinguished friend, the Senator from Colorado, so often makes of pending legislation, though we frequently do not agree. However, I am astonished by this amendment.

This amendment is not up to his usual standard.

The Senator is asking that we pass this bill and that the termination date be controlled by a bill that is pending in the subcommittee. Hearings have not yet been held. The bill may or may not be passed at all.

I am hoping we will pass a major manpower bill. But under this amendment, if we passed a manpower bill and it did not turn out to be S. 1243, or did not turn out to be a substitute for S. 1243, but instead a brandnew bill, then, as I read the amendment, S. 31 would never terminate. I do not see how we can legislate here and say that a bill passed here will terminate if and when another bill that has not yet had hearings is passed.

I am sure that we are going to have hearings on a bill and that we will pass a bill. The Senator from New York (Mr. JAVITS) and I have both said we would work together to make sure whatever manpower bill we pass we would work, as I know the Senator from Colorado would work, to provide language that whatever we pass in a subsequent bill would mesh with this bill.

But I do not see how we could make this legislation dependent upon a bill that has not yet been considered in hearings and that has not passed.

Mr. DOMINICK. Mr. President, this is an interesting series of comments which the Senator has made. I gather he is giving assurance that we are going to have hearings and we cannot do anything about it until late May or early June at the earliest because of the OEO; and second, he hopes a bill will pass along the lines of the administration's proposal in S. 1243, and if so that act presumably would supersede the one we have now.

That is exactly the purpose of my amendment—to make it clear that this does not become one more categorical program. Once it has gone on for 2 years and the mayors and everyone else have gotten this money it will be difficult to terminate and it will have to be continued year after year.

I cited to the Senator originally what happened in connection with the excise tax and I could go on and on and find a great number of bills that were passed as emergency or temporary measures and that are still with us.

Fundamentally, this is designed to cut off this type pressure and to try to put a termination date on the bill, hopefully before 2 years have passed, so that we can get out from under something which otherwise might be a real lead weight around the neck of Congress and the Treasury Department until the year 2000.

Mr. NELSON. Mr. President, I point out specifically that the amendment reads that this act shall terminate on the effective date of S. 1243 or any amendments or substitutes therefor dealing with special revenue sharing.

We may pass a comprehensive manpower reform with public service employment in it that would not be S. 1243 or a substitute therefor or an amendment. So this amendment would mean nothing in that circumstance.

I have agreed with the comments of the Senator from Colorado on two occasions today. We now have around 10,000 sponsors of manpower programs. When we finished almost a year's work on the Employment and Manpower Act of 1970 we had cut that number to about 350 from the original 10,000.

We have to reform the manpower programs. There is no doubt about it. So we are going to get out a bill. But it could not, in my judgment, become effective before some time next year.

I have said, as the Senator from New York (Mr. JAVITS) has said, that we will include language in that bill to meet the situation. I cannot imagine, with the President supporting the authorization of public service employment in his revenue-sharing plan, and our committee having already passed such a measure twice, that whatever manpower program we come up with will have some public service provisions in it and those public service provisions are going to have to substitute for this bill, because this one terminates in 2 years anyway. I do not see how at the end of 2 years we could go ahead and extend that bill and have two public service manpower programs at once. Congress would not do that.

Mr. DOMINICK. The Senator has been in the Senate about as long as I have, as I recall, and he knows full well what has occurred heretofore on temporary measures. They keep proliferating like the old story of the guinea pigs in the railroad station. It was not long before the stationmaster had nothing but guinea pigs and no railroad station left.

In the education field we started out 10 years ago with 20 Federal programs and now it is 308, and it has gone from $600 million to over $4.5 billion in the education bill. The same thing may occur here. Unless we try to cut off this program in the event we get a comprehensive manpower program, I do not think we will be able to do it.

If the Senator has some special wording that would accomplish what he and I want to accomplish, I would be happy to accept it, but I did not want to put in the original wording the date of enactment of any special revenue-sharing program concerning manpower, because someone could put it in for $5 and get laughed off the floor. That is why I put in S. 1243 or a substitute thereof dealing with special revenue sharing and manpower.

I would be happy to consider any other language the Senator wants to put in so long as we are working in the same direction. The Senator should be able to help me with the language to accomplish that result.

Mr. NELSON. I think there are problems created by this kind of an amendment. For example, not all cities are going to have public service employment under the provisions of this bill. Some of them are going to have a much smaller public service employment program than others. Suppose there is a public service

employment program going on in a certain city and suppose a year from now a new manpower act goes into effect, and suppose that new manpower act contains authorization for public service employment as part of the activity authorized under that act. Immediately when that act is passed the ongoing programs in all these cities would stop. All the people would have been fired. Then, 2 months, 3 months, 5 months later the city submits an application and it is approved by the Secretary and they go out and they seek the people who have been fired, to put them under the provisions of the new act.

What we do in drafting any legislation is to provide language to make clear there will not be duplication and give the Secretary discretion to oversee that part of the program and to see that one program is not piled on top of another.

Mr. DOMINICK. Just to cut short the debate, I am willing to go with a voice vote on this matter, at least temporarily.

I do not want to make a firm commitment on it. It just seems to me that what the Senator is saying is that we are not going to have special revenue sharing, because if we are going to have it, the cities will present their own plans and they will not have to get them approved. All they have to do is make sure the money is used for manpower training.

If the Senator is saying this bill might come to an end and it would take the Secretary a long time to approve plans, that is not in the revenue-sharing bill at all. The revenue sharing on manpower is to let States and cities determine for themselves how to do it. They are the ones to do it. The only thing to supervise is to make sure the money spent goes into those programs, and that is done after the fact rather than before the fact. Under those circumstances, I do not see how firing and hiring and refiring and rehiring really come into it.

I think we are working for the same objective. I regret very much that the Senator does not think the language is right. I shall be glad to shift the language any way he wants, if it is objectionable, but I gather that what he is saying is that no matter how it is, it is objectionable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 32, line 5, insert the following after "employer" "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act"

Mr. JAVITS. Mr. President, generally speaking, this is the amendment we discussed a little while ago. It is intended to preserve discretion in the Secretary in order to deal with the concerns of some Members of the Senate that, because of the high technical qualifications of certain categories of personnel—like those, for example, who have been affected by aerospace difficulties—we ought to take some precaution in respect of the prevailing wage concept in this emergency measure dealing uniquely with public service employment.

I just thought—since a substantial body of Members feel that way, and the Senator from Wisconsin (Mr. NELSON) and I agreed—that this was a suitable protection we could take so the Secretary would not be faced with automaticity in this regard. It would give him, not a great deal, but some element of discretion.

I understand the amendment is agreeable to the manager of the bill.

Mr. NELSON. Mr. President, the amendment of the Senator from New York is agreeable to me. I think it is an improvement in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. 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. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON. Mr. President, I understand the Senator from Maryland (Mr. BEALL) has a very simple, brief amendment to offer, which I have discussed with the Senator from New York (Mr. JAVITS). It is perfectly satisfactory with both of us.

Mr. BEALL. Mr. President, I thank the Senator. I hope the amendment is agreed to. It is brief, but it is not simple.

I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 31, line 1, strike the following: "shall reserve such amount" and insert in lieu thereof: "may reserve such amount, not to exceed 1 per centum,".

Mr. BEALL. Mr. President, this amendment limits the discretion given to the Secretary with respect to reserving amounts for an evaluation of programs.

Mr. NELSON. Mr. President, that language is perfectly proper and acceptable amendment as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GAMBRELL. Mr. President, I support S. 31 for the following reasons:

As this bill relates particularly to unemployment in the aerospace industry, it is consistent with plans which I am developing as Chairman of the Science and Technology Subcommittee of the Select Committee on Small Business, and in connection with the fiscal year 1972 NASA authorization bill.

I consider unemployment to be a matter of Federal concern because it is largely a result of misguided economic policies in the past and shifts in emphasis of Government programs.

S. 31 would provide an opportunity for unemployed persons to engage in much-needed constructive public service activity rather than be dependent upon the welfare rolls.

While I am not satisfied with broad grant of discretion to the Department of Labor, because of the chance for political abuse, this objection is mitigated by the fact that the bill is temporary, and of an emergency nature.

I consider this to be an immediate partial substitute for urban development and manpower training revenue sharing, and I would assume that the authorization provided in this bill would be substituted for funds proposed to be committed for revenue sharing in fiscal year 1972 rather than being in addition to such funds. I will work to see that the appropriations for that purpose will be so structured. It also goes without saying that a favorable vote on this plan is not a commitment to full funding of this program in the fiscal year 1972 Appropriations Act.

Mr. MONDALE. Mr. President, unemployment is the overriding economic problem in the country today.

Nearly five and a half million men and women—1.5 million more than a year ago—cannot find work. Almost 100,000 of these—34,000 above a year ago—are Minnesotans. Whether we are talking of returning GI's, teenagers, unemployed scientists, or laid-off workers, the need is for jobs.

We are told that this is the inevitable cost of drying up inflation, ending the war, and shifting our resources from NASA and the Pentagon into domestic fields.

These goals are highly desirable. But I do not think we can allow their full costs to be placed squarely on the backs of 6 percent of our workers.

The workingman sees his pay check and savings eaten up by inflation. Then, an economic "game plan" asks him to tighten his belt and accept "a little unemployment" in return for price stability which has still not arrived.

We ask highly trained scientists and engineers to reach the moon and develop elaborate new weapons systems. Then, when we finally start to divert resources from military to domestic needs, we ask these same men to bear the total costs of conversion—in their own unemployment.

We ask our young men to leave their families, their educations, and jobs to fight in Vietnam. When they come back, we ask them to bear the full cost of the dislocation associated with their return—again in their own joblessness. Statistics show that 9.4 percent of veterans in the 20- to 29-age bracket were unemployed during the 3 months ending in January. Disabled veterans are having an even more difficult time finding work.

Today we see a bit of economic stimulation, a slight increase in long-term unemployment compensation, and lots of debate over projected growth rates, GNP models, and "monetary versus fiscal policy." But what we need above all else are jobs. Nothing else can reduce the incalculable human and economic costs we now pay for nearly 5½ million people out of work.

How ironic when we remember that in 1939, at a time when our population was 60 percent of what it is today, when we produced 20 percent of the goods and services that we produce today, 4 million people found work in special public service job programs. Today, with Government budgets in the hundreds of billions of dollars, we are funding special public service jobs for only 34,000 people.

There are vast numbers of jobs in this Nation going unfilled at a time when 5.4 million people are looking for work. There are teachers aid and nurses aid jobs, engineering jobs in mass transit and pollution control, and jobs in rural areas on badly needed public works projects.

The Senate today has the opportunity to fund some of these jobs through the Emergency Employment Act. The 150,000 to 200,000 new jobs which the bill would authorize are desperately needed. I have proposed that many of them would be for unemployed scientists and engineers and for veterans.

This is a modest proposal in the face of the need. But alongside other measures, I think it can begin restoring growth and prosperity in this Nation.

We also need an expansionary economic policy. We need improvements in other programs in behalf of the unemployed. We need better manpower training programs. And we need a tough policy of wage-price guidelines—not a policy that blames labor for the inflation, but one that controls prices, profits, and interest as well as wages. The President made some progress in this direction when he intervened in oil, steel, and construction, but these were isolated efforts—not part of a consistent, even-handed policy.

Mr. President, someone once said that when a lot of people are out of work, unemployment is the result. If we put people to work, unemployment will be reduced. Above all else, we need jobs to restore the lost pride, lost faith, and lost wealth that the past year has brought.

Mr. PEARSON. Mr. President, S. 31 is, in my opinion a very necessary, important and timely bill. It is simply what it says—an emergency employment act—and it deals with a national emergency of two parts: the rapid increase in unemployment in the past 15 months, and the inadequacy of many vital public services. The authority of this legislation would expire June 30, 1973.

During periods of high unemployment, S. 31 would authorize the appropriation of funds to enable State and local government agencies, and certain other eligible applicants, to hire the unemployed in jobs providing needed public services. The program would be administered by the Secretary of Labor and eligible applicants would be States, cities, counties, and other units of general local government, and public and private nonprofit agencies and institutions. The Labor Secretary could contract with these applicants for employment programs under which the Federal Government would pay up to 90 percent of the cost of the programs.

Funds would be triggered as unemployment increased. If the national unemployment rate averaged 4.5 percent for 3 months, a total of $500 million would be authorized. For each increase in the unemployment rate of .5 percent, an additional $100 million would be authorized. However, the bill sets a ceiling of $750 million through the fiscal year ending June 30, 1972, and $1 billion for fiscal year 1973.

I am one of the cosponsors of this legislation and, of course, my main concern is the high unemployment we have in certain parts of Kansas—Wichita, in particular, where the serious decline in the aircraft industry has brought about an unemployment rate of more than 10 percent. But other parts of the Nation are hit just as badly or worse by high unemployment.

The reason such a limited bill is being offered at this time should be obvious—to deal promptly with a serious unemployment problem which presently exists. More comprehensive manpower reform legislation will be considered, but almost certainly could not have an effective date before sometime in 1972. This legislation, by virtue of being a temporary and limited program, could take effect almost immediately and serve a great publis need until more comprehensive legislation is enacted.

The kinds of public service jobs contemplated under this bill encompass a wide range of skills and pay scales. As examples, the great unfilled public needs in such fields as environmental protection, health care, housing and neighborhood improvement, recreation, education, public safety, street and park maintenance, transportation, beautification, and conservation.

The Secretary of Labor is directed to distribute these funds on an equitable basis, taking into account the extent and severity of unemployment. This is why I feel certain that Wichita would benefit from the enactment of this legislation. However, since this is emergency legislation setting up a temporary program, there are no rigid allotments and the Secretary has considerable flexibility.

Aerospace, defense, and construction workers are some of those among the hardest hit by unemployment. There are currently over 400,000 unemployed aerospace workers, with approximately 60,000 unemployed scientists and engineers included in this group. Many of them are in Wichita where, as I said earlier, unemployment has reached 10 percent, or more.

Just a little over a week ago, the Senate rejected further funding for the SST, in effect, canceling the program. To Wichita, this means that this week 350 more men have been laid off by Boeing, and 250 more will be without jobs within 30 days. In an area where over 10 percent of the population is already unemployed—or approximately 29,000—600 more men losing their jobs within a 30-day period will have quite an impact, you may be assured.

Much rhetoric flowed here in the Senate with regard to the cancellation of the SST not having that much effect on employment. Nationwide this may be true, but not in areas like Wichita. Many who voted against the SST took up many lines in the CONGRESSIONAL RECORD of last week talking about the other programs that are in effect, or which could be instituted, to help relieve unemployment. This is such a program—an emergency program of limited duration—and I urge my colleagues to make good on their promises and expressed concerns of last week by passing this legislation this week.

While discussing the Wichita employment situation, Mr. President, I would like to mention another aspect of this problem which the Senate had a chance to rectify earlier this week. I am talking about the amendment offered to the extension of the interest equalization tax bill which would have made some needed changes in additional unemployment compensation benefits.

It is well known that many unemployed scientists and engineers and other aerospace and defense workers have exhausted their unemployment benefits and have no idea where to turn next. Last year, the Congress passed an additional temporary 13 weeks of unemployment compensation for those who have already exhausted the regular 26 in recognition of many such personal situations throughout the country. These additional 13 weeks would have been paid on a 50–50 Federal-State ratio, but would not go into effect until January 1, 1972, allowing time for the States to set up the necessary mechanism to fund their part of the payments.

The amendment pending to H.R. 5432 would have made these additional 13 weeks of benefits available immediately, would have changed the triggering mechanism, and would have provided 100 percent Federal funding to relieve the situation with the various States. The Senate refused to adopt this amendment, tabling it by a vote of 45 yeas to 40 nays. I voted against the tabling motion which is, in essence, a reversal of a position I took approximately a year ago. At that time I voted with the majority of the Senate in turning down an amendment which would have provided 100 percent Federal funding for the extended unemployment benefits in the act which will become effective next year.

In my estimation, the problems faced by Wichita alone—not to mention those in other areas of the country—more than warrant my vote of last Tuesday, and I deeply regret that the Senate chose not to adopt this amendment.

In summary, I call upon the Senate to act favorably on S. 31 today. The Bureau of Labor Statistics reported on March 5 that there were 5,442,000 persons unemployed and looking for work—

5.8 percent of the entire labor force. We owe it to these 5 million people to take whatever action we can—and, in my opinion, such a program as this one would be just what is needed.

Mr. WILLIAMS. Mr. President, I want to voice my strong support for S. 31, the Emergency Employment Act of 1971.

This measure would provide some measure of urgently required relief for two parallel crises which currently plague our Nation.

