explain its refusal to recommend a stamp to the hundreds of American philhellenes who supported the Greek struggle for independence 150 years ago with moral, financial and physical contributions including their very lives? What would George Jarvis and Dr. Samuel Gridley Howe have thought? What would be the reactions of James Monroe, John Quincy Adams, Henry Clay, Daniel Webster and many others? Their feelings for Greece are well documented before the eyes of the world.

What would the poet Byron write? What would Delacroix paint? How do you explain this refusal to Ypsilanti, Michigan? Perhaps we better should revoke our Olympic participation and tear down the graceful neoclassical Grecian architecture of our Capitol and drape the municipal buildings of all our Corinths, Athens, Atticas, Ithacas, Cretes, Marathons, Spartas and Smyrnas in black! Are we so ashamed?

How do you explain this failure to issue a stamp to Senator Percy of Ill., Reps. Pucinski, Brademas, Kyros, Galifianakis, Yatron, Sarbanes who have all enthusiastically advocated such a stamp? To Reps. Carney of Ohio and Young of Florida who have made speeches before the House and have bills pending in support of the stamp?

How, Mr. Postmaster General, do you explain this failure to the thousands of Greek-Americans who help make up this country? To Dr. George Pappanicolaou, to D. Mitropoulos, to the Admirals Colvocoresis, to Archbishop Iakovos, to George Dilboy, to the AHEPA, to the Vice President's father and the rest of our fathers, to the "Greek" waiter behind the counter of the local snack shop?

For many years this country has seen fit to issue dozens of commemorative stamps for such groups as the chicken growers, children's toys, wool gatherers, etc. On several occasions we have issued not one stamp but groups of four and some of them monstrosities! And yet we do not see fit to issue one stamp honoring this brave little nation, a truly loyal ally, that has contributed and will continue to contribute so much to our civilization . . .

Adamantios Koraes, that grand old "teacher of the Greek race," said in writing to ex-President Jefferson asking for moral support from America in 1823 . . . "Help us, fortunate Americans; it is not charity we ask. Rather an opportunity to augment your happiness!"

And in closing we quote Daniel Webster's words in the House in January, 1824:

"With suffering Greece now is the crisis of her fate—her great, it may be her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, slaughtered water, by the hecoatombs of dead they have heaped up, as it were to heaven, they invoke, they implore us for some cheering sound, some look of sympathy, some token of compassionate regard. They look to us the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed; that rests with heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimitar, that the flames of their last city had sunk in its ashes, and that nought remained but the wide melancholy waste where Greece once was, *I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice.*"

Sincerely,

H. N. PETRAKOS, M.D.,
*Hellenic Philatelic Society of America*
*Chicago Chapter No. 1.*

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# SENATE—*Wednesday, April 14, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

Eternal Father, we thank Thee for this world resplendent in the resurrection of springtime. For buds and blossoms, for lush meadows and verdant hills, for bounding streams and gentle breezes, for bright sun and starlit skies, for the lyric notes of birds and the music of all nature, we give Thee thanks.

We thank Thee for the resurrection of the human spirit, for the gospel of redemption and new life, which speaks of men made new, arising above cold indifference and callous unconcern to a new life of kindness, warm friendship, and sacrificial service.

We pray for our Nation, mighty in power and deep in need, that there may come a resurrection of idealism, of patriotism, of selfless service, of peaceful purpose, and commitment to the keeping of Thy law and the doing of Thy will. Guide by Thy higher wisdom Thy servants here and in all positions of trust, that they with all the people of this land may become "one nation under God," for the good of all mankind.

In the name of Him who is the Resurrection and the Life. 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 14, 1971.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
*President pro tempore.*

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

## MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received messages in writing from the President of the United States.

## REPORT ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-85)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

*To the Congress of the United States:*

Creation last year of the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) has given us the capacity to manage our Federal oceanic, atmospheric and environmental responsibilities with substantially greater effectiveness and efficiency.

The United States' marine science program was marked in 1970 by a number of sound accomplishments and new departures.

Internationally, we worked successfully with other nations to produce a seabed arms control treaty. We proposed development of a treaty governing the exploration and exploitation of seabed resources and submitted a working draft of such a treaty to the United Nations. And we are also joining forces with others in earnest efforts to preserve the quality of the marine environment.

A major step toward more rational use of the oceans was taken in December, 1970, when the nations of the North Atlantic Treaty Organization resolved to achieve by 1975, if possible, and by the end of the decade at the latest the elimination of intentional discharges of oil and oily wastes into the oceans. We are earnestly pursuing this worthy objective. It is my hope that the Senate, as part of this effort, will soon give its advice and consent to the international oil spills conventions and amendments which were transmitted last May.

I have also asked the Congress to enact the Ports and Waterways Safety Act, which would increase the Coast Guard's authority to protect against oil spills, and the Wholesome Fish and Fishery Products Act, which would provide for the inspection of fish and fishery products during their harvesting, processing and transport.

These accomplishments are reported in detail in the annual report of the National Council on Marine Resources and Engineering Development, "Marine Science Affairs," which I am today transmitting to the Congress. During 1970, the Council, which is chaired by the Vice President, has continued to assist me in the development of marine science policy, the co-

ordination of Federal programs, and the effecting of an orderly transition during the reorganization of Federal agencies in the marine sciences. As the Council now completes its work, we can take pride in the new policies and programs that fulfill the objectives of the Marine Resources and Engineering Development Act. The Council deserves our gratitude for a job well done.

My budget request for fiscal year 1972 provides $609.1 million for marine science, technology and services—an increase of more than $70 million over my request of a year ago. These funds would permit NOAA to undertake priority programs of fundamental importance to the Nation's marine science interests; they will permit us to continue the accomplishments of the Sea Grant program; to further our participation in the International Decade of Ocean Exploration; to insure that necessary marine research and development is conducted for national security purposes; and to make certain that marine research and development, generally, continue to make productive contributions to our growing use of the sea.

We have embarked on a strong marine science program for the 1970s. In the year ahead the Federal Government will build on these accomplishments. And we will look to all sectors of the Nation's marine science community—State and local governments, industry and the universities—to contribute to the fullest to the United States' efforts to make better use of the oceans and to provide world leadership on the major ocean issues before the community of nations.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

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## MESSAGE ON THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92–84)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

*To the Congress of the United States:*

Too often in the time since President Washington met with Pierre L'Enfant in Georgetown to review plans for the new District of Columbia—180 years ago last month—the Federal responsibility to the Federal District has not been honored as it should be. Too often Presidents and Congresses have overlooked the opportunity to validate their designs for the Nation by realizing them here in the District of Columbia. But in recent years we have begun to write a new record, one in which the Federal Government can take pride, one which is lifting the city of Washington from the status of a stepchild into the ranks of the first-born among America's great cities.

The single unifying motive behind all of the diverse proposals and initiatives I am putting forward in this message today is to give Washingtonians, as American citizens and Washington, as the Nation's Capital the very best in the performance of the responsibilities of government—as they deserve. Let the New American Revolution which we seek for all Americans begin here, in the Nation's Capital—and now, in 1971.

### TOWARD SELF-GOVERNMENT AND FULL CITIZENSHIP

If we are to bring the new American Revolution to the people of Washington, we must start by securing for them the benefits of the original American Revolution, in which they still do not fully share. The fundamental rights for which George Washington's armies fought—men's rights to be represented in the legislature that taxes them and to hold consent over the government that rules them—can no longer be denied to the city that bears Washington's name.

Reorganization Plan No. 3 of 1967, which broke almost a century of stagnation in the progress of District government and set up a new system with a Mayor-Commissioner and a City Council, represented an important first step toward making Washingtonians full citizens of their own city. I am in full support of the letter and the spirit of that reorganization, and my administration will continue to work to strengthen the city government's hand in managing its own affairs more effectively.

One of my most pressing goals for this Nation is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well. To this end I solicit the cooperation of the Congress in transferring many of the routine municipal functions it now must exercise itself, into the hands of the District government. Several such functions whose transfer is requested in the District's 1971 legislative program include the setting of liquor license fees, the execution of long term lease agreements, and the issuance of no-cost driver's permits for use by District police officers on duty. It is clearly time to stop tying the city's hands, and squandering the Congress' valuable time, by holding on Capitol Hill minor powers that belong in the District Building.

Further managerial reforms will be recommended by the Commission on the Organization of the Government of the District of Columbia (Nelsen Commission) created last year and charged (in legislation now pending) to report its findings to the Congress in March 1972. Such recommendations are needed—but there is another dimension of need as well. District government must become not only more efficient but also more democratic.

Therefore, we will shortly submit legislation adding six months to the life of the Nelsen Commission and authorizing it to prepare a second report stating its views on the subject of expanded self-government for the District of Columbia. This would be a logical use of the expertise assembled on the Commission, and a natural extension of its area of study. From the first report on improving government *for* the people, it would move to a second report on shaping government *by* the people.

Evolving hand in hand with the movement toward full popular participation in District government is the steady progress toward giving the people of Washington full participation in the Federal Government. They have now voted in two Presidential elections, and now they have elected their first Congressional delegate in a century. I was proud to personally congratulate the Reverend Walter Fauntroy immediately after his election to this important post two weeks ago. Establishment of the non-voting House delegate position—by legislation which my administration introduced and advocated—gives Washington a voice in the Congress. But it is only an interim step, for the city should be entitled to a vote there as well. I reaffirm my strong support for a Constitutional amendment granting to the District at least one full voting representative in the House of Representatives, plus such additional representation in one or both houses as the Congress may approve.

There is a wide range of other fronts on which local government in the Nation's Capital could be strengthened and its responsiveness to the people increased. Electoral reform is one, and there are many others. This administration will continue to work receptively and cooperatively in this area with the Congress and with all interested groups in the District of Columbia.

### TAKING THE LEAD IN CRIME REDUCTION

Forms of government are important—yet they can mean little in a city whose people are ruled by fear for their personal safety and the security of their property. One of my administration's first priorities in the District of Columbia has been to move the city from its place near the top of the list in the incidence and increase of crime, into a position of leadership in crime reduction. Only when this is done can we move toward healthy development for Washington and a fuller life for its people. And now, it is being done.

The District's crime rate declined 5.2 percent from 1969 to 1970, reversing the rapid increases of the late 1960s. Thus people who live in the District, people who work here, and our millions of visitors from around the world, are safer on the city's streets. Equally important, the decline in the District's crime rate, together with crime decreases in 21 other major cities last year, demonstrates that urban crime throughout the Nation can be successfully challenged through decisive action.

Action taken to combat crime in Washington has included:

—An increase in the Metropolitan Police Force from 4,100 to 5,100 officers, with a greater percentage of the force moved into the law enforcement front lines by using civilian personnel to perform many routine functions.

—Landmark legislation which modernized the D.C. court system and provided law enforcement officers with new criminal procedures.

—A substantial narcotics treatment and enforcement program, to rehabilitate narcotics victims and to

reduce the criminal activity which supports drug addiction.

—A program of experimental, high-intensity street lighting in selected areas of the city.

—An increase in minority representation on the police force from 28 percent to 37 percent—the highest in the Nation—through a determined community recruiting program.

—A language training program to improve police service in Spanish-speaking neighborhoods.

—Creation of the Executive Protective Service to enhance protection of foreign embassies and free D.C. police for regular civil assignments.

In addition, an increasingly metropolitan perspective is developing among law enforcement agencies in and around Washington. The administration will help to reinforce this trend toward coordinated action, so that crime reductions within the District of Columbia are not rendered hollow by a growing crime problem in the suburbs. The first logical place to begin applying some of the lessons we have learned about combatting crime in the District is right in our neighboring communities.

Looking to the future, we will continue to press the combination of programs that has proved so successful over the past two years. In order to strengthen the D.C. Narcotics Treatment Administration—one of the keystones of the District's success in crime reduction, and a national leader in the fight against hard drug abuse—I have requested the Attorney General to provide the program with a total of $3 million in grant assistance during calendar year 1971 from the Law Enforcement Assistance Administration. This will enable the program to reach more of the city's addicts and to expand the job counseling and other services it offers them.

My 1972 budget requests, together with those of the District government, provide for:

—Full-year funding for Washington's 35 new U.S. Attorneys and 13 new U.S. District judgeships, which were approved by the Congress in a 1971 supplemental appropriation.

—Upgrading the efforts of the Executive Protective Service in protecting the foreign embassies in the District.

—Maintenance of police strength at 5,100 men with additional training to improve force effectiveness.

—Implementation of the new court reform legislation.

—Improved care and custody for the growing institutional population, and expansion of the community-based correctional program.

I urge the Congress to contribute to the momentum of our winning battle against crime in the Nation's Capital by approving these requests.

HELPING THE DISTRICT HELP ITSELF

Central to my proposals for revitalizing State and local government across this country in the years ahead is the recognition that all the political authority a community may possess is only paper power if it lacks the resources—the dollars—it needs to deliver services and amenities to its people. Our program for some $16 billion in general and special revenue sharing—the last portion of which I transmitted to the Congress yesterday—is essentially an effort to give the cities and States the tools they need to do their jobs.

"Revenue sharing" of a sort has been a way of life in the District of Columbia for many years, as it properly should be in view of the Federal presence in the District. My budget requests for fiscal year 1972 call for Federal payments of $153 million to the District government—an increase of more than 20 percent over the currently authorized level. And General Revenue Sharing, when enacted, would bring the city an additional $23 million share during the first year. Welfare reform, besides extending new dignity and tangible benefits to the District's welfare recipients, would lead to further large savings for the city government.

Beyond the fiscal relief which these national reform proposals would afford Washington, there are several areas where the Federal interest in the District warrants special financial support. These include the metropolitan rapid rail mass transit system (METRO); improved water quality facilities and other public works construction projects; and public higher education.