One is the crisis of unemployment which has engulfed our economy, leaving close to 5½ million persons out of work—close to 6 percent of our entire labor force. In my own State of New Jersey, over 220,000 workers are now unemployed, giving our State an unemployment rate in excess of 7 percent. Four of my State's major labor areas are currently classified by the Bureau of Labor Statistics as suffering from substantial or persistent unemployment, and in some of our inner city areas, as is true elsewhere in the Nation, unemployment among disadvantaged groups has soared to levels as high as 40 percent or more.

The impact of these unemployment statistics on individual workers who must find some way to maintain their families, becomes all the more apparent when we realize how large a portion of these statistics represent long-term unemployment. Throughout the Nation, there are presently more than 325,000 workers who have been unemployed for more than 27 weeks—meaning that they have exhausted their eligibility for standard unemployment compensation benefits. The number of persons jobless for 15 weeks or more has now passed the 1-million mark, indicating that the number of those who have exhausted their standard benefits is likely to be increased dramatically within the next 2 or 3 months.

There is, moreover, very little likelihood that this situation will markedly improve within the near future. The forecast of responsible economists is, rather, that unemployment will continue at approximately the present rates well into 1972, if not longer.

At the same time, as we all know too well, the plight of our cities and other local units of government is becoming increasingly desperate. Some of the details are documented in our committee hearings at which a succession of mayors appeared to describe their inability to adequately serve the basic needs of their people. These unmet needs exist in the areas of public health, antipollution programs, neighborhood improvement, education, public safety, parks, fire protection, sanitation, and others.

And despite the fact that overwhelming numbers of unemployed are looking eagerly for a chance to earn a living once again, there simply are insufficient local resources for hiring such people to meet these public needs.

Indeed, the situation has taken on the nature of a vicious cycle, for increasing numbers of workers without jobs and without unemployment benefits have seriously augmented the welfare rolls of our states and cities, with a resulting drain on their already precarious financial condition.

The bill we are considering today represents a modest attempt to alleviate this situation by making available Federal funds which, at present levels of unemployment, would support some 160,000 jobs of a local public service nature. It is a temporary measure which will expire on June 30, 1973, and the amounts of assistance it will provide are tied to particular levels of unemployment.

Enactment of this legislation will not relieve us of the obligation to consider permanent, more adequate, measures for dealing with the needs of our cities, for coping with problems of unemployment, for insuring greater effectiveness in our manpower programs, and for better attending to our vital public needs—all of which will require more time for consideration.

The present bill, however, will provide a start toward meeting some of these problems, and it is a start that can be undertaken immediately. We have waited too long as it is to make this start. I strongly believe that it would be irresponsible on the part of the Congress to delay any longer.

Mr. JACKSON. Mr. President, the Senate is about to complete action on the Emergency Employment Act. As a cosponsor of this bill, I am grateful to the Committee on Labor and Public Welfare, and Senator NELSON's subcommittee, for reporting this bill in time for prompt action by the Senate.

This is a simple, straightforward effort to put people who are out of work into the public service. As the bill makes clear, it is highly appropriate that we use the talents of the unemployed to fill our unmet needs in the public sector during periods of high unemployment. In my view, this kind of program should be available to every administration on a standby basis to help blunt the impact of economic recession.

I am particularly glad that the committee, in the bill's statement of findings and purposes, refers to aerospace, defense, and construction workers who are unemployed "as a result of shifts in the pattern of Federal expenditures" as being among those who could usefully be employed under the bill's provisions.

This is properly called an emergency bill, Mr. President, because unemployment at this point constitutes a national emergency. The official statistics tell us that a third of the country's 150 major labor areas are now suffering "substantial" unemployment. "Substantial" can mean 6 percent of the labor force unemployed, and it can mean over 12 percent unemployed as there are now in Seattle.

No matter how you describe it, Mr. President, the fact is that serious unemployment now afflicts every part of the country from Oakland to Newark, from New Orleans to Cleveland, from Waterbury to Wichita. The jobless in these cities need help and they need it now. Rhetoric about training programs will not fill shopping baskets. Vague talk about industrial diversification will not meet mortgage payments. But legislation like this Emergency Employment Act and the Accelerated Public Works bill, which I have also cosponsored, can put money in people's pockets. They can start stagnant economies moving again.

Properly administered, the program authorized by this bill could put up to 150,000 people to work at jobs where they are needed and wanted. Equally important, this can be done fairly quickly under the terms of this bill. One can only hope that the administration will not be reluctant to use the funds authorized by this bill to aid people in the disaster areas created by its economic policies. In time of natural disaster, we mobilize Federal resources to aid stricken communities. We should be willing to do the same when economic disaster is involved.

The ultimate answer to our economic problems, Mr. President, is a return to the path of sustained and vigorous economic growth. In the meantime, we are confronted with the immediate tragedy of almost 5 million Americans out of work. This bill, and others we will consider in the next few weeks, will help tide us over this crisis.

WORKERS IN ESSENTIAL PUBLIC SERVICES CAN HELP LESSEN UNEMPLOYMENT

Mr. RANDOLPH. Mr. President, I am gratified to be a cosponsor of S. 31, the Emergency Employment Act of 1971. Our measure was introduced January 25. Since that time the seriousness of our Nation's unemployment situation has abated but little, if at all.

S. 31 has the potential of easing two separate critical problems at the same time. First, it will provide employment to many thousands of workers who find themselves without the ability to support their families. Second, it will alleviate a crisis for State and local governments by insuring the continuation of essential public services which may have suffered due to lack of adequate revenues.

Only 2 years ago unemployment in the United States stood at 3.3 percent. By last month the percentage of out-of-work had increased to 5.8 percent, which in reality is more than a doubling of the unemployed roles due to an increase in the available labor force. An even more serious indication of this disturbing trend is the sharp rise in long-term unemployment. Those out of work for 15 weeks or more have more than doubled since a year ago. Persons unemployed for more than 27 weeks has nearly tripled in the short period of a year.

Clearly these statistics show that something is terribly wrong and that this Congress must act, and act quickly, if the trend is to be halted and hopefully reversed. S. 31 can help reverse the trend. As amended, the bill would particularly heed the plight of veterans and and middle aged and older persons who are unemployed.

The measure before us enjoys strong bipartisan support. The bill, whose chief sponsor is the able junior Senator from Wisconsin (Mr. NELSON), has 31 cosponsors, of which 21 are Democrats and 10 are Republicans. I urge my colleagues to support this needed emergency legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COTTON (when his name was called). Mr. President, on this vote I have a pair with the Senator from Washington (Mr. MAGNUSON). Were he present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. FANNIN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arkansas (Mr. MCCLELLAN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. YOUNG (when his name was called). Mr. President, on this vote I have a pair with the Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ALLEN (when his name was called). Mr. President, I have a pair with the Senator from Indiana (Mr HARTKE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 62, nays 10, as follows:

[No. 37 Leg.]

YEAS—62

Aiken	Fulbright	Nelson
Allott	Gambrell	Pastore
Anderson	Griffin	Pearson
Baker	Hart	Pell
Beall	Hollings	Percy
Bellmon	Hughes	Prouty
Bentsen	Humphrey	Proxmire
Bible	Inouye	Randolph
Boggs	Jackson	Ribicoff
Burdick	Javits	Roth
Byrd, Va.	Jordan, Idaho	Schweiker
Byrd, W. Va.	Kennedy	Scott
Cannon	Mansfield	Smith
Case	Mathias	Sparkman
Chiles	McGee	Spong
Church	McIntyre	Symington
Cook	Metcalf	Taft
Cooper	Miller	Talmadge
Cranston	Mondale	Weicker
Eastland	Moss	Williams
Fong	Muskie	

NAYS—10

Brock	Dominick	Stennis
Buckley	Ervin	Thurmond
Curtis	Hansen	
Dole	Hruska	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Allen, against.
Cotton, against.
Fannin, against.
Young, against.

NOT VOTING—24

Bayh	Harris	Montoya
Bennett	Hartke	Mundt
Brooke	Hatfield	Packwood
Eagleton	Jordan, N.C.	Saxbe
Ellender	Long	Stevens
Goldwater	Magnuson	Stevenson
Gravel	McClellan	Tower
Gurney	McGovern	Tunney

So the bill (S. 31) was passed, as follows:

S. 31

An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socio-economic backgrounds generally associated with substantial unemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment, and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities;

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed persons with transitional employment in jobs providing needed public services and related training and manpower services during times of high unemployment and to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment for the purposes of providing transitional employment for unemployed persons in jobs providing needed public services and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

AUTHORIZATION

SEC. 4. (a) There are authorized to be appropriated for the purpose of carrying out this Act $750,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) For the purpose of providing financial assistance under this Act to enable eligible applicants to carry out public service employment programs, the Secretary is authorized, out of funds appropriated to carry out this Act, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

(1) $500,000,000 when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ per centum for three consecutive

months prior to any such determination, but the Secretary may, under this clause, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter; and

(2) $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), but the Secretary may, with respect to each such increment, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter.

(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

ELIGIBLE APPLICANTS

SEC. 5. For the purpose of entering into arrangements with the Secretary to carry out public service employment programs under this Act, eligible applicants shall be—

(1) States;

(2) cities, counties, and other units of general local government;

(3) Indian tribes; and

(4) public and private nonprofit agencies and institutions (including local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 6. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high employment, to provide transitional employment for unemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall be designed with a view toward—

(1) developing new careers,

(2) providing opportunities for career advancement,

(3) providing opportunities for continued training, including on-the-job training, and

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that procedures established pursuant to section 10(a) will be complied with;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 7. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

DISTRIBUTION OF FUNDS

SEC. 8. (a) Funds made available for carrying out this Act shall be apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned on the bases of the relative numbers of unemployed persons and the severity of unemployment in each such area.

(b) The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

TRAINING AND MANPOWER SERVICES

SEC. 9. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 20 per centum of the amounts made available for carrying out this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 4(c) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public

service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 4, the Secretary may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer to the extent that such rates are determined by the Secretary to be consistent with the purpoes of this Act;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance and other benefits at the same levels and the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), from the provisions of that Act. The Secretary of Labor shall have, with respect to labor standards on any such project, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) Acceptance of family planning services provided to participants shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 12 of this Act.

(h) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(i) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(j) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 12. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 10(c) and 11(g) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "city" means an incorporated municipality having general governmental powers.

(4) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(6) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(7) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

EFFECTIVE DATE

SEC. 14. This Act shall be effective upon enactment and the determinations to be made under section 4(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. NELSON. I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTES ON LEGISLATIVE ACHIEVEMENTS THIS WEEK

Mr. MANSFIELD. Mr. President, the passage of this measure marks the second achievement for the Senate this week. On Tuesday, the Senate adopted the proposal that extended the interest equalization tax. That measure was ably and efficiently managed by the distinguished Senator from Louisiana (Mr. LONG), the chairman of the Senate Finance Committee. Though presenting no controversy on the merits that proposal did precipitate an amendment offered by the distinguished Senator from Indiana (Mr. BAYH); an amendment which sought to extend advanced Federal support to the unemployment compensation benefit program. I wish to commend both Senator LONG and Senator BAYH for cooperating so splendidly to assure the disposition of that measure last Tuesday. They, along with the distinguished Senator from Georgia (Mr. TALMADGE), and others made possible its most effective and efficient handling.

Today's success was equally magnificent. The distinguished Senator from Wisconsin (Mr. NELSON) demonstrated his immense expertise concerning the Nation's manpower needs. This proposal to provide public service employment for the unemployed indicated again his great understanding of both the state of the economy and those who suffer because of it.

Joining Senator NELSON was the distinguished Senator from New York (Mr. JAVITS), the ranking member of the Committee on Labor and Public Welfare. His cooperation and assistance were indispensible. Particularly to be commended as well is the Senator from Colorado (Mr. DOMINICK) who along with the Senator from Vermont (Mr. PROUTY) and the Senator from Ohio (Mr. TAFT) offered their own strong—but equally sincere—views respecting this program.

I would only say finally that the leadership is grateful. The Senate may be proud of the achievements obtained this week. The cooperative efforts involved have meant that the Senate has been able to remain current with its program. We are up-to-date as far as the calendar of business is concerned and that is always welcome information.

ACQUISITIONS BY THE COMMISSION ON ANTIQUITIES AND THE ARTS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a resolution. This matter has been discussed with other members of the Commission on Antiquities and the Arts as they affect the Senate—Senator PROUTY and Senator JORDAN and I have been trying to contact Senator ELLENDER, the President pro tempore, but so far have been unsuccessful, I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURDICK). The resolution will be stated.

The assistant legislative clerk read as follows:

SENATE RESOLUTION 95

Resolved, That (a) the Commission on Art and Antiquities of the United States Senate, in addition to any authority conferred upon it by Senate Resolution 382, Ninetieth Congress, agreed to October 1, 1968, is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof

(b) This resolution shall be effective as of March 1, 1971

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the original resolution which was agreed to unanimously by the Senate on October 1, 1968, be printed at this point in the RECORD.

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

SENATE RESOLUTION 382

Resolved, That (a) there is hereby established a Commission on Art and Antiquities of the United States Senate (hereinafter referred to as "the Commission") consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony.

(c) The Commission shall elect a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

SEC. 2. (a) The Commission is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the Senate wing of the Capitol, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b).

(d) The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b), shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

SEC. 3. The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as it is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

SEC. 4. The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

SEC. 5. There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission the sum of $15,000 each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission: *Provided,* That no payment shall be made from such appropriation as salary.

The PRESIDING OFFICER. The question is on agreeing to the pending resolution.

The resolution (S. Res. 95) was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of taking up S. 581, which was to be taken up at this time, it be laid before the Senate at the end of today's session and made the pending business for Monday morning next.

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

Mr. MANSFIELD. Mr. President, in addition, other business will be taken up today—a bill from the Calendar, a con-

ference report by the distinguished Senator from Georgia, and other matters.

EXPRESSION OF THE SENSE OF THE SENATE WITH RESPECT TO REMOVAL OF DISCRIMINATORY EEC PREFERENCES AGAINST U.S. CITRUS EXPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 52, S. Res. 89.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) expressing the sense of the Senate with respect to the prompt removal of discriminatory preferences on citrus fruits granted by the European Economic Community, and action to be taken by the United States if such discriminatory preferences are not promptly removed.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an explanatory statement contained in the report from the Committee on Finance be printed at this point in the RECORD.

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

PURPOSE OF THE RESOLUTION

This resolution calls on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community with respect to citrus fruits and, should such efforts not succeed, to exercise, within 60 days of the date of this resolution his authority to increase U.S. import duties or impose other import restrictions against products entering the U.S. market from the European Economic Community.

GENERAL STATEMENT

BACKGROUND

On September 1, 1969, the European Economic Community entered into discriminatory agreements with Tunisia and Morocco, granting to those countries an 80 percent reduction in the European Community's common external tariff on fresh oranges and lemons. Contrary to accepted principles in international trade, these duty reductions were not given to all trading nations. In return, these two countries gave certain discriminatory concessions to the European Common Market. These actions are a clear violation of trade agreements and they impair concessions granted to the United States in trade agreements negotiated under the trade agreements program.

Because these discriminatory arrangements also would have adversely affected the trade of Spain and Israel, the EEC granted a 40-percent reduction in its common external tariff on oranges and lemons to these countries. Recognizing the illegality of these preferences to Spain and Israel, the EEC requested a waiver from its most-favored-nation obligations, under the GATT. The United States and a number of other countries opposed this. When it became apparent that the waiver would not be granted, the European Community withdrew its request and said it would withdraw the duty reductions to Spain and Israel. However, these preferential concessions to Spain and Israel were withdrawn only after the major part of the U.S. citrus shipping season was over and for all practical purposes the withdrawal was not effective. Moreover, on October 1, 1970, as part of broader agreements the European Community reinstated the 40-percent preference for oranges and lemons from Spain and Israel, and gave a preference to Israel for grapefruit. These preferences also violate trade agreements negotiated with the United States.

EEC TARIFF PREFERENCES, DURING U.S. MARKETING SEASON FOR CITRUS FRUITS

[In percent]

	Oranges		Lemons		Grapefruit	
	Applicable rate	Preference margin	Applicable rate	Preference margin	Applicable rate	Preference margin
United States	[1] 15	None	8	None	[2] 6	None
Morocco	[1] 3	80	1.6	80	[2] 6	None
Tunisia	[1] 3	80	1.6	80	[2] 6	None
Spain	[1] 9	40	4.8	40	[2] 6	None
Israel	[1] 9	40	4.8	40	[2] 3.6	40

[1] Oranges, Apr. 1 to Oct. 15.
[2] Post Kennedy round rate.

IMPACT OF DISCRIMINATORY PREFERENCES ON CITRUS FRUITS

The effect of these preferential rates has already been felt by U.S. exporters of citrus fruit. It is anticipated that in the future the effects will be much greater.

In the 1969–70 season the European Community increased its import tonnages of fresh oranges from Morocco, Tunisia, Spain, and Israel by 19 percent over the previous year while, during this same period, U.S. shipments of oranges to the Community declined by 33 percent. On a dollar basis U.S. exports of fresh oranges to the Community declined by $4.7 million in 1969–70 as compared with the previous year. Thus, the countries receiving the preferences gained considerably in their trade while U.S. sales were cut by one-third. Other countries not party to the preferential arrangements such as Brazil and Cyprus also have suffered a decrease in their orange exports to the Community. An end to the discrimination is urgently needed as about two-thirds of total U.S. orange exports to the Community move during the brief span of only 4 months—April, May, June, and July. These 4 months, therefore, are highly critical for U.S. shippers. If the preferences are not removed immediately, U.S. exporters will suffer from a repetition of the experience of last season which showed a patern of greater-than-usual imports into the EEC of fresh oranges from Morocco, Tunisia, Spain, and Israel, an extension of the shipping season from these sources into the U.S. season, and a decline, both relative and absolute, in U.S. sales in an expanding Community market.

BROADER IMPLICATIONS OF EEC PREFERENCES

The European Economic Community has now entered into special preferential arrangements with no less than 28 nations. The Community is expanding into a worldwide discriminatory trading bloc which could ultimately include countries from Latin America and the Far East as well as most of Europe. These discriminatory arrangements are snowballing to the point where the United States will find its access to world markets severely restricted.

The special preferential arrangement entered into with these nations, including the Mediterranean countries involve two-way discrimination. The European Community exacts trade concessions from the country to which it grants preferential import concessions. Thus, U.S. exports are subject to double injury.

The citrus fruit problem involves the important principle of nondiscrimination in international trading relations. Further erosion of this principle will surely break up the world into competitive trade blocs each seeking to outdo the other in granting special discriminatory preferences to third countries. This has very clear, but uncomforting, consequences for the political cohesion of the free world.

The committee is concerned that existing U.S. statutes, international agreements, and institutional arrangements are not being adequately employed to deal with these pressing current problems in international trade. The executive branch must be more aggressive in protecting the trading interests of the United States from unfair trade practices such as the discriminatory bilateral trade agreements negotiated by the European Community.

REMEDIES AVAILABLE UNDER EXISTING LAW

The Congress has provided certain remedies to cope with the problem of discrimination in international trade. Specifically, in 1962 the Congress enacted Section 252 of the Trade Expansion Act which provides, *inter alia*,

(a) Whenever unjustifiable foreign import restrictions impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—

(1) take all appropriate and feasible steps within his power to eliminate such restrictions,

(2) refrain from negotiating the reduction or elimination of any United States import restriction under section 201(a) in order to obtain the reduction or elimination of any such restrictions, and

(3) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other important restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

Section 338, of the Tariff Act of 1930, provides, *inter alia*,

(a) ADDITIONAL DUTIES.—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country; or

(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation

or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction or prohibition, in any such manner as to place the commerce of the United States at a disadvantaged compared with the commerce of any foreign country.

(b) EXCLUSION FROM IMPORTATION.—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

(c) APPLICATION OF PROCLAMATION.—Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(d) DUTIES TO OFFSET COMMERCIAL DISADVANTAGES.—Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per centum ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

(e) DUTIES TO OFFSET BENEFITS TO THIRD COUNTRY.—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after thirty days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

The citrus industry has actually sought relief through the remedy provided by section 252 described above. In June of 1970, the industry petitioned the President for action under this provision. In August of 1970 a hearing was granted the industry. The Trade Information Committee which includes representatives of the Departments of State, Commerce, Treasury, Agriculture, Labor, Defense, Interior, and the Office of Special Trade Representative unanimously agreed that discrimination existed in this case. However, despite this unanimity no relief has been obtained for the U.S. citrus fruit industry.

The executive branch has discussed the matter with our European trading partners but has been totally unsuccessful in obtaining any guarantee that the discrimination will be removed. Apparently, the European Economic Community either does not believe the executive branch will impose retaliatory measures against the goods of the Community entering into this country or does not care if it does. In any event they are unwilling to remove the discriminatory preference granted to the Mediterranean countries.

Mr. MANSFIELD. Mr. President, I understand there is a question of a time termination in this matter, and I yield to the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, we gave very serious thought to bringing about a full-dress debate on this resolution, because it should be noted that it is a sense of the Senate resolution, not a law, and that is one mitigating factor. The other factor is that it does ask the President—and we do not ask these things lightly—to take remedial steps within 60 days "against the European Economic Community."

That would be a pretty formidable order, as I say, if this were legislation. But it is a sense of the Senate resolution, and it does bring before us a very grave question. The grave question is this: The United States is now committed to join in a scheme of generalized preferences to the manufacturers and semimanufacturers of the developing countries, or are we going to stand on the sidelines as the Europeans and Japan implement a generalized preferences scheme that the last two U.S. administration's helped pioneer and promote.

It is my fear that if the U.S. Congress does not authorize the United States to live up to the solemn commitment the U.S. Government made in the OECD and the United Nations, that we will have played into the hands of those Europeans who favor proliferating regional preferences schemes, who favor protectionism, and who favor an inward-looking Common Market.

In addition to their recent decision to implement a non-reciprocal, non-discrimatory tariff preferences scheme, the European Economic Community also has made recently special deals with African and Mediterranean countries which seem to the United States to very strongly to transgress upon the general policy of MFN to which the European Economic Community is a party in the GATT. There seemingly is a contradiction here. It seems to me that where we have an admitted grievance which carries the seeds of danger of disturbing the world's trade.

This resolution now before the Senate is symbolic of the issues that the countries of the free world will face in the years ahead—namely will the free world split into regional and warring trading blocs or will an open trading world be maintained with all this means for U.S. exports and the exports of other countries to the United States. I have decided not to interpose any objection to the sense of the Senate resolution. I support the idea of causing the European Economic Community to rethink its future trade policies particularly now as the negotiations with the UK are underway—just as we are rethinking our policies—Europe cannot continue negotiating specialized preferential arrangements to the world that it wants a system of generalized preferences. In order to bring up our friends and trading partners rather sharply and to point a finger at what is contributing to the protectionist mood in the United States, I have decided not to interpose an objection to the resolution.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 89

Whereas discrimination in international trade is contrary to the trading interests of all nations; and

Whereas proliferation of discriminatory trade arrangements by the Euopean Economic Community is harmful to the world trading system; and

Whereas the European Economic Community has recently accorded preferential tariff treatment with respect to citrus fruit from Tunisia, Morocco, Spain, and Israel, to the detriment of United States exports; and

Whereas the European Economic Community has received preferential concessions from Tunisia, Morocco, Spain, and Israel in return for its discriminatory preferences, also to the detriment of United States exports; and

Whereas these discriminatory preferences violate trade agreements and impair concessions granted to the United States in trade agreements negotiated under the Trade Agreements Program; and

Whereas the Congress of the United States has enacted section 252 of the Trade Expansion Act of 1962 and section 338 of the Tariff Act of 1930 to provide remedies for injury to United States export trade arising from such discriminatory preferences: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President shall promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community with respect to citrus fruits and, should such efforts not succeed, the President shall take appropriate remedial steps within sixty days from the date of this resolution against the European Economic Community pursuant to

section 252 of the Trade Expansion Act of 1962 or section 338 of the Tariff Act of 1930.

Mr. MANSFIELD. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. TALMADGE. Mr. President, I move that the vote to reconsider be laid on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, with an amendment in the nature of a substitute, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I now yield to the distinguished Senator from Maine (Mrs. SMITH).

Mrs. SMITH. I thank the majority leader.

DESIGNATION BY THE ARMY OF ITS INITIAL REVIEWING AUTHORITY IN THE CALLEY CASE

Mrs. SMITH. Mr. President, I was greatly surprised this morning to find upon inquiry to the Office of the Judge Advocate General of the Army not only that the initial reviewing authority in the Calley case had not been designated, but also that no indication could be given as to how soon that designation would be made.

Because of the obvious need to avoid any unnecessary delay in the final disposition and decision on this case I wrote the Secretary of the Army a letter which was delivered to the Department of the Army around 1 o'clock this afternoon.

I ask unanimous consent to have my letter printed in the RECORD.

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

APRIL 1, 1971.

THE SECRETARY OF THE ARMY,
Department of the Army,
Washington, D.C.

MY DEAR MR. SECRETARY: I am surprised to learn upon inquiry this morning that the initial reviewing authority in the Calley case has not yet been designated despite the long known conditions that prompt a deviation from standard practices because of the disqualification aspects in this case. I was even further surprised that no indication could be given at this time as to how soon the reviewing authority would be designated.

Because of the impact of the Calley case, not only upon the morale of military personnel, and specifically combat personnel carrying out combat orders, and as well the impact upon the morale of the entire American public, it seems incumbent upon the Department of the Army to expedite this case as rapidly as the interests of justice and humanity permit.

For the Department of the Army at this time to be in a position of reporting that not only has there been no designation of the initial reviewing authority, but that there is no indication as to how soon that designation will be made gives the very opposite impression of avoiding unnecessary delay.

Surely it is to be acknowledged that this is not an ordinary court-martial without servicewide and national implications and impact. Surely the initial reviewing authority designation should have been designated by this time. Surely there should be no further delay in that designation.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 53, S. 581. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 581

To amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert "That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635) is amended—

(a) By inserting '(1)' immediately after 'SEC. 2. (a)' of such Act, and by adding at the end thereof the following new paragraph:"

(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expense of the Bank. The President shall report annually to the Congress the amount of net lending of the Bank which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(b) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereby "$10,000,000,000".

(c) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(d) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1976", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(e) Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in subparagraph (A)."

(f) Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall, insofar as feasible and practicable, provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are reasonably competitive with the Government-supported rates, terms, and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters.

SEC. 2. The President shall, within thirty days after enactment of this Act, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1(a) of this Act.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY, APRIL 5, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday next.

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

RECOGNITION OF SENATORS ON MONDAY

Mr. MANSFIELD. Mr. President, is it correct to state that the distinguished Senator from Illinois will be recognized for 15 minutes and then the Senator from Montana now speaking for the following 15 minutes?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, the purpose is to conduct a colloquy. In order to make certain that colloquies are colloquies, after discussing this matter with the distinguished minority leader, I think it advisable that each Senator so engaged announce it ahead of time, so that there will be no difficulty insofar as determination of the definition of what the word colloquy means is concerned.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

CHANGE IN UNANIMOUS CONSENT AGREEMENT

The PRESIDING OFFICER (Mr. BURDICK). The Chair would inquire of the Senator from Montana, under the unanimous-consent agreement, regarding this question of controlled time, would the Senator like to have that

agreement, suspended until Monday next?

Mr. MANSFIELD. Yes, indeed; that is correct. I ask unanimous consent—and this has been cleared all around—that one of the 3 hours allocated to the bill be added to one of the Proxmire amendments so that he will have, on one occasion, at least a 2-hour time limitation.

Mr. JAVITS. Mr. President, I did not hear the unanimous-consent agreement on the bill. Does it protect all amendments and all amendments to amendments?

Mr. MANSFIELD. Oh, yes. That is right.

Mr. JAVITS. And any time on the bill itself?

Mr. MANSFIELD. Yes, 3 hours, but I am taking 1 hour off the bill at the request of the Senator from Wisconsin (Mr. PROXMIRE), with the approval of the chairman of the bill, so that the Senator from Wisconsin can have enough time on this one amendment.

Mr. JAVITS. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

AMENDMENT OF THE TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ACT OF 1938, AS AMENDED

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 789.

The PRESIDING OFFICER (Mr. BURDICK) laid before the Senate the amendment of the House of Representatives to strike out all after the enacting clause and insert:

That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, and determine and announce the amount of the marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, that the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated ultization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided*, That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further*, That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further*, That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided*, That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, That such national factor shall not be less than 95 per centum: *Provided further*, That for the marketing years beginning October 1, 1972 and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for the current year, or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided*, That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that

portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided*, That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be leased and transferred to other farms in the same county under the terms and conditions contained in section 318 of the Act: *Provided*, That such leases and transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which leased and transferred: *Provided further*, That not more than fifteen thousand pounds may be leased and transferred to any farm under this section: *And provided further*, That the marketing quota determined for any farm subsequent to such lease and transfer shall not exceed an amount determined by multiplying the farm yield established under subsection (d) of this section by 50 per centum of the acreage of cropland in the farm.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'.

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(c) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necesary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobbacco was produced, and (2) for the purpose of price-support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

SEC. 4. Any action taken by the Secretary pursuant to section 312 of the Act (7 U.S.C. 1312) for burley tobacco for any of the three marketing years beginning October 1, 1971, prior to the enactment of this section, shall be of no effect.

Mr. TALMADGE. Mr. President, for the purpose of making legislative history, the House amendment contains a typographical error which does not appear to be material.

In section 319(i)(3), section "319(c)" is referred to where section "319(e)" is obviously intended.

I do not think it is material or necessary to send the bill back to the House for that reason, but for the purposes of making legislative history, I wanted to make this statement.

Now, Mr. President, the House has amended the Senate-passed burley bill in some particulars, and I have discussed these amendments with the Senators representing the States of Kentucky, Tennessee, North Carolina, and Virginia, which are the principal burley-producing States in the Union.

Mr. President, I move that the Senate concur in the House amendment.

Mr. President, I yield to the Senator from Kentucky before the vote.

Mr. COOPER. I thank the Senator from Georgia.

Mr. President, I would like to direct attention to a possible question of interpretation of a change made by the House in the Senate bill, which I introduced. One of the differences in the bill S. 789 as passed by the Senate and as amended by the House, is a technical difference in the provision permitting the leasing of burley quotas. The Senate bill had directed the leasing provision to section 316 of the Agricultural Adjustment Act of 1938, as amended—which provides for the leasing of quotas in other types of tobacco, but does not permit the sale of quotas. The House provision is directed to section 318 of the act, which permits the sale as well as the lease of allotments for a few limited types of tobacco, but the House language carefully specifies "lease and transfer" throughout.

I recognize that it is the intention of the House committee and the House bill that only the lease of burley tobacco quotas, not their sale, is authorized. I am informed that this interpretation has been confirmed by the General Counsel of the Department of Agriculture. This interpretation is shown also by the House committee report, No. 92–98, which states on page 6:

> The bill also provides for the *lease* of burley tobacco farm marketing quotas . . .

And later—

> Farmers who do not wish to continue the production of burley tobacco could transfer their resources to other enterprises and at the same time receive some income from the *lease* of their farm quotas.

I do not think the question will arise, but thought it wise to make this point clear in the legislative history of the bill, because the House bill did at one time include the sale of quotas, but was amended to permit only the lease of burley quotas.

I would ask the distinguished senior Senator from Georgia (Mr. TALMADGE) if he would agree with that interpretation.

Mr. TALMADGE. I agree with the Senator's interpretation. It was the intention of the Senate Committee on Agriculture and Forestry and the intention of the Senate, and my understanding also the intention of the House Agriculture Committee, and the intention of the House as a whole, to permit the leasing of up to 15,000 pounds of burley tobacco quota, but not to permit the sale of burley quotas.

Mr. COOPER. I thank the Senator. I felt very strongly that this bill should not include the sale of allotments. I opposed that, and would oppose a bill which provided for the sale of allotments.

I do wish to take this opportunity to thank the Senator from Georgia, the chairman of the committee, the Senator from Iowa (Mr. MILLER), the ranking minority member who conducted hearings on this bill, and all the members of the committee for bringing to the Senate a good bill, and one which in fact followed very closely the recommendations I made to the committee and the bill I first introduced.

When the burley poundage bill was before the Senate, the Senator from Tennessee (Mr. BAKER) offered an amendment, in which the junior Senator from Kentucky (Mr. COOK), the Senator from North Carolina (Mr. ERVIN), and I joined, and which we believed would lighten the impact upon those smaller

tobacco farmers who grow one-half acre or less, and who have not had to take reductions under the acreage program.

In the House, three or four changes were made in the Senate bill. One change increases from 5,000 to 15,000 pounds the amount of quota a farmer may lease. A second change insures that no farm quota may be cut more than 5 percent in any year. A third change gives the tobacco farmer with one-half acre or less some relief, insuring that in the years 1972 and 1973, their cut could be only half as large as those who grow more than one-half acre of burley tobacco—that is, not more than 2½ percent in those years—which would lessen the economic impact upon them of changing to the poundage program.