FEDERAL GUARANTEES FOR METRO REVENUE BONDS

Excavations for METRO's subway tunnels and stations already dot the District. When it goes into operation at the beginning of 1974 it will be the Nation's most modern mass transit system. It should do much to unify the metropolitan Washington community, to improve the quality of life by reducing congestion and pollution in the area, and to stimulate the metropolitan economy by the increased labor mobility it will provide. I am confident that disagreements over implementation of the 1968 and 1970 Highway Acts—now tying up needed METRO funds—can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

To remove another major obstacle now confronting METRO, I am today proposing that the Federal Government guarantee the revenue bonds of the Washington Metropolitan Area Transit Authority so as to expedite their sale. Severe inflation in the construction industry has combined with unexpected delays in the METRO development timetable to create a $450 million gap in the financial plan originally advanced by WMATA, and to impair the marketability of the METRO revenue bonds. By guaranteeing these securities, we can help WMATA sell all its originally planned bonds so that METRO construction can go forward at once. The bonds would become taxable as a condition of the guarantee, providing a revenue flowback to the Treasury from the interest paid on them. This flowback in turn would permit the Federal Government to cover 25 percent of the Authority's anticipated interest costs on the bonds, enabling the issuance of $300 million in additional bonds. Federal assistance would thus help WMATA close two-thirds of its $450 million revenue gap, in keeping with the two-thirds Federal and one-third local cost sharing arrangement that has prevailed for METRO funding in general.

BONDING FOR CLEAN WATER AND OTHER PUBLIC WORKS

Washington's efforts to improve its public services and to enhance the urban environment are doubly deserving of Federal support—not only for the sake of the city and the people themselves, but for the sake of the whole Nation as well. This applies to the city's hopes of showing the Nation the way in urban mass transit, and it applies equally to the ecological and esthetic imperatives of purifying our waters.

The Potomac, the great river that George Washington loved and that was the principal influence on his choice of a site for the Federal District, must be restored as an asset to the entire region. The Congress last year indicated its strong interest in this matter by ordering a thorough study of the water resources and waste treatment problems of the Washington metropolitan area. The Environmental Protection Agency has completed that study and it is now being reviewed within the administration.

A vital factor in whatever strategy we adopt will be the regional water pollution control plant at Blue Plains. Work is now underway to increase the capacity of this plant in response to population growth in the metropolitan area, and to upgrade its treatment level so it can meet required water quality standards. My 1971 environmental proposals and my fiscal year 1972 budget provide for continued support of this improvement project by the Environmental Protection Agency. I will shortly submit to the Congress a District fiscal year 1971 supplemental appropriation request to permit the District of Columbia to maintain its share of support for the work.

The money which the District government is required to spend to meet its share of the Blue Plains improvement costs is raised by direct borrowing from the United States Treasury—the standard means of financing all District public works and capital outlays. However the borrowing authority of the District government under present law is insufficient to meet the Blue Plains needs in FY 1972 and subsequent years. Rather than merely seeking an ad hoc extension of this borrowing authority, I am renewing my proposal that all capital financing for the District of Columbia be shifted from direct Treasury loans to municipal bonds. The 91st Congress did not enact this needed reform, and I have now placed it before the 92nd Congress. The features of this bonding proposal parallel those I have just described for METRO bonds: D.C. capital bonds would be Federally guaranteed and Federally taxable, with a Federal subsidy covering approximately 25 percent of interest costs. Under this arrangement the District of Columbia would gain most of the advantages of ordinary municipal bonds while retaining an extra degree of Federal support in keeping with the unique Federal interest in District affairs. Blue

Plains is only the most urgent of many public works projects which could progress more quickly and efficiently as a result.

Extending this type of bonding authority to the District government is exactly in line with a cardinal principle of the New American Revolution: that the way to help local government become more responsible is to entrust it with more responsibility.

ASSISTANCE FOR PUBLIC HIGHER EDUCATION

A city can have no obligation higher, and no investment more worthy, than the development of its human resources. The Nation can be proud of the way this priority is being recognized in the District of Columbia. The Washington Technical Institute and the Federal City College, both created in recent years, are helping thousands of young Washingtonians expand their opportunities by developing their potential beyond the high school level. The work that these institutions have done under a variety of handicaps and hardships is remarkable, and this administration is committed to helping the District eliminate their handicaps as quickly as possible. For this reason, my proposal for District of Columbia public works bonding makes a special provision to assist the construction of permanent campuses for the Institute and the College. It would shift the financing of these projects from Treasury loans to direct Federal grant support.

This approach would simplify and speed the effort to give Washington Technical Institute and Federal City College the kind of physical facilities they deserve to match the levels of dedication and performance they have shown from the first. It would also remove a substantial burden on the future public debt of the District government. Purely from a business standpoint, these grants can be regarded as a sound investment in upgrading the local work force—with the Federal Government, as Washington's major employer, certain to be one of the principal beneficiaries.

It has seemed particularly desirable that the Washington Technical Institute be relocated from its temporary quarters in the southern portion of the old National Bureau of Standards site in Northwest Washington. Since 1968 this land has been earmarked by the Congress for construction of an International Center which would house foreign chanceries and the headquarters of the Organization of American States. Many countries have been unable to find adequate quarters for their chanceries here in Washington, and the Congress by this action recognized the importance of providing suitable space for them. At the same time, it is important that the Washington Technical Institute be moved with minimum interruption of its outstanding educational programs.

After a thorough review of alternative sites for the Institute and the International Center, I have accepted the recommendations of the National Capital Planning Commission, other affected Federal agencies, and the Washington Technical Institute that the two activities share the old Bureau of Standards site. The International Center can occupy the south end—the present Institute grounds—while the northern portion of the site can become an excellent permanent campus for the Institute. Planning is proceeding accordingly. During construction of its new buildings, the Institute will be housed in suitably adapted existing buildings on the north side of the site.

I will shortly transmit budget requests for this move and for the relocation of Federal agency activities now on the site. In the coming years, both the Institute and the International Center will be important new landmarks on upper Connecticut Avenue, symbolizing side by side the Capital City's dedication to human development and to international understanding.

Planning for the permanent campus of Federal City College has not progressed as quickly as that for the Washington Technical Institute site, and so I will not discuss the various alternatives and possibilities at length here. I would stress, however, my firm commitment to assisting the College not only through construction grants but also through active interest in the process of translating those dollars into land, classrooms, and other facilities which can begin benefitting Federal City's students in the near future.

A DEVELOPMENT BANK FOR THE DISTRICT OF COLUMBIA

All of the areas in which I have proposed that the Federal Government give special attention to helping the District Government help itself—mass transit, clean water, and human resources development—bear directly on the support of a vigorous, expanding economy in the Nation's Capital. They would help to create a climate that favors economic growth. I now urge the Congress to assist business and industry in taking advantage of that climate by establishing a Development Bank for the District of Columbia, as proposed in legislation which the administration is submitting. Such a Development Bank, forging a new partnership among Federal officials, local officials, and representatives of the private sector, would serve as an action center in assembling the necessary combinations of capital and management skills so that economic development opportunities do not go begging as they have sometimes done in the past.

Washington has been called, not too kindly but with a measure of truth, a "company town." Inevitably the Federal Government will remain a dominant factor in the metropolitan economy, but one-industry communities all over the Nation are seeing the wisdom of diversifying, and often it is the major employer in the community which takes the lead in broadening the economic base to create new jobs and a wider prosperity. Certainly that should be the case in Washington, and can be if we move to establish the Development Bank.

PREPARING FOR THE BICENTENNIAL

The bicentennial of American independence, now only five years away, is a natural focal point for our hopes and plans of what the Nation and the Nation's Capital can become. Many cities will take part in this great observance as we celebrate our heritage and map our third century that lies ahead. Boston as the cradle of liberty, and Philadelphia as the scene of the bold political strokes leading to independence and union, will both play leading roles. But Washington, truly the child of the American Revolution, will have an especially exciting chance to show the world how that child has come to full maturity.

We must give urgent and continuing attention to enhancing the Nation's Capital as "the city of magnificent distances"—the gracious description a Portuguese diplomat gave it when it was little more than a village in the wilderness. To insure vigorous Federal participation in the work of readying Washington's public buildings, avenues, and open spaces for the bicentennial year, I have asked Robert Kunzig, the General Services Administrator, to serve as my Special Assistant for District Bicentennial Development Projects. I have also resubmitted to the Congress legislation to create a Federal City Bicentennial Development Corporation which would exercise leadership in public and private efforts to realize the development potential of the Pennsylvania Avenue area.

A number of construction projects included in my budget for fiscal year 1972 also point to an attractive new look for Federal Washington by 1976. These include the Smithsonian Institution's plans to build a new National Air and Space Museum on the Mall and a new display area for cultural and technological advances of the past two centuries in the National Museum of History and Technology; the National Sculpture Garden which the National Park Service will build on the Mall; new buildings for the Departments of Labor and Health, Education, and Welfare, and the United States Tax Court; and the James Madison Memorial Library addition to the Library of Congress. I ask the Congress to appropriate the necessary funds for these projects.

As we work to beautify the official face of the city, we will not neglect the task of healing its residential heart. The wounds of anguish inflicted on portions of Washington in the tragic aftermath of Martin Luther King's assassination three years ago this week are still far too evident, depressing the lives of residents and scarring their neighborhoods. The riot-torn areas, as well as those suffering from blight and decay, deserve accelerated urban renewal assistance—this the administration is cooperating with local officials to provide. One of my first Executive actions as President was to pledge "full support * * * and * * * the utmost Executive energy" for neighborhood redevelopment efforts in the District of Columbia. A start has been made, but through Federal and local determination we can do still better. We shall.

Georgetown, the District of Columbia's living link to the colonial and Revolutionary eras, also merits special attention in the course of our bicentennial preparations. We have come to the point where

failure to act immediately on an overall development and preservation plan for the Georgetown waterfront area will mean the loss by default of its unique combination of historical, scenic, and natural values. While many imaginative ideas for such a plan have been advanced over the years, none has been adopted. Now roads and commercial development threaten to change the waterfront forever, piecemeal. I have asked the District government, the National Capital Planning Commission, and the Departments of HUD, Transportation, and Interior to join with private citizens and move ahead at once in developing an overall plan for the Georgetown waterfront. The purpose of the plan will be to insure the preservation of historic buildings, to increase park lands, to save the open vistas of the river and Roosevelt Island, and to provide for the harmonious development of public, commercial, and residential facilities.

INTENTIONS FOR THE LIVING CITY

Charles Dickens, visiting the United States in 1842, took issue with the Portuguese diplomat's characterization of Washington. It should be called, he said, the city of magnificient *intentions*. His novelist's eye missed no detail of the bustling human life of the Capital, and the whole scene suggested to him visions and dreams—social and political as well as architectural—unfulfilled, still striven for.

Dickens' insight remains pointed and valid today. For it is clear that Washington's role as we enter America's third century must be not only that of a political and ceremonial capital, but also that of a living city—a city alive in its own right with three-quarters of a million Americans, the life-center of all these United States. Our intentions for Washington still outreach our achievements, as they may for decades to come. But let us at least be very clear about what those intentions are; let us make them as magnificent as L'Enfant's physical plan for the District; and let us begin moving apace to realize them.

The reality may be long in coming, but the right intention is simple enough to state: Washington should embody the essence of what is best in America. The direction of Federal effort then is plain. Federal effort should contribute wherever possible to making this a city unexcelled in quality of life, urban grace and efficiency, and economic opportunity. Federal effort should follow the principle that since government is Washington's *raison d'etre*, we will do the city the greatest credit by making its local government a model and by making the Federal Government that is centered here as effective and democratic as we can.

Washington as a living city, and an exemplary one—Washington as the seat of a local and a Federal Government that are truly of the people, by the people, and for the people: I invite the people of the District of Columbia and the Congress of the United States to share in these exciting hopes for the years ahead.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

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## MESSAGE ON EDUCATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-83)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

A very substantial part of what American government does is directed to the future and to the creation of a suitable legacy for generations to come. In this sense, government reflects a central purpose of the basic family unit and seeks to serve that purpose: as we move to condition the future, we move also to prepare our children to take their place in that future. In this task, all levels of government recognize the Nation's responsibility for educating its youth.

Primary responsibility, of course, rests with State and local governments, as it should. The Federal Government can help provide resources to meet rising needs, but State and local education authorities must make the hard decisions about how to apply these resources in ways that best serve the educational needs of our children. To enable State and local authorities to do this more effectively, I am proposing today a new system of special revenue sharing as a means of providing Federal financial assistance for elementary and secondary education.

This message is the last of six special revenue sharing proposals which I have put forward over the past two months. Combined with the administration's $5-billion general revenue sharing plan and welfare reform proposals, special revenue sharing—as a new and more flexible approach to Federal aid—would fundamentally reform the fiscal roles and relationships of American federalism. The other five special revenue sharing proposals have been in the areas of urban community development, rural community development, transportation, manpower training and law enforcement assistance.

The plan I am putting forward today for Education Revenue Sharing brings together more than 30 Federal aid categories and deals with one of the Nation's most complex systems for providing public services. There are 46 million students presently enrolled in public schools in America, with more than five and a half million more in non-public schools. There are more than 117,000 schools and nearly 18,000 public school districts, each with its own unique conditions and each with its own problems.

Federal expenditures for elementary and secondary schooling over the past decade are projected to increase from $0.9 billion in fiscal year 1961 to $5.5 billion in fiscal year 1972. Yet there are serious problems with the way in which this aid is provided.

THE PRESENT SYSTEM

Under the present piecemeal system of Federal aid, education grants are available to local schools under 38 separate authorizations for "instruction," 37 separate authorizations for low-income students, and 22 separate authorizations for reading instruction. The confusion is so great that some school districts have had to hire separate staffs charged solely with cutting through the maze of applications, guidelines, regulations and reporting requirements which are an intrinsic part of the present grant system.