I think this small-grower provision is a wise and just provision, and a humane thing to do. Many of these farmers depend for their cash income on their small burley allotments.

The chief purpose of this bill is to change the method of production control for the burley tobacco price support program from an acreage basis to a poundage basis. It will bring the burley program, with its 90 percent of parity support price guarantee, into balance and equilibrium. It will control production so as to steadily reduce any surplus, and in a few years bring the reserve supply down to the statutory desirable level of 2.8 years' supply. That will protect, too, the basis of support for this successful farm program.

I am grateful to the Senator from Georgia for his efforts. I think this poundage plan will straighten out the difficulties now being the burley tobacco program, into good shape. I think it will be good for all of our growers, and will be fair and just to them. I know they appreciate his deep interest in them and in their economic welfare, and the interest of all who have helped bring this proposal into being.

Mr. TALMADGE. Mr. President, I thank the distinguished Senator from Kentucky for his generosity. I compliment him as the author of the bill.

Mr. COOPER. Mr. President, I thank also all other Members of the Senate from burley tobacco States—my colleague, the junior Senator from Kentucky (Mr. COOK), the senior Senator from Tennessee (Mr. BAKER), the junior Senator from Tennessee (Mr. BROCK), the senior Senator from Virginia (Mr. BYRD), the junior Senator from Virginia (Mr. SPONG), the senior Senator from North Carolina (Mr. ERVIN), and the junior Senator from North Carolina (Mr. JORDAN), who is unfortunately ill, but who will soon return to the Senate. And I thank all who worked so hard on this bill in the House, Congressman JOHN C. WATTS who introduced the companion bill in the House; the chairman of the House subcommittee, Congressman ABBITT; Congressman WAMPLER of Virginia; Dr. TIM LEE CARTER of my own district; Congressman STUBBLEFIELD, and all the rest who were members of the committee or helped bring this bill to its final passage today.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I can make this brief statement in support of the bill. However, before I do, I pay my respects once again to the distinguished Senator from Georgia (Mr. TALMADGE) and the distinguished senior Senator from Kentucky (Mr. COOPER) for their leadership in having the bill passed first in the Senate and in getting it finally passed in the Senate at this time.

A few days ago we were teetering on the brink of having no burley tobacco price-support program at all. We were teetering on the brink of economic disaster in the burley tobacco areas. We were teetering on the brink of doing something foolish indeed—failing to agree on this matter. However, with the leadership of the Senator from Kentucky (Mr. COOPER), and the Senator from Georgia (Mr. TALMADGE), and a number of Members of the House of Representatives, we now have a bill that is, I think, a good bill. I am pleased that the bill first passed by the Senate included the amendment that I offered. In my judgment, the bill has been improved on in the House.

I hope that the Senate tonight will accept the House amendments to the bill first introduced by the Senator from Kentucky (Mr. COOPER) which carried an amendment which I offered which was very graciously accepted by the distinguished Senator from Georgia.

Mr. President, I pay my respects to Representative WATKINS ABBITT, chairman of the House Tobacco Subcommittee, Representative WILLIAM WAMPLER, ranking minority member of the subcommittee, to Representative JOHN WATTS, of Kentucky, sponsor of the House bill, to Congressman FRANK STUBBLEFIELD, of Kentucky, and to Congressman TIM LEE CARTER, JR., of Kentucky, and all who worked for this bill, for the great interest they evidenced in bringing the bill to passage.

Representative WATTS and CARTER, while not members of the Agricultural Committee, played a great part in the development of the bill.

I also pay my respect to the staff of the committee and to Bailey Guard who helped greatly to secure passage of the bill.

Mr. TALMADGE. Mr. President, I thank the distinguished Senator from Tennessee for his generosity and compliment him on the part he played in the passage and improvement of the bill.

Mr. President, I now move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to motion.

The motion was agreed to.

THE CONVICTION OF LT. WILLIAM CALLEY

Mr. THURMOND. Mr. President, the conviction of Lt. William Calley for murder at My Lai has set off a wave of public resentment across the Nation. As evidence of the deep feeling of the people over the Calley case, I shall, at the conclusion of my remarks, submit a sample of the irate telegrams that I have received. This public reaction is of such intensity and is so universal that it bears—even demands—a close examination by our elected public officials.

It is important for us here in the Senate, the greatest of deliberative bodies, to understand the basis for this criticism and to see if it has been truly earned and if it is justified. In advocating this approach, in no way do I suggest our Nation's leaders respond blindly to pressure of opinion or to uninformed and irresponsible dislike of all things military. On the contrary, Mr. President, I urge that we take a dispassionate view of the Calley case as a part of a long series of events related to an unpopular war, and arrive at a sound conclusion that reflects not only our own, but also our Nation's conscience.

What we seem to face today is a lack of public confidence that stems from many factors—weariness from two-and-a-half-decades of cold war, disenchantment with our inability to solve mounting internal problems, and, above all, the strain of the longest war in our history—this poorly directed, interminable war in Vietnam.

This war, which should have ended in a U.S. victory several years ago, is a cancer that is devouring our soul; yet it has reached such a stage of development now that there seems to be only one logical cure—the Vietnamization of Vietnam and the orderly withdrawal of our forces. This is a slow cure, and it tries our national patience. It requires as a vital element, Armed Forces of a size and strength that enable us to withdraw with both honor and safety for our troops that are in Vietnam. This required military force needs a steady supply of young men from our society. Hopefully the need for new recruits will soon dwindle, and will eliminate, for all time in years of peace, forcible demands for our young people to serve in the armed services.

Lieutenant Calley is a product of the times and he is one of the few who has been singled out for punishment for actions taken in the heat of war. No one in his right mind can condone the slaughter of defenseless women and children.

A jury of Lieutenant Calley's peers has found him guilty of killing a number of civilians. We do not yet have the testimony to examine, but we can reflect that historically military justice has been unbending and harsh by civilian standards.

Mr. President, in my judgment, the American people feel that Lieutenant Calley has been singled out unfairly as a scapegoat for the entire war and all of its miseries and mistakes. This current wave of resentment is a shock of revulsion for a strange war in strange times. The people know that there have been atrocities committed on both sides. They also feel that when a war is fought in enemy territory, where the enemy is often in civilian clothes, where women and children have killed and maimed our fighting men with boobytraps and handgrenades, that the benefit of the doubt should be given to the American fighting men.

The people are voicing resentment over the Calley conviction for many reasons, but one must be the knowledge that some day a son or relative of theirs may be thrown into a similar situation. Who knows if he, too, will react to training, to orders, to combat pressures and the responsibility of command, in a way that will also bring down censure on his acts? In addition, the veterans who have defended our country so well in the past regard Lieutenant Calley's trial as a slur upon their own combat experience, and believe that his conviction undermines the values they fought to protect. These are the primary reasons for the resentment of the people to the conviction of Lieutenant Calley. The American people have a vested interest in a matter of this kind that is so vitally tied to the security of our country.

Mr. President, I have examined my conscience and have come to a conclusion which I urge my colleagues to support. There is a difference between war casualties and murder. In the interest of our fighting men still in Vietnam, and the others who may go into combat in the future, I believe that we should view Lieutenant Calley's trial as a serious setback to our Army and a threat to our future security. Our Armed Forces are already experiencing difficulties never encountered before. The Calley conviction will add to these burdens and will have a detrimental effect on the efficiency of our forces.

Two days ago I conveyed these views to the President in a telegram, which I shall submit for the RECORD. Also, I urged him to review the case as Commander in Chief of the Armed Forces, and consider the record from the points of view that I have just discussed. It is my hope that he will either set aside the findings or grant Lieutenant Calley a full pardon.

Further, I also believe that pending trials and previous actions taken for events similar to those that led to Lieutenant Calley's conviction be reexamined.

Mr. President, I ask unanimous consent that my telegram of March 30, 1971, to the President, as well as a number of letters and telegrams received at my office be printed in the RECORD.

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

[Telegrams]

MARCH 30, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.:

The trial and conviction of Lt. William Calley for murder at My Lai is most disturbing to the American people and particularly to our men and women in the Armed Forces. Lt. Calley, whose acts were performed under combat conditions and pressures, could well be the victim of circumstances beyond his control. When a war is fought in enemy territory where the enemy is often in civilian clothes, the benefit of the doubt should be accorded to American fighting men. In the interest of the morale of our men still in Vietnam, and others who may go into combat in the future, I urge that these facts be taken into consideration when you review Lt. Calley's case as Commander in Chief.

Respectfully,

STROM THURMOND,
U.S. Senator.

DILLON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Copy of telegram sent to the President: "Mr. President, I am ex-combat soldier of World War II, I am shocked and dismayed at the verdict against Lt. Calley. This is a disgrace to the country and to the Army that he served. You, Mr. President, must right this terrible wrong."

MARION M. GASQUE.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

I offer you sympathy and compassion over all the communications you are receiving in regards to Calley trial. However, the man is being made a scapegoat. Justice has not prevailed. Advise Presidential intervention.

Sincerely,

Dr. JOE R. BRYSON,
Republican Member, City Council.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

The Calley conviction is a tragedy on American justice; those men were trained to kill the enemy largely unknown them. In many other opinions did his only duty, now he is being made a political goat; hope the Congress can intervene in Calley's behalf.

Dr. J. J. CLECKLEY, M.D.
Professor of Phychiatry,
Medical University of S.C.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Filled with indignation over injustice meated Lieutenant Calley.

MRS. CAROLINA HILL.

SPARTANBURG, S.C.

Senator STROM THURMOND,
Washington, D.C.:

I think it a dirty shame that Lieutenant Calley was found guilty. He should never have been brought to trial in the first place. This verdict pleases only Hanoi. All along he has seemingly been picked as the sacrificial lamb in some weird voodoo rites that nobody seems to have guts enough to stop. As a veteran of World War II, I frantically urge that you do all in your power to secure presidential or congressional pardon.

FRANK H. CRYMES.

RIDGESPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:

We protest verdict Calley trial.

MAYNARD and CAROLYN WATSON.

GREAT FALLS, S.C.

Senator STROM THURMOND,
Washington, D.C.:

A line officer has admitted condoning distribution and use of drugs by and for our men in Vietnam. A sargeant who was obviously involved in every act occurring in My Lai has been acquitted for any wrong-doing. It has been made obvious that Lt. Calley was following direct orders from his chain of command. If you do not do everything in your power to right this terrible miscarriage of justice, you are not representing the people of this land. You and I and all the legislative and judicial as well as executive branches of government, including the President must share with Lt. Calley his cross of martyrdom. If he had dropped the A bomb on Nagasaki or Hiroshima we would have had a Medal of Honor around his neck as opposed to the hangman's noose which we all have today awarded Lt. Calley.

WILLIAM M. TRADER.

GREENVILLE, S.C.

Hon. STROM THURMOND,
Washington, D.C.:

As veteran of World War Two I must vehemently protest Calley verdict. Each acquaintance and colleague I know express same opinion. I hope you get millions of similar messages. Verdict must be changed to innocence.

Dr. JAMES E. LIPSCOMB,
Lt. Col. (retired).

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Conviction of Lt. Calley for premeditated murder is national disgrace. Trust Presidential pardon will be forthcoming. All my colleagues in Greenville, South Carolina share this sentiment.

Dr. MORGAN T. MILFORD, M.D.

AUGUSTA, GA.

Hon. STROM THURMOND,
Washington, D.C.:

This is a protest against the decision in the Calley case.

L. H. CARTER.

CHARLESTON, S.C.

Hon. J. STROM THURMOND,
Washington, D.C.:

Be advised our stanch objections severe sentence passed on Lieutenant Calley. Advise your action.

Mr. and Mrs. S. N. HAIR.

ANDERSON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Sincerely hope you will use all influence to help William Calley. We need more like him. Regards.

LEON CHAPPELL.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Consider Calley's trial and conviction national disgrace. Urge you as commander in chief to clear his name, restore confidence in government and morale of servicemen, each serviceman and those subjected to same predicament if he exercises individual judgment or obeys orders.

Mr. and Mrs. H. L. ABLE.

MULLINS, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Distressed over Calley verdict surely something can be done one man should not pay for what has been going on with many others at fault.

Mrs. MARGARET S. LIPSCOMB.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Object Lieutenant Calley's conviction.

Mr. and Mrs. JAMES R. WAY.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Sir, I am outraged. If Calley is guilty of premeditated murder, so is every American who served his country in wartime.

JOHN BARBA.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.

DEAR SENATOR THURMOND: I am thirteen years old and the conviction of Lt. Calley has made me so mad that I am not sure I could fight for my country. I think I would rather spend twelve months in jail. If I do go into the Army I will not shoot anyone if

someone put me in a dark room with people who were going to hurt me and the room had innocent people also, I think I would be swinging at anyone nearby wouldn't you? Truly yours.

DAVID SALTER.

RIDGESPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:
We strongly protest verdict in Calley trial.

PHILLIP AND HARRIET WATSON.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
A grave injustice has been done to Lt. Calley. Glad my military obligation over.

DAVID D. KENNEDY.

COLUMBIA, S.C.

Senator STROM THURMOND,
Washington, D.C.
DEAR SIR: In hearing of Lt. Wm. Calley's conviction of premeditated murder in the Mia massacre this is outrageous whatever sentence they impose on this young man for a job well done. I would gladly take his place

ROSS D. BERRY.

RIDGE SPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Protest verdict Calley trial.

LEROY AND ELLA RANKIN.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Deeply shocked at Lt. Calley's conviction. He is being made a scapegoat.

ARTHUR MAGILL.

COLUMBIA, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Seventy five percent of your people are shocked at the Army decision of Lt. Calley. Please advise how to rally to the cause.

BOB BLAKE MARTIN'S GULF SERVICE.

BOSTON, MASS.

Senator STROM THURMOND,
Washington, D.C.:
Lt. Calley should be cleared of all charges. He just did a job as ordered.

RONALD L. LEVESQUE.

CAMARILLO, CALIF.

Senator STROM THURMOND,
Washington, D.C.:
Lt. Calley needs help. In God's name see what you can do.

AMANDA MARRIAGE,
SALLEY ADAMS,
DOROTHY FINTON.

AUGUSTA, GA.

Senator STROM THURMOND,
Washington, D.C.:
If Calley is guilty then we have no business in Vietnam. Bring our men home. Protest where it counts most, yourself and the President.

W. A. JACOBS.

ROXBORO, N.C.

Senator STROM THURMOND,
Washington, D.C.:
The conviction of Lt. Calley is a disgrace to our Nation. Is our Government allowing our boys to be treated in such a way; then those who refuse to serve, stay home and help them to become millionaires, like Cassius Clay?

JIM FORTUNE.

RIDGE SPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:
I feel a great injustice has been done at Ft. Benning. I implore you to take action necessary to save our Army and Nation.

T. C. WRIGHT.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.
Honorable Sir: I am deeply disturbed and very concerned of the findings of the Calley's court martial and feel this will lead to further deterioration of military morale and effectiveness. I am asking you to look at this situation and use every avenue possible to free this innocent victim of our military system.

Chief M. Sgt. C. C. BUMGARNER,
U.S. Air Force, retired.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:
The verdict and results of the trial for Lt. Calley are a terrible blow for all parents of sons liable for service to their country as parents of two sons and your loyal supports we beg you to speak out against this unjust verdict and use your influence to avoid anymore such action.

HENRY AND GERTRUDE BRANTON.

COLUMBIA, S.C.

Senator STROM THURMOND,
Washington, D.C.:
The conviction of Lt. Calley has had a great demoralizing effect on our men in Vietnam. I trust you will use your influence to see that the President or Congress rectifies this great injustice immediately.

DAN S. JUDD.

SUMMERFIELD, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Protest Calley verdict urge clemency.

ROBBIE BARRINGTON,
DOROTHY HAIR,
BARBARA ANN REESE,
INA BINETT,
LOUISE WILSON.

COLA, S.C.

Senator STROM THURMOND,
Washington, D.C.:
HONORABLE SIR: Please be informed that I protest the inhuman treatment accorded Lt. Calley. I appeal advise.

Maj. CARL A. ROBINSON, Sr.

CHATTANOOGA, TENN.

Senator STROM THURMOND,
Washington, D.C.:
Please use your influence with President Nixon in behalf of Lt. Calley. I am a member of 105th Medical Btn., Spartanburg National Guard, am greatly distressed over the decision on the Calley court martial. Again please use your influence to ask the President to free Lt. Calley, also congratulations on the baby girl.

Spec./4C STEVE GILBERT.

COLA, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Help Lt. Calley you know better than that, you know Lt. Calley got a rotten deal.

BARNEY NEELEY.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Is Lt. Calley to be sacrificed to appease the antiwar and leftist element in this country? Surely we can't let this verdict stand. Please do all you can to undo this terrible miscarriage of justice.

Mr. and Mrs. JOHN O. PRITCHARD,
GRACE AND HELEN PRITCHARD.

SPARTANSBURG, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Lt. Calley's conviction undermines basic moral strength of Armed Forces. Do what you can to save our army.

Mr. and Mrs. E. L. PERMENTER.

MEGGETTS, S.C.

Senator STROM THURMOND,
Washington, D.C.:
As a former 1st Sgt. during the Korean War I was trained to kill as he was. I protest a conviction that was placed upon him today.

Sgt. E. L. COMMINS,
Former Mayor.

HARTSVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
If the William Calley verdict is justice we suggest a boycott by all members of the Armed Forces service in Vietnam and elsewhere.

H. L. MATTHEWS,
MARION TYNER,
M. E. MACDONALD,
JOHN A. STEPHENS,
WM. E. REDDING,
DAVID W. TRUETT,
W. G. HOLLEY,
GLENN ALLEN,
J. T. ANDERSON,
DOYLE B. CARPENTER.
Hartsville, S.C.

RIDGESPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:
As a veteran of World War Two Pacific area two years infantry it., I think what has been done to Lt. Calley is a disgrace to all of us. What do you think?

R. M. WATSON, SR.

HARTSVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
We are opposed to the Calley verdict and respectfully request justice.

DUB WALTERS,
MARION HUMPHRIES,
KEITH AMERSON,
RALPH TALBERT,
HARTSVILLE, S.C.

REMBERT, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Are you truly with us? Nixon is against us to permit Lt. Calley to be tried or any other officer. This is the end of the greatest country the world has ever known.

THOMAS MCLEOD.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:
I feel the conviction of Lt. Calley is a victory for the Communist. This is indeed a dark day in the history of America.

JOHN W. WEEKS.

FLORENCE, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Re decision Lt. Calley, we have all went through battles. May I say that I as an individual was taught to kill World War II

and Korea. Thank God I had the opportunity to fight for my country. Lt. Calley is a victim we could all have been the same.

BOB PREVATTE.
ANDERSON, S.C.

Senator STROM THURMOND,
Washington, D.C.:
Either Lt. Calley should be pardoned or we get out of Vietnam at once.

Rev. CHARLES W. MOSELEY.

CHARLESTON, S.C.
Senator STROM THURMOND,
Washington, D.C.:
I strongly object to this verdict on Lt. Calley. He is only a human being. He is helping to help this country and this world see what can be done about it.

C. L. JASCH.

FLORENCE, S.C., *March 29, 1971.*
Senator STROM THURMOND,
Washington, D.C.

DEAR SENATOR: I would like to voice my protest to the finding of the jury in the trial of Lt. William Calley today.

I am a veteran of World War II and I'm sure there are thousands of similar incidents that have gone unnoticed by anyone. If one is to be tried, why not all.

This young man was called into service and evidently served well and carried out his orders. These atrocious things occur, but in war I don't believe they can be helped.

This is the only way I know to plead for Lt. Calley so I'm writing you.

If you know of anyone who could let my feelings be known to, please talk to them.

If there is anyone who could help if I wrote to them, I'd appreciate having their name and address.

Thank you for good representation for our State.

Yours truly,

HERBERT COKER.

ANDERSON, S.C., *March 29, 1971.*
Honorable Senator STROM THURMOND,

DEAR SIR: Tomorrow night I will have a meeting, there will be 54 boys present, I am a Scout Master, the boys are Boy Scouts. Our openings always begin with the Pledge of Allegiance to the Flag. The Flag is one that you gave to our Troop, it has been flown over the Capitol of our Nation. I am wondering tonight if I could be sincere in giving the Pledge after hearing the decision that was handed down in the Lt. Calley Court Martial, a man being guilty of doing his duty for his Country?

I am a veteran of WW2, having served in the Pacific, my life was put on the line and I did my duty, the same as Lt. Calley, is there a difference in duty now? There are some of my former Boy Scouts in V.N. now, they are good boys, I wonder how many of them will be another Lt. Calley? What are they fighting for? Freedom for us? or a possible Court Martial for doing their duty and taking their orders?

I am the father of two boys, 19 and 23, the oldest is in the service now. Will he be Court Martialed for doing his duty? I tell you Senator, a lot of my Gung Ho is going unless some of the people do something, the people that can do something, that's YOU. among others.

Tomorrow night 30 March 1971, at 7:00 P.M. I hope that I can face the Flag and what it represents and repeat, I PLEDGE ALLEGIANCE TO THE FLAG, AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION, UNDER GOD, WITH LIBERTY AND JUSTICE FOR ALL.

Is it Justice for Lt. Calley?

Sincerely,

JOHN F. SEEL.

YOUTH OPPORTUNITY COUNCIL IS CLOSED

Mr. HUMPHREY. Mr. President, this afternoon's press carried a story that is very disconcerting. I think it is one of the most upsetting stories I have read relating to younger people and their needs for many months.

I have before me a copy of the Washington Evening Star. A front page story, center page, says that the Youth Opportunity Council is closed. This is a byline story by Robert Walters, one of the very able reporters and journalists.

The story reads:

YOUTH OPPORTUNITY COUNCIL IS CLOSED
(By Robert Walters)

The President's Council on Youth Opportunity, which has coordinated the federal government's effort to provide better employment, recreation and education opportunities to needy youngsters during the past four years, has been closed down by the White House.

The council, headed by Vice President Spiro T. Agnew, quietly went out of business yesterday afternoon. The office space it had occupied in a downtown office building here will be taken over by a new White House agency, the National Commission on Marijuana and Drug Abuse.

There was no public announcement of the Nixon administration's decision to "discontinue" the council, but individuals who have worked with the organization in the past were sent letters a week ago saying the move was "part of the President's efforts to reorganize the federal government."

The council was best known for its ambitious efforts to provide summer employment for disadvantaged youths in the nation's major urban areas. It's abolition means that there will be no federal agency whose principal responsibility will be to coordinate such efforts this summer.

On Tuesday, a day before the Council was permanently closed, the White House released a memo from President Nixon to all Cabinet officials and heads of federal agencies emphasizing the need to hire young people, particularly those from poor families, during the summer months.

"When schools close for the summer, many students will seek summer employment. Some will need the earnings to continue their education or to help out at home," Nixon said. "To others, the job might mean a start toward a new career or a chance to relate classroom theory to practical experience."

CIVIL SERVICE ROLE

A White House spokesman, in San Clemente, Calif., said that 115,000 students, at least 62,000 of them classified as "needy," would be employed by the federal government this summer.

According to the White House, the Civil Service Commission now will provide the leadership, guidelines and coordination for the summer employment program aimed at young people in the 16–21 age group.

The letters announcing the closing of the council, dated March 23 and 24, said that "functions presently assigned to the Youth Council will be assumed by the Domestic Council and the Office of Management and Budget."

Mr. President, I can recall when the Youth Council was established as an informal effort by President Johnson in 1965 and I was asked then, as the Vice President, to chair the Youth Opportunity Council which consisted of members of the Cabinet and other agencies of the Government. The President's direction to the Vice President was to coordinate the activities of the Federal Government in cooperation with State and local governments, and the private sector in order to provide employment, recreation, and educational opportunities to disadvantaged and needy youth between the ages of 14 and 20.

In 1967 this informal arrangement was formalized by Executive Order 1130 dated March 5, 1967, to plan, coordinate, and evaluate summer and other youth programs of the Federal Government and to encourage State, local, nonprofit, and other private organizations to participate fully in efforts to enhance opportunities for youth.

That was the directive in the Executive order establishing the President's Council on Youth Opportunity, Executive Order 11330, dated March 5, 1967.

But prior to this Executive order there had been 2 years of effort. I served as chairman. We had many meetings in the winter starting our program, getting funds available for State and local governments to do their planning in the winter and the months of spring, and being ready to launch our program as school let out around the first of June.

That program was running from the first of June into the month of September, those important summer months when thousands and thousands of young men and women were without work, without any kind of supervised or organized activity which is provided by our educational institutions.

A determined effort was made within the Federal Government to find jobs for needy youth and thousands of them were found. We went to the States, meeting with governors and mayors, and organizing a Youth Opportunity Council in every State and in every major city in the United States.

After 1967 we provided administrative funds for the purpose of these local and State Youth Opportunity Councils. Indeed, Mr. President, every State employment office in the United States had a special area or a special function in youth employment, special counselors, special employment officers, working with our needy youth.

In 1967 and 1968 the National Alliance of Businessmen became an active part of our program. I can remember meeting in Washington with Henry Ford II and other members of the National Alliance of Businessmen and getting their commitment to hire about a quarter million, over 200,000, young people. I believe they fulfilled their quota or commitment of approximately 200,000 in 1968.

Mr. President, we were able to find jobs for needy youth—and I do mean needy youth—referred by employment agencies, welfare agencies, church groups, nonprofit organizations working with the needy and the poor. We were able to find jobs for over 1 million young men and women during the summer months. We were able to put into

remedial education hundreds of thousands of young men and women who needed a little extra help in the summer months during their schooling.

We had what we called Operation Champ in all the great cities of America where Olympic stars and professional athletes gave freely of their time at no cost to any one to help young men and women in recreational opportunities. We opened over 7,000 small parks and playgrounds in this country, every one of them paid for and made available by private industry at no cost to any public body.

I remember our sister city of Baltimore's closing off the streets for playground use every afternoon and how the fire department and the police department would organize recreational activities.

I think of some of our great athletes who spent their entire summer teaching young people how to swim, football players, the champions of the baseball diamond, and the champions of basketball giving leadership to young men and women. I could name by the hundreds the athletes who give of their time at no cost but out of love for young people and service to this country.

It was my privilege, and I considered it a rare privilege to help organize the President's Youth Opportunity Council, to have chaired it for 4 years, and to have traveled the length and breadth of this country to encourage mayors, commissioners, Governors, chiefs of police, and civic groups to become active in the youth field. I do not say we did as good a job as we would like to have done or should have done because frankly it was difficult to get money. But I was directed by the President to find $0.5 billion—$500 million—out of existing budgets for other programs.

I sat down many a day with different departmental heads with the directive from the President and said:

> You are going to allocate out of your departmental budget so many thousands of dollars or millions of dollars for the youth program.

We had our Neighborhood Youth Corps involving hundreds of thousands of jobs. These young people all over America started doing things such as cleaning parks, cleaning streets and back alleys, rodent control programs, doing things that needed to be done.

I know the argument can be made that this program will just go on in other agencies of Government. That is just the trouble; it will not go on in other agencies of Government.

If there is any reason I can be of help in this body it is because I have been in the other department of Government. If these functions are placed in other agencies of Government they will be lost. It takes a driving force, day and night. You have to be backed up by the Cabinet, you have to have the President behind you, you have to be able to speak for the President and almost make it a full-time job. I spent hundreds of hours as the chairman of the President's Youth Opportunity program. I realized it was not the greatest news of the day. I did not take on the networks or anyone else to tell them about their problems. I worked with young people.

The abolition of the Youth Opportunity Council is a cruel, low blow to the youth of this country. This is the one little hope they had.

Listen to these figures among black Americans—young blacks, and whenever they get out of line a little bit, oh, do we like to criticize them. There will be speech after speech made and article after article written about them and about these destructive young people. In the poor neighborhoods of our 50 major cities the black unemployment rate for young blacks in the teenage group is 42.4 percent, almost one-half of them without jobs. That figure is up from 26 percent a year ago.

Among young whites it is up from 11 percent to almost 19 percent. It is 18.8 percent.

The total overall average for youth unemployment in poor neighborhoods—and we are talking about disadvantaged youth—is 28 percent of the total youth population, and we are going to close out the Youth Opportunity Council as a part of the President's effort to reorganize the Federal Government.

What this country needs is not reorganization; it needs governing; it needs to get on with the job; and not a dime is provided in the budget for fiscal year 1972 for the Youth Opportunity Council. I would hope that the administration would have the good sense and good will to come forth with a supplemental—and they better.

I want to say I am not the only one concerned about this matter. I happen to know the distinguished Senator from New York (Mr. JAVITS), along with other members of the Committee on Labor and Public Welfare, directed a letter to the Vice President, who was Chairman of the now defunct Youth Opportunity Council, asking for a commitment to assure adequate summer jobs and youth manpower programs. That letter was sent on February 23. It was a friendly letter. It outlined the problem. It asked for additional funds. It was concerned about the lack of appropriations or requests for appropriations. I have no way of knowing whether or not the letter has been answered, but I can say to distinguished Senators—and I note that several of them signed the letter, not only Senator JAVITS, but Senators BAYH, BROOKE, CASE, CRANSTON, EAGLETON, KENNEDY, MCGOVERN, MONDALE, NELSON, PROXMIRE, RANDOLPH, RIBICOFF, and STEVENSON—that letter has been answered in the press. It was answered by letters to members of the Council of March 23 and 24, saying the function presently assigned to the Youth Council will be assumed by the Domestic Council and the Office of Management and Budget.

Mr. President, God bless America and the young people if the Office of Management and Budget is going to get them any jobs. Whoever is in charge—and I want to keep it completely nonpartisan—the Bureau of the Budget is not going to be doing the job for youth on jobs. I have had my troubles with them. They have never seen quite since what needs to be done.

I implore, I urge, upon the President of the United States, that he not abandon this program, that he not abolish the council. He can reverse his order.

If this is what special revenue sharing means, I hereby announce my unqualified opposition—and I was going to help this administration on its revenue-sharing proposal. I had a worry about special revenue sharing. I felt it was more dismantling than it was revenue sharing. I do not see any revenue under that special revenue sharing.

I do not want to judge these things on a partisan basis. I do favor revenue sharing. I am going to help pass a revenue-sharing bill if I can. But this part of the so-called special revenue sharing is a reorganization program. It is wrong. I submit the evidence will demonstrate it means the end of the youth employment program.

I also say it is most unfortunate, after we have spent years working out the difficulties, getting the local governments geared up to do the job. Every Mayor's office across America has a Youth Council at work. They are now being told that we have withdrawn. I wish we could withdraw from some other places as fast as we can withdraw from these programs.

Mr. President, as I read this article, I ask the Senate of the United States and the other body to make sure that supplemental funds are made available for youth employment. Take a look at what needs to be done. There is so much to be done in this country today. Thank goodness we passed an Emergency Unemployment Act. It is an outrage to have people without work.

Go to any major city. Senators go to one city after another often. Go to the inner city today. The centers of the city are looking, not like ghettos, but like jails, poorly kept. Who lives there? The affluent have fled to the suburbs, but the blacks, the Chicanos, the Puerto Ricans, Mexican-Americans, poor whites, are locked up in what we call the core cities, the inner cities.

It is that part of the city that is without jobs, without adequate social services. It is that part of the city that does not have its garbage picked up. I had a mayor tell me not long ago, "We pick up garbage as often in the inner city as we do in the richer suburbs." I said, "Did you ever look at the population density?" I will never forget this—if the same density of population existed in the other boroughs of the city of New York as it did in Harlem, the whole population of the United States could be put into the whole complex known as New York City. If the same population density existed in the other four boroughs as it does in Harlem, the entire population of the Nation could be jampacked into New York City.

We have to have more social services there. We have to have more employment there.

I want to warn the Senate today that if we abandon the youth opportunity program and the youth council, if we eliminate the opportunity for employ-

ment and education of youth and social services for youth, there will be trouble in America this summer—unbelievable trouble.

Everybody knows this warning is so true that it is amazing we could even think for a moment that we would abandon and discontinue an organization that was designed to provide opportunity, rather than leave people in a situation of deprivation, unemployment, poverty, and uselessness.

Mr. President, I decided to use this late hour since I did not want to interfere with the program of legislation for today, but I want to repeat that I shall be back day after day to try to get something done here. We are not going to let the administration dismantle the program for young Americans. It is late already. Today is the first of April. A youth program should be designed and ready to go to work at least within the next 60 days. By June 1 we have to be ready to go into the field, to employ, to get the playgrounds active, to get the remedial programs going. I do not think there is very much going on.

Last year they did it the first week of May. A program for our youth for the summer cannot be designed in the first week of May. It must be started at least 6 months earlier.

I want to compliment the distinguished Senator from New York (Mr. JAVITS) and his colleagues for their interest in this matter. I want to thank the U.S. Conference of Mayors. I want to thank the National League of Cities for their interest. I want to thank many Members of the Senate for their long-term interest in the Youth Opportunity Council and the Youth Opportunity program. And I want to condemn and chastise the administration for discontinuing the Youth Opportunity Council. It is wrong. It is indefensible. It is inexcusable. What it means is abandoning hundreds of thousands—yes, millions—of young people at a time when they desperately need to be helped.