There are other problems:

—The time, energy and imagination needed to bring educational reform is frequently drained off into what is an essentially non-productive effort to qualify for Government grants. Yet, at the same time, rigid qualifications for grants frequently stifle creative initiative. In the end, a system which ought to promote innovation instead discourages it. And because Federal programs are resistant to change, we see money being spent on programs which may have outlived their usefulness, or that simply are ineffective, while funds for new ideas cannot be obtained.

—Educational planning is made difficult because of the fragmentation of grants. Under the present system, a community must make a series of separate applications to a series of Federal officials. There is no assurance that every proposal will be funded, or that any proposal will be funded. Consequently, the present fragmented procedures virtually eliminate any possibility of preparing a comprehensive, coordinated program.

—There is little accountability under the present system; if a program fails it is difficult to assess responsibility. Although it is the common response to blame Washington if something does not function according to design, such an exercise is usually futile given the cumbersome nature of the Federal bureaucracy.

—There is little flexibility in the present system. Individual grants are often too narrowly defined and designed to achieve the things Washington wants, while at the same time allowing little latitude to meet individual community needs.

—There has been little useful evaluation of how Federal aid programs under the present system help children learn more effectively, or of how they provide the children with equal educational opportunities. The diversity of the country and the large number and great variety of Federal aid programs have made it

impossible for those at the Federal level to measure the success or failure of their efforts, and so we resort to judging effectiveness by how much we spend rather than by how much we accomplish.

My proposal for special revenue sharing for education is designed to overcome these problems by substituting a basic new approach to providing Federal assistance. To help formulate this proposal, the Office of Education held ten regional hearings to discuss the specifications for Education Revenue Sharing, and my proposal has benefitted from the views of educators and those interested in education all across the Nation.

EDUCATION REVENUE SHARING

Education Revenue Sharing would revitalize the relationship between the Federal Government and State and local governments. It would stimulate creativity and new initiatives at State and local levels. My proposal would establish a new instrument of Federal assistance which would bring together more than thirty major Office of Education programs representing approximately $2.8 billion in grants in the 1972 budget, and provide for an increase of $200 million in total funding in the first year.

These funds would provide support for educational activities in broad areas where there are strong national interests in strengthening school programs. The national priority areas included are compensatory education for the disadvantaged, education of children afflicted by handicapping conditions, vocational education, assistance to schools in areas affected by Federal activities, and the provision of supporting services.

This new Federal aid instrument would have the following important features:

AUTOMATIC DISTRIBUTION OF FUNDS

Funds would be distributed automatically on the basis of a statutory formula which takes account of the total school age population in each State, the number of students from low-income families, and the number of students whose parents work or live on Federal property. No State would receive less money under Education Revenue Sharing than it receives under the present grant system. In addition, authority for advance funding would be requested to facilitate careful planning free from the vagaries of the present practice of delayed appropriations.

NO FEDERAL APPROVAL OF STATE PLANS

States would no longer be required to submit exhaustive plans for extensive Federal review or Federal approval, but would simply develop and publish a plan in line with State and local needs so as to permit all concerned citizens to become involved with the allocation of these Federal resources. States would also appoint an advisory council broadly representative of the public and the education community, in order to further insure that all interests are heard. This new system would substitute genuine citizen participation for routine bureaucratic sign-off.

BROAD DEFINITION OF PURPOSES

The areas of Federal assistance would be broadly defined in keeping with national interests.

—The provision of equal educational opportunities to all of our children is a key national priority. As I pointed out a year ago, the most glaring shortcoming in American education today is the lag in essential learning skills among large numbers of children of poor families. The largest Federal program in education—Title I of the Elementary and Secondary Education Act—was designed to meet the special educational needs of these children. The Education Revenue Sharing Act would provide that over one-half of the $3 billion proposed for the first year be used for providing compensatory education for disadvantaged children. These funds would be passed through directly to local school districts which enroll large concentrations of these children.

—The specific needs of handicapped children are and would continue to be a matter of concern to the Federal Government. When time is so critical to the training and social development of the youngsters, any delay in the funding of their education can have irreparable consequences. Nevertheless, in the present circumstances, delay is common. I propose to change this. Funds would be allocated directly to the States and the procedures for obtaining these funds would be simplified.

—For many years, the Federal Government has provided assistance for training in industry, agriculture and the crafts in our Nation's schools. This training is vital to the Nation's economy. But the needs in these areas are constantly changing. Vocational education of tomorrow may bear little resemblance to today's form, but its task will be the same: to demonstrate to American youth the worth and dignity of work, and to help them to obtain the specific skills that other forms of education cannot supply. As with my proposal for Manpower Revenue Sharing, States and local educational authorities would be authorized to determine how best to use Federal funds for vocational education in order to meet the needs of particular communities and individual workers.

—An ongoing responsibility of local public schools is to provide education for Federally connected children. The Federal Government rightly provides aid to help meet the financial burden of children who live on Federal property—hence property which provides no taxes for education. To offset the loss of local school taxes, Education Revenue Sharing would provide a direct pass-through to local school districts enrolling such children. For those students whose parents only work on Federal property, and live on locally taxable land, funds would also be provided. In this case, however, the funds would be distributed to the States which would determine the degree of financial need created by those circumstances and allocate funds accordingly.

—The Federal Government currently offers an array of programs designed to purchase specific educational materials or services. These programs range from the provision of textbooks and other library resources to the support of guidance and counseling services. Education Revenue Sharing would continue this aid but would pull together programs from at least fourteen separate statutory provisions into one flexible allocation under which States can decide how best to meet local education needs.

GREATER FLEXIBILITY

Under this proposal for Education Revenue Sharing, States and local school districts would be given far greater flexibility than is presently the case in deciding how funds should be spent in serving the national priority areas. In addition to the broader definition of national purpose, States would have the authority to transfer up to thirty percent of funds—except those which are passed through directly to local schools—from one purpose to another. This would enhance flexibility in the application of funds for education, and permit the States to make substantial adjustment in their educational plans as their educational needs require.

OTHER FEATURES

As with my previous special revenue sharing proposals, Education Revenue Sharing would preserve all existing safeguards against infringements of civil rights by assuring that these funds would be subject to Title VI of the Civil Rights Act of 1964.

Non-public schools bear a significant share of the cost and effort of providing education for our children today. Federal aid to education should take this fully into account. This proposal would do that by considerably broadening the authority for extending aid to students in non-public schools. Non-public school students would be counted in the reckoning of population for purposes of allocation, and all forms of educational services would be available to them.

As an important precondition to the receipt of Federal funds for education of the disadvantaged, I propose a requirement for States to certify that services provided in all schools within a given school district from State and local funds must be fully comparable. This is a considerable improvement over the present law. It would assure that Federal funds for compensatory education programs would actually be spent on services beyond those provided for all children, and thus for the first time would truly guarantee that these funds would be used to help equalize learning opportunity for the disadvantaged.

THE FEDERAL ROLE IN EDUCATION

The proposal I am putting forward today reflects what this administration considers to be the appropriate Federal role in elementary and secondary education. This Federal role is threefold: (1) the allocation of financial resources on a broad and continuing basis to help States and local school districts meet their responsibilities, (2) the provision of national leadership to help reform and renew our schools to improve performance, and (3) the concentration of resources to meet urgent national problems during the period when they are most intense.

Education Revenue Sharing would strengthen the first by providing a new and expanded system of Federal aid to our schools. It should be noted in this connection that my proposals for general revenue sharing and welfare reform would also both provide and free additional fiscal resources which States and localities could devote to the rising costs of education. At the present time, State and local governments spend forty percent of their revenues for education. Under general revenue sharing, which would distribute a fixed portion of the Federal tax base to the States and localities to use as they determine, education would most certainly be a major beneficiary. These funds would total $5 billion in the first full year of operation. Similarly, the administration's proposals to reform the Nation's failing welfare system would free the States of a significant portion of fast-growing welfare costs at the same time that it would provide a better and more stable home environment for millions of children.

To strengthen the Federal leadership role in reforming and renewing our Nation's schools, I proposed a year ago the creation of a National Institute of Education to bring to education the intensity and quality of research and experimentation which the Federal Government has, for example, devoted to agricultural and medical research. The National Institute of Education would serve as a focal point for identifying educational problems, developing new ways to alleviate these problems, and helping school systems to put the results of educational research and experimentation into practice.

As an example of the concentration of Federal resources to meet urgent national problems during a period of intense need, I proposed in May 1970 an Emergency School Aid Act to provide $1.5 billion over a two-year period to help meet the special problems of desegregating our Nation's schools. Progress in school desegregation has been accelerating. The Emergency School Aid Act would help local communities expedite and adjust to this change, while maintaining and improving the quality of education in affected schools.

Taken together, the National Institute, the Emergency School Aid Act and Education Revenue Sharing represent a bold new approach to fulfilling the Federal role in education and to meeting the educational needs of the 1970s.

CONCLUSION

The education of our children transcends partisan politics. No one benefits from failures in our system of education, and no one can fail to benefit from improvements in the means by which education in America is given all the assistance proper at the Federal level. The effort to provide that proper assistance, the effort to encourage reform where reform is needed, and the effort to extend to all American children the advantage of equal educational opportunity have all been a concern of this administration as, indeed, they have been of other administrations. These efforts continue.

I believe we must recognize that the Federal Government cannot substitute its good intentions for the local understanding of local problems, for local energy in attacking these problems, and for local initiatives in improving the quality of education in America. We must also recognize that State and local authorities need Federal resources if they are to meet their obligations and if they are to use the peculiar advantages of State and local knowledge, responsibility, and authority to their fullest potential. Education Revenue Sharing accommodates the Federal role in national education to both these realities, and it lays the foundation for a new and more productive Federal-State relationship in this area of vital national concern, just as the previous revenue sharing proposals have afforded similar possibilities in their areas of specific concern.

I consider each of these proposals vitally important in and of itself. But in the aggregate, the importance of revenue sharing is greater than the sum of the parts which comprise this series of legislative proposals. For we are seeking nothing less than a new definition of the relationship between Federal Government and State and local governments—one which answers the needs of the present and anticipates the needs of the future.

RICHARD NIXON.

THE WHITE HOUSE, *April 6, 1971.*

## REPORT ON MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-86)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

In a recent special message to the Congress which forms the first part of this volume, I urged prompt consideration and enactment of a Manpower Revenue Sharing Act of 1971, a long overdue and fundamental reform of the country's manpower programs.

This second Manpower Report of my administration provides factual background for this recommendation. A major feature of the report recounts the strenuous efforts we have made over the past two years to coordinate and strengthen the present multiplicity of manpower programs. Nevertheless, they remain much too rigid and narrowly focused to meet differing and changing local needs. Transfer of responsibility for planning and administration to State and local governments is essential if the programs are to become adequately responsive to the problems of local areas and their people.

The report analyzes in depth the critical employment and manpower utilization problems of urban labor markets and of rural areas. Because these problems differ in nature and intensity from State to State and community to community, there is no single, simple national solution. While job opportunities have expanded more in the suburbs, the central cities generally have not lost jobs and most cities have had some employment increase. The problem is that the inner city residents are confronted simultaneously by a number of obstacles—poor education, lack of skill training, bias in hiring practices. Overcoming these multiple, self-reinforcing barriers to employment is the hard challenge to imaginative local leadership in best using shared manpower revenues.

The States face equally challenging human resources utilization problems in our rural areas. Continued decline in farm employment is borne on the wings of ever-increasing farm productivity. Development of employment opportunities in our rural communities is vital, both to improve the quality of life for rural residents and to stem the tide of migration to our already crowded cities.

Another aspect of the labor market developed analytically in this report is the effects on employment of government purchases of goods and services. The shifting "mix" of government buying has far-reaching implications for the pattern of employment offered in the job market. The expected rapid growth in State and local government services over the decade of the 1970s offers real opportunity for improving job prospects for our disadvantaged fellow citizens.

As I said in transmitting last year's Manpower Report, full opportunity for all citizens remains a central goal for this Nation. The present report is concerned with the progress we have already made toward this goal and the distance we still have to travel. The report provides important new information clarifying the obstacles in the way and pointing to the new legislation and other public and private action essential to overcome them.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, received on April 7, 1971, under authority of the order of the Senate of April 5, 1971, which were referred to the appropriate committees.

(For nominations received on April 7, 1971, see the end of Senate proceedings of today.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate on April 6, 1971, received a message from the House of Representatives, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands; and

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

The message also announced that the House had agreed to the amendments of the Senate to the resolution (H. Con. Res. 257) providing for an adjournment of the House from April 7, 1971, until April 19, 1971.

## HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred to the Committee on the Judiciary:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands; and

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 1891. An act for the relief of John W. Watson, a minor;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Cmdr. Albert G. Berry, Jr.;

H.R. 2400. An act for the relief of David Z. Glassman;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 4327. An act for the relief of Robert L. Stevenson;

H.R. 5419. An act for the relief of Corbie F. Cochran, Jr.;

H.R. 5422. An act for the relief of the American Journal of Nursing;

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 278. A joint resolution authorizing the President to declare the last Saturday in April of 1971 as "National Collegiate Press Day";

H.J. Res. 329. A joint resolution authorizing the President to proclaim the period February 6 through February 12, 1972, as "Active 20–30 Week"; and

H.J. Res. 372. A joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week."

## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 1891. An act for the relief of John W. Watson, a minor;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Cmdr. Albert G. Berry, Jr.;

H.R. 2400. An act for the relief of David Z. Glassman;

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H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

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H.R. 5422. An act for the relief of The American Journal of Nursing;

H.J. Res. 278. A joint resolution authorizing the President to declare the last Saturday in April of 1971 as "National Collegiate Press Day";

H.J. Res. 329. A joint resolution authorizing the President to proclaim the period February 6 through February 12, 1972 as "Active 20–30 Week";

H.J. Res. 372. A joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary; and

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 5, 1971, and Wednesday, April 7, 1971, be dispensed with.