SOLID AND HEARTENING PROGRESS IN COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL

Mr. HRUSKA. Mr. President, the ravages, miseries, and catastrophies wrought by the abuse of drugs and dangerous substances are serious and widespread the nation over. They constitute one of the more grave and menacing threats to national health and well-being.

Constant reminders occur to keep this fact in the public mind, in our educational institutions of all levels, in the armed services, in youth groups, and so on. These are the areas most heavily affected, but the problem pervades everywhere.

It is a situation long entitled to high ranking priority among the national concerns.

Happily, it has reached such a rating in recent times.

This is revealed by the broad, far-reaching efforts made to bring about a totally new climate, approach, and rationale by which intelligent and vigorous progress can be made.

Mr. President, heartening and solid progress has been made lately. Here is but a partial list of the highlights:

Creation and implementation of the Bureau of Narcotics and Dangerous Drugs within the Department of Justice. This was brought about by reorganization plan of President Johnson in 1968. It combined in the new Bureau the missions and responsibilities assigned theretofore to two other agencies: the Bureau of Narcotics of the Treasury Department, and the Bureau of Drug Abuse Control in the Food and Drug Administration.

Excellent congressional response to President Nixon's recommended legislative program. The Comprehensive Drug Abuse Prevention and Control Act of 1970 was a true milestone. It was the first sweeping revision and up-dating of drug control legislation in over 50 years.

Vigorous and unremitting enforcement action spearheaded by the leadership of Attorney General Mitchell in the Department of Justice.

A thrust directed against primary sources of supply and distribution—both domestic and worldwide. This was achieved by way of treaties, protocols, and agreements in the international field. It was also done by way of greatly stimulated and meaningful cooperative action with State and local authorities. Strict accountability for legal purposes and uses by those who import, manufacture, distribute or possess such drugs and substances. Conversely, to prevent illicit traffic in them as well.

Retained and improved interest and emphasis upon treatment, rehabilitation, and education programs. Title I of the Comprehensive Act of 1970 expanded the programs in these fields beyond the areas theretofore existent. It did this by increasing the substances and application of programs embraced in the law to all types of people affected, and by increasing authorization for funding. President Nixon, on the occasion of the bill signing, specifically noted that the measure was not only a law enforcement bill, but that it also was extensively directed to treatment, rehabilitation, and education. Further impetus in the educational field was provided by the later enactment of the Drug Abuse Education Act of 1970, which provided for the creation of new drug education grant programs.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

This act is monumental and sweeping in its scope and extent. It is too lengthy to attempt even summary at this point in my remarks. But its thrust and significance can be perceived somewhat better by reference to some of its salient features:

It establishes a modern, flexible system of control under the authority to regulate interstate commerce. The Attorney General, with the advice and consent of the Secretary of Health, Education, and Welfare may administratively place and move dangerous substances within five schedules according to potential harmfulness and other attributes. Control decisions can be made with a minimum of administrative burdens and delays.

It creates a simple, efficient registration system encompassing all those who are in the chain of manufacture, import and export, and distribution. Tight, effective controls over imports and exports are provided. Many safeguards against unlawful diversion are built into the system. Required records and reports are designed to keep enforcement agencies abreast of all transactions and capable of exacting desired accountability.

It reforms the entire Federal penalty structure in a manner which has elicited rightfully a good deal of praise from outside of government. Penalties are more flexbile; they are designed to fit the offense and the offender. Courts now have more leeway to severely punish true criminals peddling dope for profit, but can provide first offenders with special treatment resulting in a clean record if they stay out of trouble thereafter.

It provides improved enforcement tools, such as increased powers of arrest and "no-knock" warrants, for Federal agents.

It establishes a National Commission on Marihuana and Drug Abuse which, under its able Chairman, Raymond Shafer, former Governor of Pennsylvania, is already beginning to gather useful information which it will eventually provide to the President and Congress.

It contains, in a separate title, increased funding and authority for rehabilitation programs relating to drug abuse.

In this act, we gave the President what he asked for and the people what they needed. Some of the key provisions, of course, are not effective until May 1. I am satisfied, however, that this legislation has marked the beginning of a reversal in the frightening trend of drug abuse increase which plagued the 1960's virtually unchecked.

Legislation is naturally not the only answer. We have done our part for the present, but what is the administration doing? How are they using the tools and the money we have provided them? I would like to describe those achievements now, in but one field—law enforcement and related efforts. Significant strides are being made in the fields of education and rehabilitation as well, but this Senator will limit his discussion to the area of enforcement today.

It is in this area that we must hold the line while our long-range programs have an opportunity to take hold. The administration has been doing more than holding the line, however, and I know the positive steps I am about to describe will be heartening to all Americans.

INTERNATIONAL ENFORCEMENT

In this field we see similar progress. Joint U.S. Bureau of Narcotics and Dangerous Drugs-French efforts in 1970 produced seizures of illicit morphine base and heroin in France totaling 893 pounds. All of this was bound for the United States.

Throughout Europe and the Middle East during 1970, Bureau of Narcotics and Dangerous Drugs agents played a direct part in the arrest of 74 major international traffickers. Seized during these arrests were one morphine base

conversion laboratory; two airplanes; $50,000 cash; 3,095 pounds of hashish; 156 pounds of heroin; 751 pounds of opium; and 858 pounds of morphine base. The combined opium, morphine and heroin seizures represent 1,100 pounds of illicit heroin that did not make it to the United States.

I might add that operations by the Bureau of Narcotics and Dangerous Drugs now cover the globe. By the end of fiscal year 1972, the Bureau will have 110 employees stationed abroad, including 72 agents. This is 2½ times the number the Bureau had 2 years ago.

DOMESTIC ENFORCEMENT OPERATIONS

Seizures in the domestic market by the Bureau are also up very significantly. During 1970, BNDD agents seized these totals domestically: 427 pounds of heroin, an increase of 205 percent over 1969; 197 pounds of cocaine, an increase of 170 percent; 17,402 pounds of marihuana, an increase of 97 percent.

Also seized were 7.2 million dosage units of stimulants, an increase of 49 percent; 2.4 million dosage units of depressants, an increase of 212 percent; and 7.1 million dosage units of hallucinogens.

It is also significant to note that the amount of drugs removed per arrest by Federal agents today is up nearly 500 percent over what it was 3 years ago. And the amount of drugs removed from the illicit market for every Federal agent that is available is up nearly 200 percent over 3 years ago. This is all the more remarkable considering that the number of agents during this period has almost doubled.

The Bureau during 1970 also seized an average of one clandestine laboratory a week. Many of them had sophisticated industrial equipment capable of bootlegging commercial quantities of illicit drugs.

Another indicator that this increased enforcement effort is paying off is that the Federal Government is now carrying the attack to the heart of the enemy. Each of the Bureau's investigations is aimed at the highest echelons of the criminal traffic and for the first time Federal agents are regularly and substantially neutralizing major systems both domestically and abroad.

The Bureau has identified and penetrated more than 100 major international and domestic illegal drug distribution systems.

A good example of the major cases now being closed out by the Bureau is its first one which was culminated June 20, 1970. It was called Operation Eagle. It represented a 6-month investigation into a major cocaine trafficking group.

On the weekend of June 20, BNDD agents arrested more than 169 persons in simultaneous raids in nine cities and confiscated 66 pounds of heroin and cocaine, in addition to the drugs removed during the investigation. The majority of those involved were of Cuban nationality and many of them have already been convicted and sentenced. The arrests seriously crippled this group which was formerly able to deliver multikilogram quantities of heroin and cocaine into this country.

The second such case, also 6 months in length, was recently closed out on February 24, 1971. It was called Operation Flanker.

More ambitious than Eagle, this operation was directed at the upper echelon of organized crime and the heroin traffic. It involved seven eastern and midwestern cities and to date 154 of the 179 suspects have been arrested.

Removed from the illicit market in the case were 71¼ pounds of heroin, 49.2 pounds of cocaine, and 250 pounds of marhiuana—representing a total street value of some $12.8 million. Also seized were $431,341 cash, 78 guns, and 35 cars.

Attorney General John N. Mitchell announced at the time that Flanker was a serious blow to organized crime and it might cause its leaders to reassess its position in trafficking narcotics.

John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, said that Eagle and Flanker are but the beginning and that more of these investigations will be closed out in the coming months.

WIRETAPPING

A critical technique in the increasing ability of Federal agents to penetrate the upper echelons of drug distribution systems has been the use of wiretapping. For example, 12 court-approved electronic surveillances were used to obtain a large portion of the evidence which made Operation Flanker a success.

Authorized by title III of the Omnibus Crime Control and Safe Streets Act of 1968, these wiretaps had to receive advance approval by a Federal judge to whom a complete and detailed justification for the surveillance had to be made. With careful adherence to the many procedural safeguards required by the act to protect individual rights, agents have been able to gather detailed information on the operation of distribution rings which could be obtained in no other way.

The probable cause requirements established in title III of the act are in full conformity with Supreme Court cases such as *Berger* v. *New York* (388 U.S. 41, 1967) and *Katz* v. *United States* (389 U.S. 347, 1967). Unwarranted invasions of privacy, condemned by the Constitution's fourth amendment, are fully guarded against. At the same time, a tremendously valuable law enforcement tool has again and again proved its worth in situations like Operation Flanker where no other method of getting at the organized criminal is available. I commend the Department of Justice for its judicious use of this technique, and for the success such use has brought.

ORGANIZATION AND TRAINING

It is well to point out that the Bureau is also helping local and State police departments on an extensive basis. Last year, upward of 20,000 local and State police officers across the country attended the Bureau's training schools and seminars. The Bureau has been extremely active in forming metropolitan enforcement groups—MEG's. These are specialized drug enforcement groups composed of officers from several departments in a given area which are not capable of fielding their own units. At the present time, there are 18 of these units and 28 additional ones in the formative stages. The Bureau not only helps organize the units, but furnishes them technical assistance, training and equipment.

Another indicator of the importance this administration and this Congress are giving to this effort is the fact that in these difficult fiscal times the Bureau's budget has grown from some $14 million at its inception about 3 years ago to about $42.7 million for fiscal 1971. The President has requested $54.9 million for fiscal 1972.

The bulk of this growth is reflected in new agents being recruited. It is anticipated that the Bureau will augment its present agent force by more than 40 percent this fiscal year, bringing the number of agents to about 1,334. This is even more significant when you compare it to the former Federal Bureau of Narcotics which expanded its agent force an average of 1 percent per year in the early 1960's, the beginning years of the drug epidemic when the problem was allowed to grow out of control.

I believe our enforcement effort is bringing about the stalemate—containing the epidemic, if you will—necessary for the forces of education, research and rehabilitation to gear themselves up for what will be the final solution.

WORLDWIDE PROGRESS

Mr. President, let us again turn to the international effort, more particularly the intensified program to dry up the sources and bring about worldwide controls.

Director Ingersoll headed delegations to two important United Nations meetings on the drug problem. They were the U.N. Commission on Narcotic Drugs session in September 1970, in Geneva, Switzerland, and the Plenipotentiary Conference on the Protocol on Psychotropic Substances in January 1971, in Vienna, Austria.

GENEVA RESOLUTIONS

Here the U.S. delegation was instrumental in focusing new attention on the matter of illicit narcotics trafficking. In particular, the delegation was successful in getting a resolution adopted which sets up a special fund to work mainly for opium production controls.

The U.S. immediately pledged $2 million to get the fund going. The resolution calls for the money to be used for:

First. Immediate action to expand the research and information facilities of United Nations drug-control bodies; to plan and implement programs of technical assistance in the establishment and improvement of national drug-control administrations and enforcement machinery and the training of needed personnel; and to enlarge the capabilities and extend the operations of United Nations drug control bodies and their secretariats.

Second. The establishment of a United Nations fund for drug abuse control.

Third. The elaboration by the Secretary-General of a plan for long-term action against drug abuse involving the entire United Nations system of organizations as appropriate.

This special fund is set up so that all member nations and anyone interested can contribute to it. As a result of establishing the fund and the attention given to the problem at the Geneva meeting, we are seeing a renewed effort on the part of the U.N. narcotics unit.

VIENNA PROTOCOL ON PSYCHOTROPIC SUBSTANCES

The end product of the Vienna meeting was a protocol on worldwide control of psychotropic substances. The Vienna meeting is considered a success in every way. The American delegation was able to negotiate crucial questions favorably.

The work done there represents a major step forward in worldwide control of these substances. The document, as agreed upon, will be effective even to control of dangerous substances that may be created in the future as well as those now in existence.

The State Department, in collaboration with the Bureau of Narcotics and Dangerous Drugs, now has the responsibility for getting Presidential approval and ratification by this body of the document.

In addition to this U.N. work, the Bureau and the State Department are also working closely with other international groups, such as NATO and the World Health Organization, in seeking effective worldwide controls of narcotics and dangerous drugs.

FRANCO-AMERICAN BILATERAL AGREEMENT

Another international milestone was reached recently in Paris when Attorney General Mitchell and French Interior Minister Raymond Marcellin signed a protocol of agreement for our joint law enforcement effort aimed at the illicit narcotics traffic as it applies to France.

Mr. President, this is a historic document. It is the first written law enforcement agreement of this kind between two nations. Perhaps it is more significant because of the fact that it symbolizes the commitment of two countries to rid themselves, and the world, of this menace.

The agreement spells out in detail how the two governments will conduct joint investigations, exchange intelligence, pool resources, and exchange personnel.

The pact is the product of the Franco-American Intergovernmental Committee, composed of top French police officials and U.S. officials, which meets quarterly.

As in other countries, negotiations with the French have been as high as the cabinet level and have resulted in a greatly expanded American-French effort. As it gets into high gear, it is bound to have dynamic impact on the illicit conversion of heroin and trafficking in France.

MEXICAN-AMERICAN NEGOTIATIONS

Our joint efforts in another key country, Mexico, are also producing striking results. Here again, negotiations have been at the highest level.

A joint working group, headed by Deputy Attorney General Richard G. Kleindienst and his Mexican counterpart, David Franco Rodriguez, has just concluded a meeting in Mexico City. This was followed by the third meeting between Attorney General Mitchell and Mexico's Attorney General, Julio Sanchez Vargas, here in Washington on March 29, only 3 days ago. At this session the Attorneys General approved the most recent report of the joint working group, which is designed to improve still further the excellent cooperation now existing between Mexico and America on drug control efforts.

The Mexican Government is progressing vigorously in its program to destroy illegal crops of opium and marihuana, expanding it from an initial three States to 13. The United States, to aid this effort, has granted the country a $1 million loan which included five helicopters and three light airplanes to use in the search and destroy program.

CONCLUSION

Mr. President, I submit that the foregoing accomplishments are truly significant and heartening. They deserve our admiration and gratitude. We must continue to support these efforts on the part of the administration and of the Justice Department in particular.

At the same time, we must recognize that Federal efforts alone can never turn the tide against drug abuse. As I mentioned earlier, law enforcement at the national level must be directed at the higher echelons of organized crime, at illicit importation and exportation, and at international traffic. Negotiations with foreign governments must also be at the Federal level. The same is true in the equally vital areas of education and rehabilitation. The Federal Government can provide money, guidance, training, and other forms of technical assistance.

But it is ultimately up to State and local governments, and to the public, to strike the death blow against drug abuse. Theirs is the primary responsibility.

Illicit drugs are peddled at every level of society by various criminal elements. Local governments must hold up their end in the Federal-State law enforcement partnership in order to perpetuate the initiative created by the Justice Department and other Federal law enforcement agencies. They must receive increased public support in their local efforts to deal with the problems in their towns and cities to which only they can respond. We in Washington must give them all the help and encouragement they need, but they must do this vital job at their own levels. I believe they will.

Mr. President, I ask unanimous consent that copies of Justice Department press releases describing in detail "Operation Flanker" and the Franco-American Bilateral Agreement be printed at this point in the RECORD.

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

"OPERATION FLANKER"

Federal narcotics agents arrested 54 persons in four different cities last night and early today in the largest Federal crackdown on narcotics distribution by organized crime.

Attorney General John N. Mitchell announced that more than 200 special agents of the U.S. Bureau of Narcotics and Dangerous Drugs participated in simultaneous raids in New York City, Hartford, Chicago, and New Orleans.

Sixty-four other defendants were arrested previously in Philadelphia, Detroit and Baltimore in connection with the investigation.

The arrests climaxed a six-month intensive investigation in which a total of 71¼ pounds of heroin, 49.2 pounds of cocaine, 250 pounds of marihuana were removed from the illicit market, representing a total street value of some $12.8 million.

Total seizures other than drugs: $431,341 cash, 78 guns, and 35 cars.

Seized in the raids early today and last last night were: New York: one gun and two cars; Chicago: ten pounds of heroin, 11 guns, and $82,000 cash; New Orleans: one ounce of cocaine and one fourth pound of heroin and two guns.

A total of 175 defendants were named in complaints and warrants in the seven cities. Thirty-three suspects are still being sought.

There were 20 arrests in New York; 14 in Chicago; 3 in Hartford; and 17 in New Orleans last night and this morning.

The three earlier phases of the investigation were closed out by BNDD agents on October 21, 1970, in Detroit; on November 18, 1970, in Balitmore; and on December 11 and 22 in Philadelphia.

In the Detroit case, 31 suspects were arrested and agents seized 13 pounds of heroin; 22 pounds of cocaine; 256 pounds of marihuana; nine vehicles; 44 weapons; and $300,000 in cash.

In the Baltimore case, 21 suspects were arrested and agents seized $12,000 in cash.

In the Philadelphia case, 13 suspects were arrested and agents seized three pounds of cocaine, one-half pound of heroin, four cars, one gun and $10,186 cash.

Mr. Mitchell said the investigation, codenamed "Operation Flanker," was aimed at top echelons of organized crime narcotic activity in the eastern and midwestern parts of the country.

He said the arrests included not only "wholesalers," but key figures who direct the importation and distribution of narcotics.

Mr. Mitchell said the operation was heroin-oriented, compared with another lengthy investigation closed out last June by BNDD. Called Operation Eagle, that investigation disrupted a major cocaine smuggling group. More than 160 persons were arrested in ten major cities in that investigation.

Mr. Mitchell said the two operations "are a warning to the criminal element in drug trafficking that we will not let up."

"This administration will live up to its commitment to vigorously pursue and prosecute those who reap profit in this criminal enterprise," Mr. Mitchell said.

John E. Ingersoll, BNDD director, said the operation should seriously disrupt the flow of heroin in the seven cities.

Mr. Ingersoll said a BNDD agent actually penetrated an organized crime unit in New York and became accepted as a member.

Information gained by this agent, he added, led to numerous other cases involving non-narcotic related crimes such as high-jacking and counterfeiting.

A large portion of the evidence obtained by the agents came through court-approved electronic surveillances. A total of 12 wiretaps were authorized in the investigation.

"We would definitely have been unable to trace the distribution of narcotics without this assistance," Mr. Ingersoll said.

Mr. Ingersoll said most of the defendants were charged with conspiracy to violate or actual violation of Federal laws prohibiting possession, transportation or sale of heroin or cocaine.

FRANCO-AMERICAN BILATERAL AGREEMENT

Attorney General John N. Mitchell read the following statement during the signing of an agreement between France and the United States to formalize their activities in the fight against international trafficking in drugs.

My good friend, Minister of the Interior Marcellin, and other distinguished officials and guests of France and the United States:

Our action today in signing this agreement is another noble chapter in the history of comradeship between our two countries.

Nearly two hundred years ago, we first fought together to achieve liberty on the other side of the Atlantic Ocean.

In this century we have twice been comrades in arms to preserve liberty on this side of the Atlantic, and throughout the world.

Today our two nations are, in a sense, striking another blow for liberty.

The enemy we face destroys men's liberty and makes them slaves of a drug habit.

Frenchmen and Americans have conquered tyrants together, and together we can put an end to this growing tyranny of drugs.

For many years, both of our countries have been attacking the narcotics traffic together.

We have joined other nations in getting the United Nations to establish a special fund to fight drug abuse. I am happy to report that the United States has pledged $2 million to this fund this year.

France and the United States played leading roles during the recent conference on the Convention on Psychotropic Substances that ended in Vienna last Sunday. I would like to note that one of the most effective representatives there was Dr. Jean Mabileau of France, who was chairman of the important Control Measures Committee.

And, of course, French and American law enforcement authorities have been cooperating closely in striking at international drug traffickers. Much progress has been made in arrests and seizures in both countries.

Today we are formalizing and extending this effort through this agreement.

Other international agreements have controlled the legitimate production of drugs and outlawed all other production. But something important was missing.

This agreement provides for cooperation between our nations in drug law enforcement.

The next great step is for other countries concerned with the drug traffic to join in formal agreements for police cooperation in this field.

If America and France dedicate themselves to rigid enforcement of this agreement. . . .

And if our cooperation can light the way for other nations to make and enforce similar agreements. . . .

Then I predict that the tyranny of narcotics can be encircled and overthrown.

The implementation of this agreement is now in the hands of the French Police Judiciaire and the American Bureau of Narcotics and Dangerous Drugs.

I am proud that in this crusade, as in others of the past, the banners of America and France are flying together in the vanguard.

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

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECISION OF ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order for the recognition of the senior Senator from Virginia (Mr. BYRD) on tomorrow be vacated.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, following the remarks of the able majority leader, for which an order has already been entered, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks by the Senator from Wisconsin (Mr. PROXMIRE) on Monday next, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR MILLER ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks by the distinguished Senator from New York (Mr. JAVITS) on Monday next, the able Senator from Iowa (Mr. MILLER) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Iowa (Mr. MILLER) on Monday next, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next, the unfinished business, S. 581, be laid before the Senate.

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

THE CONSOLIDATION OF NATURAL RESOURCE PROGRAMS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that a statement be printed in the RECORD.

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

Mr. JACKSON. Mr. President, at the recent confirmation hearings of the new Secretary of the Interior, I expressed concern over the organization of the Federal government in the natural resource field. It is clear that the time has come to regroup our natural resource agencies in order to improve management effectiveness and control.

Recognizing this need, I have joined today in co-sponsoring the bill introduced at the Administration's request to reorganize and consolidate our natural resource programs. While I have reservations about some aspects of the Administration's proposal, I am glad that the President has recognized the need for this reorganization. The Administration's bill offers a basis for effecting this change and I hope that it will stimulate careful study of the alternatives available.

It was over twenty years ago that the first Hoover Commission analyzed the shortcomings of our natural resource management. The role of this management is more critical today than ever before. We must develop modern management and organization for the natural resource responsibilities of the Federal government.

REFERENCE OF A COMMUNICATION FROM THE SECRETARY OF TRANSPORTATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication at the desk from the Secretary of Transportation on "Aviation Cost Allocation Study Interim Report" be jointly referred to the Committees on Commerce and Finance, inasmuch as the law requesting this report was handled by those two committees last year.

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

REVISION OF THE WELFARE SYSTEM

Mr. BYRD of Virginia. Mr. President, no subject that will come before the Congress this year is more important or more pressing than proposed revision in the welfare system.

I am convinced that the present system should be changed. It was enacted in the 1930's and is totally unsuited for the conditions of the 1970's.

This is a time for innovation and testing of new ideas in welfare.

The seriousness of the welfare problems we face has been pointed up this month in pronouncements by the Governors of our two most populous States—Gov. Ronald Reagan of California and Gov. Nelson Rockefeller of New York.

I think it is especially significant that these two Governors, whose political philosophies are so dissimilar, agree on the pressing need for welfare reform.

On March 3, Governor Reagan pro-

posed a major revision of California's welfare laws, designed to increase aid to the truly needy and require those who are able to work to seek employment.

In an interview shortly afterward, Governor Rockefeller said:

> The present welfare system, if continued as it is, will ultimately overload and break down our society.

It is hard to overestimate the dimensions of the welfare crisis in these huge two States—and in many others as well.

So the time for change surely has come. The question before us this year, then, is not whether to change the welfare system, but how to change it.

The administration's welfare proposal is now undergoing revision.

This proposal—the so-called family assistance plan—has been revised before, but its basic features so far have remained unchanged. I seriously doubt if the current revision will make any significant change in these basic features.

I have four basic concerns about the family assistance plan, which Secretary of Health, Education, and Welfare Richardson has called revolutionary and expensive.

First, I am concerned about establishing the principle of a guaranteed annual income.

Second, I am concerned about a proposal that would more than double the number of persons on welfare—from 10 to 24 million.

Third, I am concerned about a proposal that will nearly triple the cost of welfare in 2 years.

Fourth, I am concerned that the administration's plan lacks adequate work incentives.

I recognize the obligation of the Government to help those who are physically or mentally unable to earn a living.

But I am reluctant to vote to turn over the tax dollars of hard-working Americans to able-bodied people who refuse to work.

Therefore, unless there is substantial change in the administration's proposal, I do not believe it is the answer to the problems which confront us.

I am encouraged by the attitude of the Governor of California and the Governor of New York. I hope that the proposals they envision will be given a fair trial.

For that matter, I am not unwilling to see the administration's plan tried out in several sections of the country, to see if it is practicable.

We should have the benefit of some experience with new welfare proposals before we plunge headlong into a major revision of the laws.

I have introduced legislation (S.J. Res. 39) which would establish a national, blue-ribbon commission to study our welfare problems and make recommendations.

I believe this is the soundest approach to welfare reform.

In making its study, the commission would benefit greatly from the experience of California and New York, if these two States are able to embark on new programs.

Perhaps a trial of the administration's proposal also would be useful.

Other approaches might also be tested during the study period.

And even if my resolution for a study commission is not adopted, the revisions being proposed in California and New York, if given a fair chance, may benefit those responsible for drafting and passing upon an overall revision of the Federal welfare system.

It is obvious that Governor Reagan and Governor Rockefeller have given the welfare problem deep thought.

Governor Reagan's plan already has been formulated. It was submitted to the California Legislature in a 173-page report called Meeting the Challenge.

In a letter mailed recently to Members of the Congress, Governor Reagan asked that California be declared a demonstration area so that certain waivers of Federal law be permitted to enable the State to carry out its experiment.

I have not studied Governor Reagan's program in enough detail to judge its merits, but I believe that experimentation is going to be necessary if we are to come up with a feasible alternative to the present program.

Governor Rockefeller's program is still in the formative stages. However, in an interview published March 16 in the Rochester Times-Union, he detailed many of his concerns about welfare and some of the ideas he hopes can be utilized to combat the problems faced in New York.

He made it clear in the interview that he wants to accomplish at least four major goals:

First, to find ways of preventing the migration of the poor into cities whose municipal tax bases are already overloaded.

Second, to weed out of the welfare rolls those who are getting benefits beyond the basic purpose of the law.

Third, to provide incentives and opportunities for the welfare recipient to work if he can.

Fourth, to get welfare workers to encourage beneficiaries to work rather than go on relief.

I think these are laudable purposes.

I wish Governor Rockefeller well in working toward these ends.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of a news release from the office of the Governor of California, outlining Governor Reagan's welfare proposal; the text of the interview with Governor Rockefeller in the Rochester Times-Union; and the text of an editorial from the March 11 edition of the Times-Union, entitled "Rocky Seeks Reform of New York Welfare Mess."

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

NEWS RELEASE FROM THE OFFICE OF THE GOVERNOR, SACRAMENTO CALIF.

Governor Ronald Reagan today proposed a sweeping reform of welfare and Medi-Cal to assure that the truly needy receive the are to:

care they require at a cost the taxpayers of California can afford.

In a lengthy message to the legislature, which the governor called the "most detailed and specific" ever presented by a California chief executive, he asked the legislators "to join with me in making this the year that we put partisanship aside and get down to the business of controlling the monster that welfare has become."

He outlined the details of his reform program in a speech at the Town Hall in Los Angeles—the same address he was not permitted to deliver before a joint session of the legislature.

The governor said the goals of the program are to:

"Increase our assistance to the truly needy who have nowhere else to turn to meet their basic needs.

"Require those who are able to work to seek work, train for a job or serve their community, if asked, as a reasonable condition for receiving welfare."

"Place Medi-Cal benefits on an equal footing with the health benefits available to our working men and women who must pay their own health care needs themselves."

"Strengthen family responsibility as the basic element in our society."

He called the program "fiscally responsible" which "meets the requirements of a balanced budget while, at the same time attempting to insure that, for the first time in history, no California welfare family will have to subsist below the poverty level."

"In the development of every facet of this program, I have insisted that these reforms cause no net shift in costs to the already overburdened counties. I am confident that this will not happen, and that most counties will be able to effect actual savings if the entire program is adopted," he said.

Governor Reagan warned that the present welfare system—which he called "a $3 billion moral and administrative disaster"—is following "a road that can only lead to bankruptcy, unless we have the courage to turn in another direction before it is too late.

"Now is the time, perhaps our last chance, to define goals and assign purposes of our own to this aimless, goal-less federal program."

He told the legislators, "more than ever before the people want welfare reformed, and they have a right to expect us to do it."

The governor said his program will accomplish a two-fold purpose: "First, we must reduce the welfare growth rate by changes in eligibility determination and by a work and training program to move people into private sector jobs. Second, we must close all possible loopholes that lead to abuse."

He noted that today some 2.4 million Californians already are receiving welfare and Medi-Cal benefits and warned that "if present laws and regulations are not changed, California's welfare rolls could swell by as much as 600,000 by July, 1972—raising the total welfare population to 3 million persons.

"This would mean that one in every seven Californians would then be on public assistance.

"The numbers are especially staggering," he said, "when you consider that only 10 years ago the total welfare caseload in California amounted to only 620,000.

"In addition to slowing the growth of welfare and Medi-Cal dramatically, the reform program I am proposing will save at least $600 million in total federal, state and county expenditures for public assistance during fiscal 1971–72," he said.

The governor pointed out that "if the present unrealistic and inequitable laws and regulations covering California's welfare system were allowed to continue unchanged, based on current caseloads and costs, the

state's share of welfare would have to be $898 million during the coming fiscal year."

He noted that the budget he has submitted for 1971–72 provides approximately $677 million in general fund support for this purpose.

"Clearly, if the legislature does not act on welfare reform, our people will face increased taxes—not only this year, but on into the future, year after year after year."

He said that in addition to meeting the primary human goals of his program, the welfare reforms he is proposing also "will save $220 million in the general fund and will enable the state to operate within the amount of funds budgeted for this purpose during 1971–72."

[From the Rochester (N.Y.) Times-Union, Mar. 16, 1971]

WHAT GOVERNOR SAID ON WELFARE

(NOTE.—Here are excerpts from an interview with Gov. Rockefeller and Gannett reporters on his views of the welfare program in New York State, its problems and solutions.)

Question: Are you really unhappy with the advice you have been getting in the last decade with the professionals?

Gov. Rockefeller: I tell you, I never start out trying to solve a problem by looking for a scapegoat. So I don't think it's productive by trying to slash out at anybody based upon what has happened in the past either positively or negatively. I think what we have to do is say, "We're here. It's a combination of federal, state and local legislation, federal, state and local administration."

Q: In the first five years of this decade, most categories of welfare were stable but Aid to Dependent Children doubled. Why didn't we look at those figures in 1965 and decide something was going wrong?

A: As I said in the beginning, what is the use of going back and slashing out at anybody? And I just don't think that there is going to be anything gained by either firing the commissioner or putting a finger on somebody and then thinking we've solved the problem. It is not going to do it.

What we've got to do is sit down, as we're doing, and do the hard examination of the facts, the situation exists and what can we do and how we're going to do it between now and April 1.

Q: Where do you think you are headed?

A: Well, I would say roughly that if you look at it, there are the problems. I haven't got all the answers yet. How do you prevent people moving into a community where the communities' services, all of them, are now overloaded so that the new people coming in can't possibly get the kind of care that they should have, whether it's in housing, health, education or what not? And you are going to, by allowing them to come in, break down the services to those who are already there. Now, this is one area.

Somebody saw a 12 per cent increase last year in the city and 30 per cent increase in the suburbs. What is happening is that they are coming to New York and then find there isn't a place to live. The whole situation in the city, in the slums, is tragic, and therefore they are starting to move out.

Q: What happens in Monroe County, say, when we get the application of your proposals? We then run into the hard practical facts of application and the professional welfare operators come back with "You can't do this and you can't do that" and you hit the system for this. I think what we wonder about is how you are going to get the state level to cut through this between now and April 1.

A: There have to be laws. There will be changes in the law to conform to the federal Constitution, and this is not easy.

Q. Are they in process now?

A: Yes.

Q: How soon?

A: April 1. I have a deadline.

Q: When will they be ready for public discussion?

A: April 1. I don't know. If they are there before, I'm lucky, but I have to have it then.

I would like specific suggestions. What you are saying is a must and what we've got to do is to deal with this in a way that first gives the local government as well as the state the legal framework and which is constitutional so we don't get the court to knock it all out. We have enjoyed the luxury and we want to preserve it, of people having the right to move freely in this country whenever they want. And this has been a great force—free movement of men, goods and money.

But we now are finding that this movement, coupled with the agricultural revolution and the lack of opportunity in the urban areas in the South and the lack of welfare benefits, has resulted in this tremendous movement to the North. The same thing is happening in Puerto Rico.

Q: You mean rural areas?