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

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business after the Senators who have been recognized to speak prior to that time have concluded their remarks, with a time limitation of 3 minutes therein.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## EXECUTIVE SESSIONS

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

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

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

## DEPARTMENT OF LABOR

The assistant legislative clerk read the nominations in the Department of Labor, as follows:

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor, effective in accordance with the provisions of law.

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor.

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

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

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The assistant legislative clerk proceeded to read sundry nominations in the Occupational Safety and Health Review Commission.

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

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

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

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

## LEGISLATIVE SESSION

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

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

## WHAT IS LIBERTY AND SPEECH ALL ABOUT?

Mr. MANSFIELD. Mr. President, last month there was a teach-in at Harvard University, sponsored by conservative groups. It was intended to counter other recent teach-ins against the Vietnam war. There were to be speakers at this conservative teach-in from South Vietnam, Thailand, and the White House staff.

It is my understanding that before the meeting, members of another group, on the opposite side of the question, passed

out fliers urging people to "come and prevent these thugs from speaking."

Prof. Archibald Cox, formerly Solicitor General of the United States, made a most eloquent plea to the disruptors of this meeting which eloquently put into perspective the real meaning of liberty and the actions of these disruptors. I ask that this plea be inserted in the RECORD.

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

[From the Boston Globe, Apr. 10, 1971]

LIBERTY WILL HAVE DIED A LITTLE

(By Archibald Cox)

("Liberty will have died a little," said Harvard Law School Prof. Archibald Cox, in pleading from the stage of Sanders Theater, Mar. 26, that radical students and ex-students of Harvard permit a teach-in sponsored by Young Americans for Freedom to continue. The plea, which failed, follows:)

My name is Archibald Cox. I beseech you to let me say a few words in the name of the President and Fellows of this University on behalf of freedom of speech. For if this meeting is disrupted—hateful as some of us may find it—then liberty will have died a little and those guilty of the disruption will have done inestimable damage to the causes of humanity and peace.

Men and women whose views aroused strong emotions—loved by some and hated by others—have always been allowed to speak at Harvard—Fidel Castro, the late Malcolm X, George Wallace, William Kunstler, and others. Last year, in this very building, speeches were made for physical obstruction of University activities. Harvard gave a platform to all these speakers, even those calling for her destruction. No one in the community tried to silence them, despite moral indignation.

The reason is plain, and it applies here tonight. Freedom of speech is indivisible. You cannot deny it to one man and save it for others. Over and over again the test of our dedication to liberty is our willingness to allow the expression of ideas we hate. If those ideas are lies, the remedy is more speech and more debate, so that men will learn the truth—speech like the teach-in here a few weeks ago. To clap down or shout down a speaker on the ground that his ideas are dangerous or that he is telling a lie is to license all others to silence the speakers and suppress the publications with which they disagree.

Suppose that speech is suppressed here tonight. Have you confidence that all who follow the example will be as morally right as they suppose themselves to be? History is filled with examples of the cruelty inflicted by men who set out to suppress ideas in the conviction of their own moral righteousness. This time those who have talked of disruption have a moral purpose, and may indeed be right in their goals and objections. But will others be equally right when they resort to the same tactics? The price of liberty to speak the truth as each of us sees it is permitting others the same freedom.

Disruptive tactics seem to say, "We are scared to let others speak for fear that the listeners will believe them and not us." Disruptive tactics, even by noise alone, start us on the road to more and more disruption, and then to violence and more violence, because each group will come prepared the next time with greater numbers and ready to use a little more force until in the end, as in Hitler's Germany, all that counts is brute power.

And so I cling to the hope that those of you who started to prevent the speakers from being heard will desist. You have the power to disrupt the meeting I am quite sure. The disciplinary action that will surely follow is not likely to deter you. But I hope your good sense and courage in doing what's right will cause you to change your minds—to refrain from doing grievous and perhaps irretrievable harm to liberty.

Answer what is said here with more teach-ins and more truth, but let the speakers be heard.

Mr. MANSFIELD. My position, Mr. President, is well known and a matter of public record with respect to the country's tragic involvement in Southeast Asia. In all likelihood, very little opinion would have been expressed that evening about our involvement that I could have agreed with. But it is so tragic that these views were prevented by those who consider views inconsistent to their own as the views "of things."

Mr. President, I do not care what group an individual belongs to, but I think that, if we are going to have the first amendment to the Constitution put into effect and enforced in this country, it should apply just as equally to the right as it does to the left.

Those who raise the specter of opposition against people who oppose them show a decided lack of understanding of what the Constitution of the United States means, stands for, and is; and, in their own way, they are just as barbaric as a group which would be operating under the directions of a dictatorship.

Part of the great tragedy of Vietnam is how it has distorted and put out of focus the basic values of this society.

A very good article about this meeting which was held—speaking in a certain fashion—at Harvard University last month, was written by Anthony Lewis and published in the Billings, Mont., Gazette of March 31, 1971.

I ask unanimous consent that this well-reasoned analysis be printed in the RECORD.

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

SHOUTING AWAY FREEDOM

(By Anthony Lewis)

CAMBRIDGE, MASS.—Archibald Cox is a Harvard law professor who served with great distinction as solicitor general of the United States. His well-known report on the troubles at Columbia University reflected a particular sympathy for students, and understanding of the reasons for their unrest. His person expresses a New England sense of moral conviction.

For all those reasons it was a moment of unusual drama and import when Archibald Cox faced a screaming, chanting audience at Sanders Theater, Harvard, last Friday night and tried to make these words heard:

"If this meeting is disrupted, then liberty will have died a little . . . Freedom of speech is indivisible. You cannot deny it to one man and save it for others . . . The price of liberty to speak the truth as each of us sees it is permitting others the same freedom."

One would have thought that at a university, of all places, that view of free speech would be unarguable—most of all at the university that gave us Holmes and Brandeis. But one returning here from abroad finds that respect for freedom of speech cannot at all be taken for granted.

Recently Edwin H. Land of the Polaroid Corporation was due to speak to the Civics Department at Harvard on color theory. There were threats to break up the meeting because Polaroid, rather than withdrawing all activity from South Africa in protest at racism, had undertaken to pay equal wages to persons of all races—a radical doctrine in South Africa. The sponsors of the lecture, in consultation with Land, decided to cancel it.

That episode left a very bad taste at Harvard. But the issue of free speech was really brought to a head by the uproar that Professor Cox tried to calm.

The meeting was a teach-in sponsored by conservative groups, one intended to counter other recent teach-ins against the Vietnam War. There were to be speakers from South Vietnam, Thailand and the White House staff.

Before the meeting, radicals passed out fliers urging people to "come and prevent these thugs from speaking." There could not have been a more candid expression of the Marcuse view that free speech is only for those who agree with the revolution.

Others, equally opposed to the war and themselves radical critics of American society, tried to channel protest against the teach-in into national methods. Richard Zorza, a senior, suggested that people go to the meeting, wear black armbands and stand with backs turned in silent protest. He tried to make his point at the meeting itself, but he was shouted down as noisily as Professor Cox.

And so the know-nothings prevailed. There were 300 to 500 of them in an audience of 1,000, chanting and clapping to prevent anyone from being heard. Eventually the meeting had to be called off.

One result of such a performance, wherever it may occur in this country, will naturally be to repel people of moderate instincts. It will be to divide the growing unanimity of belief among Americans that the Vietnam War is an abomination. As protest gathers this spring, supporters of the war will be hoping for just such excesses.

Of course, one can understand what may make people insensitive to the claim of free speech. The currency of speech has been debased over many years by the lies and distortions of American military and political leaders on Vietnam. They still talk about victory in a campaign such as that in Laos when the simplest citizen can see it for the bloody mistake it was.

But it cannot be a university's answer to match deceit with deceit, or attempts at suppression of the truth with other supressions. For a university to abandon belief in discourse—belief in the possibility of persuasion—is to abandon its function.

For that reason Harvard will not almost certainly proceed to take action against those who broke up that meeting, students and perhaps one faculty member. It will try earnestly to bring student opinion with it, but it will act despite any likely difficulties. For the university administration knows that it must begin teaching again, by example, the necessity of freedom—"not free thought for those who agree with us," as Holmes said, "but freedom for the thought that we hate."

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## RAILPAX PLAN IN MONTANA—NO. 3

Mr. MANSFIELD. Mr. President, on April 6, I appeared before the Senate Subcommittee on Department of Transportation Appropriations discussing the Railpax plan and the many misgivings that my colleague, Senator LEE METCALF, many Montanans, and I have about its effect on the future of surface transportation in Montana. In an effort to keep the people of Montana informed, I ask unanimous consent to have my statement printed at this point in the RECORD.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MANSFIELD

Thank you, Mr. Chairman, and Gentlemen of the Committee. I have just been delineating a map here which shows that under the Railpax Plan due to go into effect on May 1st of this year there will be one line along the northern rim of Dakota extending along the high line, the northern rim of Montana, and extending along the northern rim of Idaho, which is a very short area across at that point.

Idaho will have no other railroad, Montana will have no other railroad, North Dakota will have no other railroad, South Dakota will have no other railroad, Wyoming will have no railroads either.

So I think this is a remarkable decision on the part of the Railpax people to deny needed service to this part of the nation. Mr. Chairman, before beginning my statement I wish to state that my colleague, Senator Lee Metcalf, has read over this statement and has asked that he be associated with its contents and recommendations.

Senator Metcalf is participating in hearings on another matter of great importance to the Big Sky Country, the management of our national forests.

Mr. Chairman, who needs the railroads? You do, that is a very, very familiar refrain. This in a view towards also summarizes what we had hoped to accomplish by the Railpax Plan and other programs designed to assist the nation's railroads.

The events of the past two weeks seem to indicate the results are quite the opposite, quite conclusively it now appears that Railpax has given the national railroads the opportunity to embark on a mass passenger train discontinuance. As of May 1st we will have a totally inadequate system of rail passenger service still to be operated by the same railroad which has for years attempted to abandon their responsibility to the traveling public.

If Railpax is not interested in starting off on the right foot perhaps it would be best to withdraw all funds already appropriated which I understand have been impounded and amount to something on the order of $38 million out of the $40 million originally appropriated by the Congress, so that the National Railroad Passenger Corporation will not be able to operate after May 1st.

What we have done is to give the railroad a vehicle for massive discontinuation which avoids the traditional process of filing applications for discontinuance with the ICC, in itself an unsatisfactory process.

Then in this preliminary announcement on proposed routes under Railpax and under subsequent modifications in the final report the Secretary of Transportation encourages most areas of the nation to believe that while the service would be reduced it would be adequate. We were mislead. The system announced by the national railroad passenger corporation was a shock to many of us in Congress and to the people we represent.

Many states will have only token stops while South Dakota, and Wyoming, as I have indicated, and others as well, in the northeastern part of the nation, will have no passenger service at all.

In the case of my own state of Montana, the fourth largest state in the Union, there will be but one route across the northern tier. This is an area which deserves rail service and needs it. But the Railpax plan completely ignores the remaining two-thirds of Montana and approximately 80 percent of the population.

We had hoped as a minimum that Railpax would provide passenger service to serve communities on both the Great Northern and Northeastern Pacific Lines, on an alternate basis, providing reasonable service between Minneapolis and Spokane and one route which would be adequate to Seattle.

Also one of the obvious shortcomings of the Railpax plan is no north-south service for the northern half of the United States west of Chicago until you hit the coast.

The Montana congressional delegation believes that service between Butte, Montana, and Salt Lake City, Utah has great merit.

The alternate plan would give at least partial service to people in five major cities of Montana. Apparently the operating railroads felt such a plan would be more of an inconvenience and would require additional maintenance. The decision to limit Montana's service to the northern route is indicative of a lack of interest in the whole state.

Again I wish to re-state I have not and will not choose between service on either the old Great Northern or the Northern Pacific line. We need and deserve service on both. For many years Montana has supported 8 trains a day, 4 eastbound and 4 westbound, one half of what is known as the high line and the other for those in the heavily populated or central sections of Montana.

Many residents of Montana will be required to travel approximately 300 miles or more to get to a passenger stop on the northern route. The northern Pacific line which has served Yellowstone National Park for many generations will have been eliminated.

This will contribute greatly to increased auto traffic in that area. When we find one of our oldest and most favored national parks already congested and suffering from overuse and other environmental considerations such a development is deplorable.

Montana has 11 colleges and universities, only 1 of which will be served by Railpax. The 2 universities will have no Rail passenger service at all.

Montana's largest cities including the capital will be without service. What are the senior citizens of these areas to do? Traditionally these people make considerable use of the trains.

We have two veterans hospitals in Montana, one at each end of the state, but neither will have rail passenger service. How are patients to be transported from these centers for special treatment at other hospitals? As the Big Sky country is often faced with difficult weather conditions, travel by air or highway is hazardous or impossible, at times. An alternate means of travel is essential.

Rail has proven the most reliable. Now we will have alternate public transportation but reduced by 81 percent. Bus service is less frequent and service has been discontinued to a number of towns and cities. Airline service needs improvement and we have a monumental job of maintaining feeder airline service in the state.

Pretty soon it will be almost impossible to even get out of Montana from some points by public conveyance. This is ironic indeed in an age of supersonic travel.

Mr. Chairman, I would like to ask one direct question. Just what has the Railpax accomplished with its plan?

In Montana it appears to be an accomodation to the interests of the Burlington Northern Railroad which has been anxious to get out of the passenger train business for a number of years.

In September of last year newly merged Burlington Northern Railroad issued a special report called a new kind of American Railroad. Unfortunately this is the report of a railroad corporation more interested in diverse investments than in running a railroad to serve the interests of the public. At the time of publication the company openly boasted that it ran some of the best passenger trains in the country but that these would be discontinued because of the enormous deficit incurred to operate poorly patronized passenger trains.

A number of questions have been raised as to the accounting process used by the railroads in allocating losses. Many of these trains have been poorly patronized not because of a lack of interest but because the railroads have downgraded equipment and service, eliminated sleeping cars, offered poor schedules and shunted passenger trains on to sidings to let freights fly by while passengers wait.

This certainly is not a way to increase passenger train customers. I am not aware of any recent campaign on the part of these railroads to encourge use of passenger trains.

I understand that there are a limited few of our American railroads that operate good passenger trains then and these are operated often on a fiscally sound basis. Unfortunately, the land grants railroads of the west have no interest in this.

I am convinced that an aggressive campaign to return the travel public to the rails would succeed.

The Metroliner is an example, even though the Federal Government has had a difficult time convincing Penn-Central of this. In our rapidly growing society there is a need for a multi-faceted system of public transportation, for instance, buses and airplanes.

My able colleague Senator Metcalf, and I have, introduced legislation which would require the land grant railroads to return a portion of their granted lands for every abandonment of passenger or other service. This might seem unreasonable but on the other hand we gave the railroads the lands to support the rail enterprise across the continent.

I believe it was intended that this incentive would both construct the railroad service and keep it running for the people of the west. The nation's railroads in the mid 1800's did not have the resources to build across the continent.

The land grants provided the incentive. Now they wish to ignore the purpose for the grant, surface transportation to the midwest and the west. Corporate officials boast of having repaid the grants many times over.

This is misleading. The railroads were excused in 1958 from giving a special lower rate for carrying freight or passenger for the United States Government but they were not absolved of their responsibility to run the railroads.

Incidentally, speaking of freight rates, it is ironic to note that within the past 3 years the ICC had granted an increase by approximately fifty percent to the eastern and western railroads for the carrying of freight.

Mr. Chairman, we are here today to discuss the future of the Railpax. If Railpax is not going to succeed in serving the nation, and I mean the 48 contiguous states, then it should not begin. As proposed only the northeast corridor from Washington, D.C to Boston will receive more than skeletal scheduling of passenger trains.

If Railpax proceeds I would like to know how they are progressing in the hiring of professional management staff, personnel with competence and know how in transportation. As I have stated on a number of occasions this nation faces a transportation crisis of monumental proportions.

This subcommittee and its chairman are to be commended for meeting this situation head on. I sincerely hope that the committee on commerce will also be able to address itself to these problems in depth and in the near future.

Mr. Chairman, and gentlemen of the Committee, may I conclude once again by repeating a refrain you hear every day over the radio and the TV?

Who needs the railroads? You do. We all do. Truer words were never spoken but the

way we are going the railroads are disappearing like the buffalo and the ox cart.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have several articles printed in the RECORD which will give my colleagues here in the Senate a capsule opinion of how people in Montana feel and the observations of several national news columnists.

First, is an editorial from the Independent Record published in Helena, Mont., on March 30, entitled "Railpax Grumblings."

Two articles from the Billings Gazette of March 31, 1971, relative to the railroads efforts to seek Federal help.

"Railpax Key: Avoiding the ICC," a column appearing in the Wall Street Journal on March 25, 1971.

D. J. R. Bruckner's column on the transportation mess in the New York Post of Tuesday, March 30, 1971.

An article from the New York Times of April 4, 1971, relative to the increase of train service in the Northeast Corridor under Railpax.

In addition, I am inserting a copy of a letter from Richard Herminghaus of Billings, Mont., discussing the effect that this Railpax decision will have on students attending the State universities and colleges.

Concluding, Mr. President, I ask that the text of two letters I have sent today be printed with the other insertions—one is a letter to the Secretary of Transportation, John Volpe, continuing our discussions about the deficiencies in the Railpax plan, and the other is addressed to Senator WARREN MAGNUSON, chairman of the Senate Committee on Commerce, suggesting early hearings on transportation problems.

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

[From the Helena (Mont.) Independent Record, Mar. 30, 1971]

RAILPAX GRUMBLINGS

Some more thoughts on the ridiculous Railpax decision to route the only Chicago-Seattle passenger train across Montana's Hi-Line.

We don't think anyone in populated southern Montana wishes to penalize the Hi-Line. Those people need a good passenger train to compensate for the lack of first-rate air service and an inter-state highway.

But southern Montana needs a good passenger train, too. Not only does most of Montana's population live in cities along the southern route, but these factors should be considered also:

1. Colleges. College students rely heavily on rail transportation. These campuses are located in cities that would be served by a southern route: The University of Montana (Missoula), Carroll College (Helena), Montana Tech (Butte), Eastern Montana and Rocky Mountain College (Billings), Miles Community College (Miles City), Dawson Community College (Glendive). These campuses are on the Hi-Line route: Northern Montana (Havre), Flathead Community College (Kalispell), which is actually 15 miles from the rail stop at Whitefish.

2. Veterans Hospitals. Ailing and disabled veterans rely heavily on railroad transportation to get to and from VA hospitals. There are two VA hospitals in Montana—at Helena and Miles City, both on the southern route.

Although it is doubtful they influenced the Hi-Line decision, the decision certainly took Sens. Mike Mansfield and Lee Metcalf and Congressman Richard Shoup off the hook.

It spares the politically delicate clash between Helena and Butte over which one would get the train if it ran through southern Montana.

They can't complain about the Hi-Line route because they have constituents up there, too. All they can do is holler because southern Montana didn't get a train as well.

When Donald Deuster, the Department of Transportation's Railpax salesman spoke in Helena a couple of months ago, he said one of the great benefits of a successful rail passenger system would be the reduction of air pollution from automobiles as more people rode the rails instead of the highways.

There already are a lot more autos traveling between the population centers of southern Montana than the prairies of the north. And there will be even more when southern Montana has no rail transportation at all after May 1.

The Hi-Line Railpax route will serve Glacier National Park. Fine. Glacier needs rail service. But what about Yellowstone Park. It attracts more than twice the number of visitors as Glacier, but the closest they will be able to get to it by train is Havre, Denver or Salt Lake City.

Among the defenses for the exclusive Hi-Line route is that it will cut one hour off the trip between Chicago and Seattle (41 hours vs. 42).

Come off it. If a traveler were anxious to save an hour, he'd take a plane and save 36 or 37 hours.

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[From the Billings (Mont.) Gazette, Mar. 31, 1971]

RAILS SEEKING FEDERAL HELP

WASHINGTON.—An industry spokesman urged Congress Tuesday to rescue the nation's ailing railroads with a $36-billion industry-government program of federal loan guarantees, grants, tax breaks and regulatory reform.

"Large segments of the railroad industry are in desperate trouble—trouble so serious that this country is faced with the very real danger of a far-reaching collapse of its rail system," said former Sen. George Smathers, an official of the Association of American Railroads.

Smathers, testifying before the Senate surface transportation subcommittee, said four railroads serving half the nation's population already are in reorganization and 18 more are in trouble.

Collapse of the railroads would be intolerable, he said, because "the economy of the nation cannot survive, much less advance, without an adequate rail system."

Without action by the government, he added, outright federal takeover of the railroads is inevitable although such action has not turned foreign railroads into profitable operations.

Smathers said the report envisions a total outlay for improvements to plant, equipment and service of $36 billion over 11 years.

The only round figure he used for outright government aid was $600 million a year.

Smathers testified on a report by America's Sound Transportation Review Organization (ASTRO), an industry study group for which he is general counsel. He formerly was a Democratic senator from Florida.

Stephen Ailes, president of the AAJR who appeared with Smathers, said the government's share would be less than one-fifth of the $36 billion.

Other specialists, however, have estimated that the total federal and local government contribution could run to $1.5 billion a year if various tax breaks sought by the industry were included.

[From the Billings (Mont.) Gazette, Mar. 31, 1971]

METCALF SAYS RAILROADS ASKING FEDERAL "RELIEF"

WASHINGTON.—Sen. Lee Metcalf, D-Mont., saying Congress "is now on a course which will make it a party to a worse boondoggle than the Penn Central fiasco," has attacked American railroads for embarking on an elaborate national lobbying effort to obtain congressional approval of a "$36 billion rail relief package."

He said the lobbying by ASTRO, America's Sound Transportation Review Organization, comes at a time when the Interstate Commerce Commission is considering the railroad rate base case, Docket 271.

ASTRO materials emphasize that their objective is political action, Metcalf said, including appropriations to overcome past deficiencies, tax credits, tax exemption, rapid tax write-offs, loan guarantees, low-interest loans, authority for astronomic rate increases and "even more freedom to abandon service."

He said a number of companies in the lobbying campaign are conglomerates in which transportation is secondary or "tertiary to real estate, lumber, mining or other lucrative business, none of which is described in ASTRO materials."

The ASTRO kit states it would cost up to $60 billion to buy out the railroads, an amount which Metcalf said is almost three times the $21 billion estimated by the National Association of Railroad Passengers.

"You can be sure that the ICC will be inundated by CASTRO data, while the paying public has no experts to present the counter arguments," Metcalf said, pledging he will soon offer some alternatives to the ASTRO 10-year plan for a $36 billion subsidy.

CASTRO, Metcalf's acronym for ASTRO, which he said, is a "massively deceptive lobbying campaign" that should be renamed—"Conglomerate America's Slick Transportation Rip-Off."

He said he hopes that Congress will abstain from action on ASTRO proposals until further investigation, adding that neither Congress nor the ICC has the "information and expert counsel needed to suit rail transportation to needs."

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[From the Wall Street Journal, Mar. 25, 1971]

RAILPAX' KEY: AVOIDING THE ICC

(By William D. Grampp)

The Rail Passenger Service Act, which established Railpax, makes it clear that the government, in sustaining rail passenger service, intends to use the very methods that the railroads themselves have been denied by the Interstate Commerce Commission.

This week the National Railway Passenger Corp., as Railpax is officially known, announced the routes and schedules it will begin operating in May. The number of trains will be cut to 185 from the 366 currently operating. Railpax has decreed it will travel 21 routes serving 114 cities. It will announce its fares later. Neither fares nor service are subject to regulation by the ICC or any other agency. That is monopoly power, as any tyro in economics knows.

The railroads, of course, do not have this power. The ICC regulates their fares and has authority over the amount of service. If a railroad wishes to remove a train from its schedule, the ICC can delay discontinuance for up to a year. The state agencies also can delay it.

EXEMPT FROM RESTRAINT

Railpax is exempt from these restraints; the Secretary of Transportation was authorized to specify the routes and service. He was required to hear the views of the ICC, railway unions, state governments and other interested groups, but he was not required to

comply with them. He did in fact add five routes to the sixteen he at first wanted. His decision is not subject to change by Congress or review by a court.

The 21 routes must be operated until 1973, after which any reduction is subject to delay by the ICC. Railpax on its own authority may add to the system and remove what it has added. This feature of the law probably has made the basic system smaller than it would have been had Railpax been given the power to reduce as well as to increase service.

The law suggests an obvious question: Why couldn't the railroads have been given the power Railpax was given? Why was a new corporation needed to do what the railroads themselves have wanted to do? Of course such power is inconsistent with the Interstate Commerce Act and the antitrust laws. But Congress has exempted Railpax from them and could have exempted the railroads.

The answer may seem to be that if the railroads had monopoly power they would use it to make a profit. Yet the law states that Railpax too "shall be a profit corporation." Moreover, it is not to be a shy, different enterprise that will preside over the gradual disappearance of passenger trains. On the contrary. "It lays the foundation for what in my opinion is destined to become the all-time comeback in the history of American transportation," Transportation Secretary Volpe has stated.

One could argue that the government will use monopoly power in the public interest while the railroads will not. Yet there is nothing in the law to indicate that the government will do this. It is directed "to provide fast and comfortable transportation," but that is hopelessly imprecise. It might have been directed to consider the possible external benefits of passenger trains, like a lessening of pollution and of congestion on highways and airports. But except for a few misty references, such external considerations were ignored.

There is a fanciful notion that the American people really want to travel by train even though they don't. The railroads, so the fancy runs, don't like passengers, do everything they can to discourage them, and leave them no way to travel except by airplane, bus and automobile. The fancy is heightened by recollections of the glorious age of railroading, evocations of Pacific 990, and how the breakfast was in the diner while the Zephyr was passing through the Feather River Canyon. These glories could be restored, and with profit, goes this argument, if only the passenger business were operated by an organization dedicated to passenger service. Congress has created one—Railpax.

But Railpax in fact is going to face the same problems the railroads have faced. To say they "want out" of passenger service for no good reason is quite erroneous. No company wants out of a source of profit. If the company happens to be managed by people who are incompetent, mulish and not fond of customers, they will be removed by the shareholders. The railroad shareholders are no different from those who hold stock in any other company. They all want a suitable rate of return.

The railroads have wanted to curtail passenger service because it is not as profitable as freight. That simply means that they can use labor and capital more efficiently to transport goods than people. That is just what they should do, except if clear reasons to the contrary can be shown. There are such reasons in welfare economics, and they conceivably could be relevant to passenger trains. But they have not been brought forward in the law, which, remember, directs Railpax to be profitable.

One reason that the railroads have not been profitable is the obvious decline in the demand for travel by rail. It discloses a preference for private over public means of transportation by people who can afford both, a number that increases as the economy grows. The preference goes far back into the history of transportation and will not be altered by the marketing programs of Railpax.

Before the age of railroads, people who could afford to do so traveled by private carriage rather than stage coach. The railroads displaced the carriage because they were faster than the automobile.

AUTOMOBILES AND AIRLINES

The automobile is also the principal cause of the public transportation system's troubles inside the cities. It also accounts for the decline in intercity bus travel.

It has affected the airlines also, mainly by reducing the traffic on short routes. These routes were subsidized for years by the profits on long routes. That was economic folly and now is nearly ended. The consequence is that traffic on short routes has declined, and the airlines have discontinued many short flights. The only kind of travel that the automobile has not challenged is travel over long distances. Here the airlines have an advantage. But that too is diminishing as the Interstate highway system nears completion. Distances that once were long are not as "long" as they were because travel time is less.