A: No. First the agricultural revolution. Machines were replacing people. Then they go into the southern urban areas and there is nothing for them, and there is no welfare and no jobs, and they have no education, no training. So they go North.

Q: You have to consider this as a stopgap until we can get a nationwide system, but apparently a stopgap of some years?

A: I have suggested—and others have suggested a federal takeover and so forth. That would be wonderful. I have an April 1 budget and so I have to shoot for April 1.

Now what I honestly hope and think is that New York State, as in so many other areas, has to set the example, and if we get these answers, these are going to go nationwide because these other big industrial states are in the same position we're in.

Q: Can you make these changes as you want to make without falling afoul of all the federal regulations that say you have to have your program operating in such and such a level and such and such a way?

A: We have the problem on the levels. The law says you cannot reduce your rate structure as you set them but you can fund it, which is a kind of a trick, at any level you want. The injustice of that is that it hits everybody regardless of need and, you know, alike. So I'm hoping to avoid that as an action of last resort. This is what I worry about, that it will be across-the-board, say, funded 80 per cent, say funded 70 per cent, and then those who really have no recourse to anything—black, blind, disabled, the aged and so forth—are going to get the same cut.

Q: Are you in a box, then, between that approach and the fact that the federal government won't let you reset your levels?

A: No, I'm not in a box, if you let me go to my second point. My first point is this movement of people. The ones who find jobs and are on their own, that's fine. But what is happening is we have combined in New York City, for instance, rent-control laws because of the fact that a lot of people have low incomes, so there is no incentive to put money into and maintain an apartment house or to build a new one.

So now we are losing 40,000 apartments a year. There isn't any place for these people to go. If they are on their own, it's one thing, but if they come and they want the state then to support them, or the state and local government, federal government, we're doing it in the environment and under terms and circumstances that are the least auspicious for them as individuals and the most expensive possible way. It doesn't seem very intelligent.

So the question is how do we combat it? This is a task we have taken on. This is a big thing in a short time, but sometimes you do more under pressure than you do in any other times.

Next, the second point, how do you weed out those who are getting benefits beyond the basic purposes of the law? I have to say purposes or intent because there is some very imaginative legal stuff being done, you know.

Plus the fact that there is a philosophy in the social work field which I understand from a humanitarian point of view but which, applied to the circumstances that exist, in my opinion is utterly unrealistic. And when you have his honor, the mayor of New York City, saying nobody on welfare should take anything less than a meaningful job and when you have George Wyman testifying that if you don't earn $7,000 you ought to go on welfare, and when you take the figures which are in this article that I was referring to, which point out that in New York and the suburbs, the Metropolitan Area, that 30-some-40 per cent of the population earns $7,000 and less—it's utterly unrealistic.

Someone has to take the progression of thought, and this is where this trend is. And when Mr. Sugarman, New York City welfare commissioner, commented on only 9,000 going on welfare he said, "Don't think just one month indicates a trend." He must have slipped. So I say how do we create the incentives both for the individuals and for the social welfare workers and how do we create the opportunities or make available the opportunities for individuals who are going to go on welfare or who are on welfare to stay with their work or to get back to work even though it only partially takes care of their financial needs?

In discussing this the other day with the Social Welfare Board of the state, one member of the board said, "This Protestant ethic about work has been outdated and this no longer is relevant to the problems we are facing."

Well, the stark realities are we don't have the revenue-producing forces here to make possible the support of people up to those figures which I mentioned without work, nor will our economy function if this high a percentage of the population doesn't contribute to the work force and to the productivity of the economy.

So now how do you accomplish that, which is the other point. And this is the other big area we're working in, incentive for the welfare workers—I mean for the social workers to help and encourage individuals to stay at work when they are at work instead of encouraging them to get off jobs like the case that was mentioned the other day where the mother who had five children, or whatever it was, and was working, the social workers came to her home and told her that if she didn't stop working, they would take her children away.

Q. What solutions do you find to these problems?

A. This is do-able. We have on our statute books now laws which say that unless you take jobs that are available, that you have to check twice a week.

Q. 9300 in eleven months got knocked off welfare by the operation of this rule, 2300 of them in Monroe County. Are you concerned about this kind of disparity?

A. I have to do this for the state as a whole. I have to find, I can tell you, basic benchmarks here. The beneficiary is sent to the Labor Department and in the Labor Department, I've got to say to you frankly, in the light of where I've now gotten this thing, their constituency is the industry of the state They are really not terribly interested in

what are known as "menial" jobs. Their function is to provide skilled workers for industry. So there is a need for a complete reshaping, and the new commissioner of labor is the one who pointed this out to me, a complete reshaping of orientation and attitude of the department. So they are out seeking the job opportunities at all levels in any area, industrial, private, wherever available. And when the individual comes over from the welfare department and they say, "well, there is a job for sweeping out the airport in Monroe County," and the guy says, "I'm sorry, I got a bad back," so they write on there such-and-such a job was offered and the fellow says, the individual says, he has a bad back so he has to go back now and get a doctor's certificate saying he has a bad back.

Well, that's the last you hear of him. Nothing more happens.

Q. You used the word "reshaping."

A. But what we have in the Welfare Department and in the Labor Department is a complete understanding of the law and the spirit of the law and the financial stringencies which exist and an incentive to live up to the spirit of the law which is to take care of those people who need care and who cannot contribute to their own care and to supplement those who can work and who need care and not allow those who can work and support themselves to get on welfare.

I think that we are getting on to means and methods and laws, modifications of laws, which will make this possible, and if we do, it will be one of the major steps.

Q: If you are able to effect this and also effect stronger relationship between the Labor Department and the Welfare Department, how much of an effect do you think that would have on the welfare picture in general? You cited two areas of welfare in your home county, Westchester. Welfare officials estimate that those two areas are only a small percentage of the problem.

A: This isn't quite true. You are going on to the father and the family and that is part of it. Thirty per cent of the ADC beneficiaries have got fathers who disappear. Now they haven't evaporated but there hasn't been too much incentive to find them and get them to contribute to the support. It's part of this incentive system. There are a whole lot of facets. Thirty-two per cent of these families never had a father which raises another question which is a very serious one.

Q: Do you think we will have a definite effect on welfare and the cost of welfare if the in-migration of welfare can be stopped or can be toughened and this strong relationship can be established will have a financial effect on welfare throughout the state and in your own county, Westchester?

A: Let's take a 30 per cent increase in Long Island counties. If those people hadn't moved out there, it would have an effect. I'm not quite sure what you are coming to.

Q: How will you deal with people who are there for six months or a year and go on welfare?

A: This is what I'm working on.

Q: Can you ship them after somebody has lived in a community over a year? Where do you ship them?

A: You are now asking a question relating to objective to which I've not gotten an answer. This is the most difficult—we have a Supreme Court decision about residents. It cannot be based on that. But all I say is this: that if by having happen what has happened, it is destroying the services not only to those who come but those who are there, then we have to find a way of dealing with them. It's easy to say you can't do this and you can't do that, but I say—and I say this to my own people—we have got to find the way of dealing with it because we are going to destroy the fabric of our cities.

This is spreading to the suburbs and it's going to overload not only the services themselves but our financial capacity. Now, can a free society be so imprudent as to be unable to cope with it?

Q: Back in the days when Joseph Mitchell was creating a fuss in Newburgh and when they were trying to get a residency law through the legislature and you vetoed one of them, you took a different position on this. Could you tell us now what is different about this period and that period?

A: Very simple situation. In the last ten years, the flow of people to this state has reached a point which is beyond our capacity to cope with in terms of the human values that we want to meet and that therefore we are not only not able to take proper care of those who are coming but we have a very serious problem of destroying the ability to meet the needs of those who are here.

Q: Do you believe that the decision on employability is being made properly and wisely at this time?

A: I covered that extensively when I said the law is very clear that if there is a job available and you are a beneficiary, that if you don't take that job you no longer are eligible.

Q: I think the point is are you satisfied with the method of determining how a person—whether a person is employable or not?

A: If I was, then I wouldn't be here.

Q: Do you have plans which are advancing for creation of jobs for those?

A: Yes, I feel that we're going to have to create, which I have stated publicly, an environmental service corps.

Q: Will that be coming up?

A: It's got to, because where there are people who could work who are not working and where, let's say, there's not a job to his capacity—and this is where I think one concept, the thing you are talking about, this aid to dependent children. This depends on what the ages are and whatever functions they work at.

Q: It will be along the lines of the CCC?

A: In conception. With the environment.

Q: Would it combine interesting work for people of considerable skill?

A: What is your definition of interesting? Is that meaningful?

Q: We have a number of people with considerable skill, including engineers, and so forth. Will the Environmental Conservation Corps include a variety of jobs that can be done taking people with those kinds of skills?

A: Those skills are going to be employed by professional organizations. What happened was that the president in order to stop inflation put on a tight money policy which contracted the expansion of business at the same time he cut some two hundred thousand people out of the Vietnam operation. At the same time he cut down on defense procurement, at the same time he cut down on the space program and I have to believe that there wasn't a clear coordination of what the impact of these four different actions would be.

Q: Governor, suppose there are two houses side by side, both substandard from a construction or health standpoint. In one of them you have a long-time New York family on welfare, another one, the guy comes up from Georgia, moves in the substandard house and he's denied welfare because of this, and he is going to get one of these young legal services lawyers and holler he's denied equal opportunity under the law. How are you going to protect this proposal from this kind of an attack?

A: Obviously whatever we do has to within the framework of the law of equal opportunity.

Q: Have you got the method figured out for that?

A: That is what I have them working on. We have to work within the law and the Constitution, but the only thing I would like to suggest to you is let us not just think of the welfare laws. Let's think of the health laws and a whole lot of other laws which have in many areas been utterly ignored or not applied and maybe there needs to be some statewide health laws.

Q: Governor, will you agree to a cut in individual welfare grants in any shape or form?

A: I'm not going to give that commitment on anything.

[From the Rochester (N.Y.) Times-Union, Mar. 11, 1971]

ROCKY SEEKS REFORM OF NEW YORK WELFARE MESS

Gov. Rockefeller, praise be, is going to try to reform the welfare mess in New York State.

Although he has long been sympathetic, and still is, with those in genuine need of public assistance, the governor nonetheless said this week:

"The present welfare system, if continued as is, will ultimately overload and break down our society.

"Rather than encouraging human dignity, independence and individual responsibility, the system, as it is functioning, encourages permanent dependence on the government."

If there is any shadow of a doubt on that, consider these figures from Rockefeller's new budget:

An estimated 1.8 million persons—about 10 per cent of the state's population—will receive some form of public assistance during fiscal 1971–72 if nothing is changed. That's up more than 200,000 from the current year.

Total welfare spending by federal, state and local governments in New York in the new fiscal year beginning April 1 is figured at nearly $4 billion, quadruple the total less than a decade ago.

The boost in welfare costs (including Medicaid) in the governor's budget in $324 million, or nearly a third of the sum he wants financed by higher taxes.

To halt such shocking trends, the governor plans to propose two major reforms to the State Legislature.

One would permit cities in New York State to send relief applicants back where they came from—either another state or another city in New York—if there is no adequate housing for them or if they otherwise threaten the community's health.

The other would tighten existing laws so that an able-bodied relief recipient who refuses an available job—any job—would be denied welfare and forced to work. Public service jobs would supplement private employment.

These are not heartless proposals.

Rather, the first simply recognizes that New York's generous welfare payments are a lure to the poor in other states.

It would also halt intrastate migration to obtain a better welfare deal in another community. And it would be designed to avoid legal conflict with the U.S. Supreme Court's dubious ruling against state welfare residency requirements, which has encouraged miserly relief payments in the South.

The second gets at the source of so much irritation among working taxpayers over welfare—the fact that they must support some shiftless persons who spurn jobs that aren't "right" for them.

These reforms alone wouldn't end the sky-

rocketing spiral of welfare costs and relief rolls. But they would help if state and local administrators applied them vigorously, instead of trying, as some seemed to do in their first reaction, to find reasons why they won't work.

And they could lead the way to further and even more fundamental reforms of the type recently proposed by California Gov. Ronald Reagan.

These include more stringent controls on the abuse of Medicaid, tighter restriction on wages legally retained by persons, who also obtain welfare payments, and a crackdown on fathers who have deserted families on welfare.

It's enough for now, however, that Rockefeller is trying to turn things around in New York's scandalous welfare situation. He deserves the support of all those whose help he needs to achieve this worthy goal.

EXTENSION OF THE CHARTER OF THE EXPORT-IMPORT BANK

Mr. BYRD of Virginia. Mr. President, next week the Senate will consider S. 581, a bill to amend and to expand the Export-Import Bank Act of 1945. This proposal would greatly increase the lending authority of the bank and would make other substantial changes.

I am not opposed to an extension of the charter of the Export-Import Bank. Within its present legal limitations, which include a budgetary ceiling, I feel that the Bank is valuable in promoting the foreign commerce of the United States.

However, the pending legislation (S. 581) would exclude the net disbursements of the Export-Import Bank from the U.S. budget.

The advocates of this provision argue that the budgetary ceiling on the Bank has blocked use of several billion dollars in authorized loan funds.

Actually, few Federal programs are permitted to spend up to their full authorized level. Indeed, if program administrators could spend their full authorizations, they would raise the deficit well beyond its already high levels for fiscal years 1971 and 1972.

The administration itself has declined to spend some funds which not only have been authorized, but actually appropriated.

We are in difficult times, from the budgetary point of view. The administration projects deficits of $18 billion for the current year and $11 billion for fiscal 1972.

These calculations are based on the so-called unified budget, which uses trust fund surpluses to offset deficit Federal funds.

The deficits in Federal funds are much larger. For fiscal 1971, according to the administration's own figures, the Federal fund deficit will be $25 billion. Next year it is projected at $23 billion.

Personally, I believe that the fiscal 1972 deficit will actually be larger than $23 billion, perhaps substantially larger.

This is no time to exempt any expenditures from the budgetary ceiling. This is a time for fiscal restraint.

Furthermore, exemption of the Export-Import Bank's disbursements from the budget would set a poor precedent. If this Bank is to be excluded, how are we to keep the lid on other loan funds?

There is no equitable basis for singling out the Export-Import Bank for special treatment. The transactions of all lending agencies should be included in the budget on a net lending basis.

My position in this matter is supported by the testimony of Mr. Elmer B. Staats, the Comptroller General of the United States, given before the Senate Banking, Housing and Urban Affairs Committee on March 9, and by Dr. Arthur Burns, chairman of the Federal Reserve Board.

I see no reason to change a sound general policy to benefit one government bank.

I oppose any effort to remove the budgetary restraints on lending by the Export-Import Bank.

Mr. President, I support the amendment which will be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE) to eliminate the section of the bill which would exclude the net disbursements of the Export-Import Bank from the budget.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will 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. BYRD of Virginia). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, if the distinguished assistant Republican leader has no statements at this time, I shall proceed with the program for Monday next.

PROGRAM FOR MONDAY APRIL 5, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 10 o'clock a.m., following an adjournment and, following the recognition of the majority and minority leaders under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) will be recognized for not to exceed 15 minutes; to be followed by the distinguished majority leader (Mr. MANSFIELD) for not to exceed 15 minutes; to be followed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes; to be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes; to be followed by the distinguished Senator from Iowa (Mr. MILLER) for not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, S. 581, the Export-Import Bank bill, which, incidentally, is the only item on the legislative calendar, as of now.

Mr. President, under the modified unanimous consent order which was agreed to earlier today, time on the passage of the bill will be limited to 2 hours on Monday next, to be equally divided and controlled by the majority and minority leaders or their designees, time on each amendment, motion or appeal, with the exception of a motion to lay on the table, will be limited to 1 hour, to be equally divided between the mover of the amendment or motion and the manager of the bill, with the exception of one amendment to be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE), on which time will be limited to 2 hours, to be equally divided and controlled by the mover of the amendment, Mr. PROXMIRE, and the manager of the bill, Mr. SPARKMAN.

Moreover, no amendments not germane will be received, and Senators in control of the time on the passage of the bill may allot time therefrom to any Senator during the consideration of any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The majority leader has indicated that when the Senate completes its business on Monday next, it will go over until Wednesday next.

It is also anticipated that there will be no rollcalls on Wednesday next, and that that day's meeting may be pro forma, provided, of course, that the concurrent resolution providing for an adjournment over the holidays has been agreed to by both Houses on Monday next. If that is not done, of course, action on that resolution would have to be taken on Wednesday next.

Senators should, however, be on notice that a rollcall or rollcalls may occur on the export-import bill on Monday next.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY, APRIL 5, 1971

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 adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until Monday, April 5, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1971:

DIPLOMATIC AND FOREIGN SERVICE

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of the class of Career Minister, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.