The passenger trains will have difficulty in finding a place for themselves between the automobile and the airlines. The place may be short and intermediate distances. The problem of locating it will not, however, be as difficult for Railpax as it was for the railroads. Their ICC restrictions on determining service and fares is the other reason that the rail passenger business has been unprofitable. As the demand declined, they were not able to reduce supply sufficiently. They then looked for other ways to reduce cost and found them in allowing the quality of the service to deteriorate. The results were the familiar aggravations of travel by rail—slow and dirty trains, rude employes, poor service, undependable schedules.

Railpax hopes to end all of this. It will be directed by a board of 15. The President appoints eight, one of whom must be the Secretary of Transportation and another a representative of consumers. Seven are elected by shareholders. The common stock will at first be held by the participating railroads. The preferred (6%, cumulative, convertible) will be first be held only by nonrailroads. No stock will be owned by the government, but the government will provide a $40 million subsidy and guarantee loans up to $300 million.

In its financial structure, Railpax resembles a merger, but with odd features. Its assets will be provided by the railroads, which are free to participate or not. If one does not, it must operate its present service until 1975 irrespective of the loss. If a railroad participates, it makes a payment to Railpax and receives common stock. The payment is represented as a consideration for the railroad's being released from the obligation to provide passenger service. The amount of payment may be computed in any of three ways, and all are a fraction of the 1969 losses from passenger service. Railpax determines whether the payment is to be in cash, equipment or provision of service for it.

The most unprofitable railroads will make the largest payments and become the largest common stockholders. They will not, however, have a proportionately large authority in Railpax. Its voting rules will minimize the influence of all railroads. They will elect three of the seven directors not chosen by the government (the other four will be elected by the holders of the preferred). None of the three may vote on any matter between Railpax and a railroad. The conditions seem to be onerous and to single out the railroads for a kind of public rebuke, just as the commercial banks were singled out when the Federal Reserve System was established and limited the membership of bankers on the boards of the Reserve Banks.

REMEMBERING MR. VANDERBILT

The railroads do not have a high place in public opinion, perhaps a punishment for their past. Everyone remembers Cornelius Vanderbilt, of the New York Central, whose opinion was that the public could be damned. What he seems to have meant was considerably different from what the opinion suggests, and it has a bearing on Railpax. He expressed himself to reporters in 1882, when they asked if the luxury cars on the Chicago-New York train were included solely to accommodate the public. Vanderbilt said the cars were on the New York Central train because they were on the trains of its competitors. "Accommodation of the public? Nonesense," is the way the Chicago Tribune quoted him. It was The Chicago Daily News that reported he said, "The public be damned." Whatever his language actually was, his meaning was simple. He meant to operate his passenger trains at a profit. So does Railpax.

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[From the New York Post, Mar. 30, 1971]

TRANSPORTATION MESS

(By D. J. R. Bruckner)

WASHINGTON.—Sometimes there are traffic jams on the little underground railway that runs between the office buildings of Congress and the Capitol. People push, shove and jump over one another to grab seats.

You have to fight for reservations for a good seat on the Metroliner that goes between here and New York. That train averages 65 per cent occupancy. In good times the airlines average 50 per cent. But these are not good times. At Dulles Airport any day you can see 747s arriving with a few passengers and hundreds of empty seats.

Last week the National Railroad Passenger Corp. announced its national routes, to be effective May 1. There will be half as many passenger trains as there are now. Six states will have no trains. The only north-south line between Chicago and California will be the run from Newton, Kan., to Houston.

The Interstate Commerce Commission has just authorized another freight rate increase for the railroads, the fifth one in four years. This latest increase is a $380 million package, making the total annual rate increases allowed since 1967 a little more than $3 billion.

It was against that background that the White House, the aircraft industry and George Meany's wing of the labor movement tried to get Congress to add another $525 million to the more than $800 million in taxpayers' money already spent to develop a couple of supersonic airliners. It was pretty crude of the White House to bully Dick Cavett into giving solo star billing to a dull engineer who was trying to peddle this airplane to the public, but some of the pressures used by the lobbyists on Capitol Hill were not much gentler.

Sen. Mike Mansfield (D-Mont.) was saying the other day that the SST promoters argued that quicker flights could get businessmen to Tokyo and London sooner, so they would not have to suffer "jet lag." He noted that, when he takes a train home to Montana, he does not suffer any jet lag at all. But Railpax will take care of that, too. In its route map there is only one passenger train stop in Montana, way up at the northern border of the state, far from the six biggest cities in the state.

We can go anyplace we want to, in the world, quickly and in comfort, Mansfield pointed out. But we are losing the facilities to get out into our own countryside, and in the urban areas public transit from one part of town to another is deteriorating or nonexistent.

That, in an important sense, is what the SST fight was all about. Sen. Lowell Weicker (R-Conn.) gave the Senate some interesting figures: in fiscal 1971 about 6.5 million people will use international flights, while 286 million will use inter-city and commuter railroads and 5.8 billion will use urban mass transit. In the Transportation Dept. budget there is $29 million for railroads, $400 million for mass transit, and there would have been $290 million for the SST this year.

Now, if everybody taking international flights took an SST, those budgets would break down to $44.96 per passenger this year in federal spending on that aircraft. Federal spending for railroads would be a dime a passenger, and the government would be spending seven cents a passenger on mass transit.

If the SST lobbyists had been smart, instead of twisting arms, they would have sent a battalion of runners with sedan chairs to the Capitol on the days of the votes, to carry members of Congress from their offices to the Capitol so they would not have had the sight of the traffic jams of those little underground trains in mind when the time came to vote.

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[From the New York Times, Apr. 4, 1971]

RAILPAX IS PLANNING ON A MAJOR INCREASE IN TRAIN SERVICE IN NORTHEAST CORRIDOR

(By Christopher Lydon)

WASHINGTON, April 3.—The National Railroad and Passenger Corporation, which will drop half of the nation's intercity trains when it begins operation next month, is also planning a major revival of service in the Boston-New York-Washington corridor that could largely supplant air shuttles before the middle of the decade.

The corporation will continue service in the Northeast region with only minor changes on May 1, but key officials talk of doubling the train schedule by fall and halving the conventional running times in the foreseeable future.

A major element in their plans is the calculation that the airlines now flying the congested corridor lanes have lost their battle to make the service profitable, even at sharply rising fares, and will support public investments in radical track improvement and happily retire from the competition.

Eastern Airlines' unsuccessful effort to drop its Newark-Washington shuttle last year and American Airlines' help in designing the rail corporation's food and reservation services are both cited as more than symbolic evidence of historic transition.

With less than a month to go before it will inherit the nation's troubled passenger trains, the new corporation has not yet announced what it wants to be called and is still looking for a chief executive to lead it.

Yet, there is seeming confidence at the headquarters here that, given its rather desperate assignment, the corporation has made a sound start—that it has struck a reasonable bargain with the railroads for the operation of its trains, and that its route map and schedule can be defended against political attack. The special importance assigned to the Northeast Corridor is a central element in the attacks, and in the defense.

Board members and staff at the corporation acknowledge that the Northeast Corridor is the heart of their system, though it is not simple favoritism, they say, and it works two ways.

The 7-state region between Washington and Boston will be the first area to see an expansion of train service in more than a generation; more than half of the 184 daily trains in the opening national network will run within that region.

At the same time, four longhaul routes to the West Coast that have no prospect of breaking even will be subsidized at least partially by revenues from the Northeast Corridor. Further, the prospects of expanded corridor service elsewhere—between Chicago and St. Louis, for example—will hang largely on the success of the northeast model.

The corporation's service proposal has clearly forestalled the earlier interest among Mayors and Governors of the Northeast in creating their own regional railroad agency.

Powerful spokesmen for a number of Central and Western States, on the other hand, are bitter about new service reductions, but they are not considered likely to force a change in the corporation's plans.

"I feel that I have been had," moaned Senator Mike Mansfield, the Democratic leader, when he discovered that the one surviving train through his home state of Montana would skirt the Canadian border, missing the state's six largest cities completely. At Mr. Mansfield's urging the Senate Appropriations Committee has summoned the corporation, unofficially known as "railpax," to public hearings on Tuesday to explain its choice of routes, but the corporation is prepared to stand its ground.

It will argue, for example, that the Northernmost route between Chicago and Seattle is a faster and shorter track than Mr. Mansfield's alternative. It will also remind critics that in writing the rail passenger law last year, Congress carefully excluded itself from route-selection decisions and offered a fairly simple remedy for areas that consider themselves underserved: communities and states in any combination can insist on additional trains if they are willing to pay two-thirds of the extra deficit incurred.

The corporation is prepared to make heavy demands on Congress for capital improvements to pay for the restoration of routes that have poor economic prospects over the long term.

The very lean financing with which Congress organized the rail corporation has strengthened the board's hand in contract negotiations with the railroads that will continue to provide track and crews for passenger trains.

In the original discussions, the railroads demanded reimbursement for their direct expenses and, in addition, a management fee and some return on their own capital investment.

The Corporation, pleading poverty, insisted that it could only pay the railroads for their direct costs, with a small addition to cover some shared expenses—like track maintenance—attributable to freight and passenger operations.

The railroads, fearful that a protracted dispute over terms would delay their deliverance from passenger deficits, acceded to the corporation. The formal signing of operating contracts awaits only a final resolution of the relative responsibilities for severance pay and job protection for men who lose their jobs as a result of train discontinuances.

The rail corporation will be heavily burdened at the outset with the expense of maintaining huge city terminals built for a busier era. It will cost $13.7-million a year just to run Washington's union station; $7.6-million for the station in St. Louis; $4.5-million for the station in Cincinnati.

Unneeded capacity in old-fashioned stations is expected to cost the corporation $50-million in its first year—or half of the projected $100-million first-year deficits. But the corporation proposes to move swiftly, as the railroads never did, to modify the stations to suit modern needs. "Tens of millions of dollars can be saved," one official remarked last week, "by actually knocking a lot of these stations down."

The corporation has chosen its colors, its official nickname and its advertising symbol, all still secret, though the preliminary name "Railpax" and all other variations on the "rail" base are known to have been rejected because of what are considered the unfavorable connotations associated with recent railroad history.

It is clear, also that he search for a chief executive is steering clear of railroad men, looking instead to the airline industry and men with marketing experience in particular.

Robert F. Six, the president of Continental Airlines, turned down a feeler two weeks ago. Arthur D. Lewis, a former president of Eastern Airlines, has been urged by fellow members of the rail corporation's board to consider the presidency but has rejected it. George Keck, who abruptly left the top executive post at United Airlines last year, has been widely mentioned for the railroad job but is now said to be out of the running.

For the right man who is willing, the corporation is understood to be offering an annual salary that includes $150,000 in direct and deferred benefits.

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MARCH 31, 1971.

HON. MIKE MANSFIELD,
*U.S. Senator, State of Montana,*
*U.S. Senate Building,*
*Washington, D.C.*

DEAR SENATOR MANSFIELD: There are quite a number of people in Billings who have students at the Montana State University at Bozeman and the University of Montana at Missoula as well as students at other colleges in the state of Montana. I think I speak for them when I express deep concern about the impending plans of Rail Pax.

Certainly many of the young people travel by automobile to their various schools, but a great number of the students are dependent upon dependable and economical transportation to their schools. Just yesterday I paid a bill to one of the travel services for a round trip ticket to Missoula with a reserve seat and the cost was $27.50. In comparison, a phone call of a moment ago, I find that the round trip coach airlines ticket as quoted by Northwest Airlines is $58.00 or as you can see it's $29.00 to Missoula and $29.00 back which is more than the round trip ticket by the Northcoast Limited.

It doesn't seem to make sense to most of us here in Montana and North Dakota, that the population centers such as Bismarck, Miles City and Billings, Bozeman, Butte, Missoula, etc. are all bypassed and have to rely on very expensive airline means of transportation which I understand will go up even more in the coming years because of the losses suffered by the airlines and by a bus service which normally does not have too many seats with a somewhat slower schedule than the Northcoast Limited. The cost, however, is very near the same as the round trip ticket is $24.85 as contrasted with a cost of $27.50 on a reserved coach basis on the railroad.

Please be assured that all of us here in Montana are behind you 100% in your fight. We have been reading with interest, the protest that you and your fellow Representatives and Senators have been making and we hope that you can and do continue in your fight to have the Government serve the people instead of the alternative.

Yours very truly,

R. HERMINGHAUS.

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WASHINGTON, D.C.,
*April 13, 1971.*

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

DEAR MR. SECRETARY: Since my appearance before the Senate Subcommittee on Department of Transportation Appropriations, April 6, I have had an opportunity to give the Railpax plan some additional thought and consideration. I appreciate your letter of April 5, but it would be most helpful if you could assist in obtaining a further clarification of this decision made by the National Railroad Passenger Corporation.

You indicate that, "the decision not to continue east-west service across southern Montana was made because ridership is less on this line than on the northern route through Havre." I find this somewhat difficult to believe, in view of the fact that the southern route serves Montana's larger cities—Missoula, Butte, Helena, Bozeman, Billings, Miles City and Glendive. The northern route serves an area which is in need but Havre and Kalispell, via Whitefish, are the only two cities served which are among the top ten cities of the State. I would appreciate having detailed statitsical information on passenger boardings and detraining on the southern route as compared to the northern route. I also would like to remind you that in recent years the Northern Pacific Railroad has made an effort to discourage passenger service on the southern route and this would have an effect on the statistics.

I am aware that the philosophy of the Railpax plan is to give adequate service to high density population areas but we cannot forget the long-haul service through the large, less-populated states. At a time when we should be concentrating on the shift to rural areas, there is this very great tendency to ignore states like Montana. The people of the Big Sky Country do not want to see the state merely a roadbed for the transcontinental freight lines. We deserve minimal service and this we do not have under the present Railpax plan. We had hoped to have, as a minimum, alternate day service on both Burlington-Northern lines. This does not seem to be unreasonable when the trackage on both lines must be maintained to handle freight service.

I recognize your desire to see support in the difficult task which lies ahead but, unfortunately, I cannot give you this kind of help when a large part of my own State is being ignored. I still have the distinct feeling that the Railpax is too closely identified with the specific interests and wishes of the railroad corporations. These are not directed to the needs of the travelling public and reversal of the deterioration of rail passenger service. I am firmly convinced that there is a need for a coordinated public transportation system in this nation and the railroads have a very important part to play.

I would appreciate receiving the information requested at an early date in view of the pending May 1 deadline.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

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WASHINGTON, D.C.,
*April 13, 1971.*

HON. WARREN MAGNUSON,
*Chairman, Committee on Commerce,*
*U.S. Senate.*

DEAR MR. CHAIRMAN: The Railpax plan recently announced by the National Railroad Passenger Corporation disturbs me greatly and it has generated a great deal of opposition in the State of Montana. The plan does not give minimal service to the State; in fact, it ignores about 80 per cent of the population.

As you know, I am greatly concerned about what I consider to be a rapidly approaching crisis in public transportation. The Railpax plan does not offer any solutions and, in fact, will probably compound the crisis.

I am firmly convinced that we have all been too willing to give in to the pleadings of the railroad corporations. The railroads have not attempted to keep up with the competition in public transportation; in fact, they have retreated through unimaginative management, misleading accounting systems, and neglect of service responsibilities. The Interstate Commerce Commission has gone along with their requests for discontinuances, freight rate increases and has refrained too frequently from counseling the industry. I am slightly encouraged by their current activities, especially their willingness to recognize intra-industry refusal to cooperate on the boxcar shortage. Also, I think their recommendations to Railpax were quite sound. I think the Congress has been too lienient. I believe that the time has come when we must give a very thorough and serious look at the transportation industry.

It was for these reason that I introduced legislation, S. 649, to abolish the Interstate Commerce Commission, and S. 1380, requiring the return of certain Federal land grants by the railroads when they abandon transportation services. I ask that the Committee on Commerce give these transportation problems immediate attention and schedule public hearings on these legislative proposals and associated problems. As Chairman of the Committee, you are in the position to do a great service to the nation in helping to preserve an adequate surface transportation system.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

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## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oregon (Mr. PACKWOOD) is now recognized for a period not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Oregon yield briefly?

Mr. PACKWOOD. I am happy to yield to the Senator from Montana.

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## THE CALENDAR

Mr. MANSFIELD. Mr. President, with the consent of the distinguished Senator from Oregon (Mr. PACKWOOD), and with none of his time to be taken away from him, I ask unanimous consent that the Senate proceed to the consideration of the measures on the calendar under general orders.

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

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## AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

The resolution (S. Res. 76) authorizing supplemental expenditures by the Committee on Agriculture and Forestry for an inquiry and investigation pertaining to rural development was considered and agreed to as follows:

S. RES. 76

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from such date through February 29, 1972, to expend not to exceed $217,500 to examine, investigate, and make a complete study of any and all matters pertaining to the development of rural areas of the United States, such committee having been unable to offer an annual authorization resolution within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1946 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study. Of such $217,500, not to exceed $114,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–54), explaining the purposes of the measure.

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

Senate Resolution 76 would authorize the Committee on Agriculture and Forestry, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $217,500 to examine, investigate, and make a complete study of any and all matters pertaining to the development of rural areas of the United States. Of such $217,500, the committee could expend not to exceed $114,000 for the procurement of individual consultants or organizations thereof.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 76 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought within the period provided (through February 28, 1971) for the submission by such committee of an annual authorization resolution for this year:

"The committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study."

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## AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "CONGRESS AND THE NATION'S ENVIRONMENT"

The resolution (S. Res. 77) authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Congress and the Nation's Environment," was considered and agreed to, as follows:

S. RES. 77

*Resolved,* That there be printed for the use of the Committee on Interior and Insular Affairs eight hundred additional copies of its committee print of the current session entitled "Congress and the Nation's Environment," a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–55), explaining the purposes of the measure.

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

Senate Resolution 77 would authorize the printing for the use of the Committee on Interior and Insular Affairs of 800 additional copies of its committee print of the current session entitled "Congress and the Nation's Environment," a report prepared for the committee by the Environmental Policy Division, Congressional Research Service, Library of Congress.

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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|---|---|
| 800 additional copies | $1,200 |

## AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "NATIONAL PROGRAM FOR THE CONQUEST OF CANCER" AS A SENATE DOCUMENT

The resolution (S. Res. 83) authorizing the printing of the report entitled "National Program for the Conquest of Cancer" as a Senate document was considered and agreed to, as follows:

*Resolved,* That the report entitled "National Program for the Conquest of Cancer", prepared for the Committee on Labor and Public Welfare by the National Panel of Consultant on the Conquest of Cancer (appointed pursuant to Senate Resolution 376, agreed to April 27, 1970), be printed with illustrations as a Senate document.

SEC. 2. There shall be printed three thousand additional copies for the use of the Committee on Labor and Public Welfare.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–56), explaining the purposes of the measure.

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

Senate Resolution 83 would provide (1) that the report entitled "National Program for the Conquest of Cancer", prepared for the Committee on Labor and Public Welfare by the National Panel of Consultants on the Conquest of Cancer (appointed pursuant to Senate Resolution 376, agreed to April 27, 1970), be printed, with illustration, as a Senate document; and (2) that there be printed 3,000 additional copies of such document for the use of the Committee on Labor and Public Welfare.

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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| To print as a document (1,500 copies) | $5,026.11 |
| 3,000 additional copies, at $392.98 per thousand | 1,178.94 |
| Total estimated cost, S. Res. 83 | 6,205.05 |

## AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF PART I OF HEARINGS ENTITLED "REFORM OF THE FEDERAL CRIMINAL LAWS, VOL. I"

The concurrent resolution (S. Con. Res. 15) pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary was considered and agreed to, as follows:

*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, Volume I, Report of the National Commission on Reform of Federal Criminal Laws."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–57), explaining the purposes of the measure.

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

Senate Concurrent Resolution 15 would authorize the printing for the use of the Senate Committee on the Judiciary of 5,000 additional copies of part 1 of the hearings held by its Subcommittee on Criminal Laws and Procedures on February 10, 1971, entitled "Reform of the Federal Criminal Laws, Vol. 1, Report of the National Commission on Reform of Federal Criminal Laws."

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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| 5,000 additional copies at $912 per thousand | $4,560 |

## AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "A REVIEW OF ENERGY ISSUES AND THE 91ST CONGRESS"

The resolution (S. Res. 78) authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "A Review of Energy Issues and the 91st Congress," was considered and agreed to, as follows:

*Resolved,* That there be printed for the use of the Committee on Interior and Insular Affairs five thousand additional copies of its committee print of the current session entitled "A Review of Energy Issues and the 91st Congres," a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–58), explaining the purposes of the measure.

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

Senate Resolution 78 would authorize the printing for the use of the Committee on Interior and Insular Affairs of 5,000 additional copies of its committee print of the current session entitled "A Review of Energy Issues and the 91st Congress," a report prepared for the committee by the Environmental Policy Division, Congressional Research Service, Library of Congress.

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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|---|---|
| Back to press, first 1,000 copies | $391.27 |
| 4,000 additional copies, at $74.80 per thousand | 299.20 |
| Total estimated cost, S. Res. 78 | 690.47 |

## AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "LEGISLATIVE HISTORY OF THE FEDERAL CONSTRUCTION SAFETY ACT"

The resolution (S. Res. 80) authorizing the printing of additional copies of the committee print entitled "Legislative History of the Federal Construction Safety Act" was considered and agreed to, as follows:

*Resolved,* That there be printed for the use of the Committee on Labor and Public Welfare three thousand three hundred additional copies of its committee print of the Ninety-first Congress, first session, entitled "Legislative History of the Federal Construction Safety Act".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–59), explaining the purposes of the measure.

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

Senate Resolution 80 would authorize the printing for the use of the Committee on Labor and Public Welfare of 3,300 additional copies of its committee print of the Ninety-first Congress, first session, entitled "Legislative History of the Federal Construction Safety Act".

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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| Back to press, first 1,000 copies | $765.86 |
| 2,300 additional copies, at $183.32 per thousand | 421.64 |
| Total estimated cost, S. Res. 80 | 1,187.50 |

## AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 91–1548, ENTITLED "ECONOMICS OF AGING: TOWARD A FULL SHARE IN ABUNDANCE"

The concurrent resolution (S. Con. Res. 18) authorizing the printing of additional copies of Senate Report 91–1548, entitled "Economics of Aging: Toward a Full Share in Abundance" was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed for the use of the Senate Special Committee on Aging six thousand additional copies of its report to the Senate of December 31, 1970, entitled "Economics of Aging: Toward a Full Share in Abundance" (Senate Report 91–1548).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–60), explaining the purposes of the measure.

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

Senate Concurrent Resolution 18 would authorize the printing for the use of the Senate Special Committee on Aging of 6,000 additional copies of its report to the Senate of December 31, 1970, entitled "Economics of Aging: Toward a Full Share in Abundance" (S. Rept. 91–1548).

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

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|---|---|
| Back to press, first 1,000 copies | $1,646.98 |
| 5,000 additional copies, at $320.39 per thousand | 1,601.95 |
| Total estimated cost, S. Con. Res. 18 | 3,248.93 |

## DESTRUCTION OF ONE OF THE GREAT NATURAL TREASURES OF THE WORLD

Mr. PACKWOOD. Mr. President, one of the great natural treasures of this world is on the verge of being destroyed. I refer to that area of the United States known as Hells Canyon. This gorge, the deepest in the world, is located in some of the most rugged country in the West. The bulk of it forms the border between Oregon and Idaho where the Snake River rushes through this canyon toward its eventual confluence with the Columbia River. This great gorge is now threatened with extinction because of the desire of some public and private utilities to build a dam or a series of dams along the Snake River which would forever stop the free flow of the Snake and instead turn it into a series of gigantic reservoirs.

The argument that is given for the necessity to build these dams is principally the growing power needs of the Pacific Northwest which must be fulfilled. Now Mr. President, I am not here prepared to quarrel with the power needs of the Northwest in the next decade. They are real and imminent. It is interesting to note, however, that if all of the dams proposed on the Snake River were built they would not make a significant dent in the alleged impending power shortage. They would merely postpone the inevitable day of reckoning. They would, in other words, wreck a great natural resource, to gain a few years respite against the eventual day when we must meet our power needs by other than hydroelectric methods.

The most authoritative projection of our power needs and their fulfillment in the Northwest has been done by Mr. Bernard Goldhammer, assistant administrator for administrative management, of the Bonneville Power Administration. Mr. Goldhammer has concluded that if we will continue with the nonhydro projects now planned for the Pacific Northwest and if we will install the generators already planned for existing dams on the Columbia River and its tributaries, no new dams will be needed. I ask unanimous consent that a copy of Mr. Goldhammer's memorandum be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF THE INTERIOR,
BONNEVILLE POWER ADMINISTRATION,
*Portland, Oreg., October 24, 1969.*

To: Don Hodel.
From: B. Goldhammer.
Subject: Power needs of the Pacific Northwest in the 1970's

Oregon, Washington, and those parts of Idaho and Montana served by the Bonneville Power Administration will require nearly 14,500,000 kilowatts of additional power capacity during the 1970's. The 109 publicly-owned, investor-owned, and cooperative-owned utilities and the Bonneville Power Administration have developed a hydro-thermal program to meet these power needs.

Through the 1970's 7,500,000 kilowatts of steam generated power is planned. The first steam-generation plant, the 1,400,000 kilowatt coal-fired plant at Centralia, Washington, is already under construction. Equipment has been ordered for the second plant—the 1,100,000 kilowatt Trojan plant to be built by Portland General Electric Co. near Rainier, Oregon.

In addition to the 7,500,000 kilowatts of thermal generation, 7,000,000 kilowatts of hydro power capacity is needed to meet the projected loads. The hydro can be supplied by completing dams such as Libby, Little Goose, and Lower Granite already under construction and by adding generation at existing dams such as Grand Coulee, The Dalles, John Day, and the second powerhouse at Bonneville Dam. No new dams need to be constructed to meet the projected load growth in the 1970's.

BERNARD GOLDHAMMER.

Mr. PACKWOOD. Mr. President, in addition to the nonhydro and additional hydrogenerating capacity already existing in the Northwest, we have not yet started to tap the great potential for production of electricity by geothermal steam. With all of these other resources available, we do not need new dams at the expense of environmental values.

Mr. President, we are faced with an additional problem in the Pacific Northwest. We are right now in a critical state because of the excessive nitrogen content in the rivers of these regions. Because of this excessive nitrogen content it is expected that in April 1971 a tremendous number of fish will die.

The problem is so serious that at my request Governor McCall of Oregon called a special meeting in Portland which was attended by Governor Andrus of Idaho. Governor Evans of Washington sent a representative. It was also attended by representatives of all Federal and State agencies concerned, and many conservationists and fishermen. That meeting, held on March 23, 1971, resulted in a resolution directed to the President and to the Congress. Mr. President, I ask unanimous consent that at this point the resolution and a copy of an article in the Oregon Journal dated March 23, 1971, that reports on the meeting from which the resolution issued be printed in the RECORD.

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

JOINT RESOLUTION OF THE GOVERNORS OF OREGON, IDAHO, AND WASHINGTON

To be directed to President Nixon and the Congress of the United States

Whereas, runs of anadromous fish in the Columbia River system contribute millions of fish each year to sport and commercial fisheries in Washington, Oregon, and Idaho, and in the ocean from California to Alaska; and

Whereas, nature will bear much of the cost of maintaining up river runs if given the chance and not excessively interfered with by mans encroachment on the environment; and

Whereas, spilling of large amounts of water at many main stem Columbia and Snake River dams causes nitrogen supersaturation in the water resulting in extremely high mortality to young and adult salmon and steelhead and other species; and

Whereas, losses between only two dams, Little Goose and Lower Monumental, approached 70 percent in 1970 and there are many more dams in the system where losses occur; and

Whereas, such losses threaten the very survival of certain up river runs which have been using these waters for centuries; and

Whereas, steps can be taken to reduce significantly these catastrophic losses this year if appropriate efforts can be funded immediately, Now, therefore be it

*Resolved,* By Governor Tom McCall of Oregon, Governor Cecil Andrus of Idaho, with Governor Dan Evans of Washington concurring through his official representative, that President Richard Nixon and the Congress of the United States are hereby earnestly petitioned:

1. To provide immediate funding to the Army Corps of Engineers for eight additional critically necessary slotted bulkheads for installation into Little Goose, Lower Monumental, and Ice Harbor dams.

2. To accelerate funding for turbine installations in Columbia River system dams to reach the full potential of these structures as rapidly as possible. Completing turbine installations will permit maximum flow of water through the dams thereby erasing much of the fish-killing nitrogen supersaturation in the water and at the same time adding measurably to the generation of needed electrical energy.

Meeting in Portland, Oregon March 23, 1971.

GOV. TOM MCCALL,
*Oregon.*
GOV. CECIL ANDRUS,
*Idaho.*
THOR C. TOLLEFSON,
FOR GOV. DAN EVANS,
*Washington.*

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COLUMBIA FISHERY IN DANGER, OREGON, IDAHO GOVERNORS TOLD

A multiagency effort to save nitrogen-threatened fish runs in the Columbia River was detailed Tuesday at a Portland meeting headed by Oregon Gov. Tom McCall and Idaho Gov. Cecil Andrus.

The governors, flanked by representatives of the Oregon, Idaho and Washington fish commissions and the U.S. Corps of Engineers, heard a sobering report by scientists that up to 70 per cent of migrating juvenile salmonids have been wiped out in recent years by dam-caused nitrogen concentrations.

Unless the problem is promptly dealt with, the governors were informed, the entire Columbia River fishery could be lost.

Robert W. Schoening, director of the Oregon Fish Commission, said research has proved almost conclusively that nitrogen saturation is caused by the entrapment of air in water spilling over dams.

"Water passing through turbines doesn't do this," he added.

Schoening and other officials agreed that a combination of dam modifications and operational changes to reduce spillage would reduce the fish-killing nitrogen concentrations.

Hugh A. Smith Jr., chief of the hydraulics section of the North Pacific Division, Corps of Engineers, announced at the meeting that the Corps has diverted $1 million from other projects to activate a "skeleton" powerhouse bay at Little Goose Dam to cut down on spillage.

"The skeleton" bay modification, which involves installation of a specially-designed slotted bulkhead, will be adopted at other dams if the installation proves successful, Smith said.

He added that contracts are expected to be awarded this week on the Little Goose project, with completion scheduled in April, 1971. Testing could be completed by May 1 of that year, he said.

Meanwhile, the governors were told, Columbia River agencies are making a concentrated effort to reduce spillage and the resultant nitrogen concentrations at times of heavy fish migration.

C. E. Hildebrand, chief of the Corps' Reservoir Control Center, said complete control is not possible at this time because the storage capacity of Columbia-Snake dams is only about one-fourth of the river's total flow.

However, Hildebrand said upstream reservoirs are being evacuated earlier than usual this year to reduce spillage when hatcheries release young fish in April. But, Hildebrand admitted, a heavier-than-normal runoff expected this spring may reduce the effectiveness of this action.

As of now, fisheries and hydroelectric officials are cooperating to shift turbine loadings to high nitrogen-producing dams such as John Day and McNary in order to run water through the dams instead of over them, as much as possible, Hildebrand added.

Hildebrand said the British Columbia Hydro and Power Authority has even agreed to reduce electrical production at its own Peace River project to take excess energy generated on Columbia River Dams in the nitrogen-reduction effort.

As a further measure, Hildebrand told the governors, a multiagency Nitrogen Task Force has been formed to coordinate fish management and dam operations on a day-to-day basis.

The completion of three large water storage projects in the spring of 1973 will add 19 million acre-feet of capacity to the Columbia management system and thus reduce the spillage problem considerably, Hildebrand added.

It was contemplated at the meeting that the gradual growth of electrical power demand would reduce the nitrogen problem by spurring added electrical generators in all the Columbia Dams which would, in time, spill very little water over the top.

Schoening said the nitrogen problem, which exploded into a crisis with the completion of John Day Dam in 1968, not only kills fish by itself but weakens the survivors and makes them more susceptible to bacterial infection.

Nitrogn saturations in the past two years have reached 145 per cent in many parts of the river, whereas 110 per cent is considered lethal, he said.

Mr. PACKWOOD. As a result of the nitrogen content problem caused by the existing dams, the Corps of Engineers has estimated it will take at least $8 million to modify existing dams to reduce the nitrogen content. If this money is not quickly provided, the very survival of certain fish runs will be threatened. In the light of the already existing nitrogen hazard and the possible extinction or substantial reduction of these fish runs, it is pointless and foolish to talk about putting more dams on the Snake River.

As I have already indicated there is no justification in terms of power needs of the Northwest in the next decade to build any dams on the Snake River. I have chronicled the problems of dead fish caused by the existing dams. If we are going to save the Snake River it is imperative that we pass Senate bill 717 or similar legislation creating the Hells Canyon-Snake National River. But if Congress refuses to do this immediately, then the very least which must be done is to designate the Snake River as a wild or scenic river.

Is there public support to save the Snake by prohibiting the building of any more dams on the Snake River? I believe the following excerpts from letters which I received from conservation and fishery organizations clearly answers that question and captures the mood of the public.

We in the *Hells Canyon Preservation Council and the Idaho Environmental Council* are in agreement that it's time to fire-up on Hells Canyon. We've been in contact with the Sierra Club, the Wilderness Society, and Trout Unlimited, and they're all enthusiastic about giving us any support we need.

Federation of Fly Fishermen:

The executive committee of the Federation of Fly Fishermen has voted unanimously to endorse Senate bill 717 to establish the Hells Canyon-Snake National River. The executive committee represents 4,000 individual members and 60 member clubs in 20 States.

The Wilderness Society:

The Wilderness Society with its members in the Pacific Northwest, will wish to support all possible efforts to preserve scenic resources of the Snake River and Salmon River gorges. Our concerns will be expressed to EPA and the FPC. . . . Please keep us informed of further developments.

The Sierra Club:

As you well know, the preservation of the Snake River is a matter of the highest priority to the Sierra Club. For years we have fought the licensing of any dam that would impair the wilderness quality of this magnificient river, and we are prepared to pursue any legal means in our continuing effort. We certainly appreciate the increasing realization within Congress that this priceless resource must be preserved, and we are grateful to those Senators and Congressmen who have introduced such legislation.

Let me turn now to the failure of the Federal Power Commission, at least to this date, to file an environmental statement as required by the Environmental Policy Act. I had feared that some decision in this matter might be made before an environmental impact statement had been filed in accordance with law. Therefore, I wrote to Russell Train, Chairman of the President's Council on Environmental Quality. On September 11, 1970, Chairman Train wrote me and I quote from his letter:

Our staff has been advised by the FPC that *any decision* in this case will be accompanied by the environmental impact statement procedure called for. In the National Environmental Policy Act. *By copy of this letter I am requesting the FPC to forward you that environmental impact statement when it becomes available.*

I would now like to point out certain portions of the Council on Environmental Quality's statement on proposed Federal actions affecting the environment, published in the Federal Register, volume 36, No. 19, Thursday, January 27, 1971.

2. Policy. As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will in consultation with other appropriate Federal, State and local agencies assess in detail the potential environmental impact, in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long-and-short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

Further on:

Proposed actions, the environmental impact of which are likely to be highly controversial should be covered in all cases.

* * * * *

(c) Section 101 (b) of the act indicated the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term to the disadvantage of long-term environmental goals.

And I might say that this statement in and of itself is a stunning indictment of the whole proposal for any more dams on the Snake.

The Council on Environmental Quality's proposed guidelines speaks of "any irreversible and irretrievable commitments of resources which would be involved in the proposed action." I do not know how you could otherwise characterize destroying the deepest gorge on this earth, except as an "irreversible and irretrievable commitment of resources."

And further:

It is important that draft environmental statements be prepared and circulated for comment and furnished to the council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

Now, despite Mr. Train's letter to me, a copy of which was sent to the FPC, dated September 11, 1970, I have not seen any environmental impact statement to date.

The Council on Environmental Quality's proposed guidelines comment upon the question of availability of such statements:

In accord with the policy of the national environmental policy act and executive order 11514 *agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information* and understanding of Federal plans and programs with environmental impact in order to obtain the views of interestd parties.

* * * * *

The agency which prepared the environmental statement is responsible for making such statement and the comments received

available to the public . . . without regard to the exclusion of interagency memoranda therefrom . . . the environmental statement and comments should be made available to the public at the same time they are furnished to the congress.

Mr. President, let me mention at this point the names of the dams with which we are concerned, so that my later remarks concerning these various dams might be understandable. Those dams are: Pleasant Valley, Appaloosa, Mountain Sheep, High Mountain Sheep, China Gardens, and Asotin.

Mr. President, the problems involved and created by these proposed dams are not new. We have been talking about this problem on the Snake River since 1954. I ask unanimous consent, Mr. President, that at this point in the RECORD there be printed a chronological history of the various steps involving this problem from 1954 to present.

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

CHRONOLOGY OF HELLS CANYON CONTROVERSY

(This chronology pertains only to that portion of the Middle Snake River that remains free-flowing today. Three dams already choke the upper reaches of Hells Canyon: Brownlee, Oxbow, and Hells Canyon Dams.)

1954

April 13: Pacific Northwest Power Company (PNP) incorporates at Salem, Oregon.

November 9: PNP files application with Federal Power Commission (FPC) for preliminary permits to investigate Pleasant Valley-Low Mountain Sheep project on the Snake River above the mouth of the Imnaha River.

1955

January 5: Field investigation starts on proposed project.

April 8: FPC grants 3-year preliminary permit, effective through March 31, 1958.

September 7: PNP files with FPC for license to build proposed project.

***: Army Corps of Engineers (COE) begins study of hydroelectric potential. Conservationists and sportsmen begin speaking out against further dams. Published articles extolling the virtues of a free-flowing river become more evident.

1956

December 19: FPC holds hearings in Pendleton, Oregon; Lewiston, Idaho; and Washington, D.C.

1957

July 23: FPC Examiner recommends a license for the proposed project.

1958

January 20: FPC denies license for proposed project.

March 31: PNP files with FPC for Middle Snake River Project. Subsequent amendments fix location at High Mountain Sheep site on Snake River Just above mouth of Salmon River and raise pool elevation to 1,510 ft. above mean sea level, conforming to recommendation of U.S. Army Corps of Engineers.

1960

March 15: Washington Public Power Supply System (WPPSS) files with FPC for license to build Nez Perce project on Snake River below mouth of Salmon River. FPC consolidates proceedings and orders hearing on July 18, 1960, WPPSS is granted requests for delay in May and August. Direct testimony of applicants filed September 2, 1960 and by FPC staff and intervenors October 17, 1960.

November 4 to March 28, 1961: Cross examination of witnesses in Washington, D.C., and Portland, Oregon. Rebuttal cases set to open April 24, 1961.

1961

March 15: Secretary of Interior Udall recommends against any dams on the Middle Snake because of conservation considerations.

July 24: Presiding examiner closes hearing record, and sets dates from November 15, 1961, to February 1, 1962, for filing briefs by all parties.

1962

January 15: PNP and WPPSS file initial legal briefs with FPC.

March 14: Secretary of Interior Udall recommends that any dams be deferred pending detailed study, and that any project be built by the Bureau of Reclamation.

March 20: WPPSS files suit in United States District Court for the District of Oregon asking declaratory judgment that it be authorized to construct either Nez Perce or High Mountain Sheep.

June 28: Secretary Udall asks FPC to recommend to the Congress that High Mountain Sheep should be built by the United States. PNP and WPPSS object.

October 8: FPC presiding examiner William C. Levy issues an opinion and order recommending that PNP be licensed to build High Mountain Sheep, stating that "the High Mountain Sheep plan emerges from this record as the comprehensive plan of development for the common reach which provides for prompt and optimum multipurpose development of the water resource under the standards of the Federal Power Act". He denies the rival application of WPPSS for Nez Perce as well as rejecting that organization's bid for High Mountain Sheep if the FPC decided it to be the best project. He refused the request of the Secretary of the Interior that FPC recommended Federal construction of High Mountain Sheep.

December 3: Secretary Udall intervenes in the Middle Snake River case in favor of Federal construction of High Mountain Sheep.

1963

***: Dispute between opposing parties carried through lower courts. (See pp. 162, 163 of U.S. Senate Hearing Record on Middle Snake River Moratorium Bill, S. 940, February 16, 1970).

1964

February 5: FPC issues 50-year license to PNP to construct and operate High Mountain Sheep, holding that the project was best adapted to a comprehensive plan of development.

A 670-ft-high dam at the High Mountain Sheep site (the world's second highest arch) would create a reservoir extending 58½ miles to Hells Canyon Dam.

March 6: WPPSS, the Department of the Interior and the Washington Department of Conservation file with FPC for reconsideration of its license order to PNP for High Mountain Sheep. WPPSS and the Secretary of the Interior also file motions for stay of the FPC order, the latter party also including a petition to have the record reopened.

April 3: FPC grants rehearing of its license order on High Mountain Sheep for the purpose of "further considering the issues raised", by the applications of WPPSS, the Department of Conservation of the State of Washington and the Secretary of the Interior.

April 30: FPC reaffirms High Mountain Sheep license to PNP.

June 26: WPPSS and the Department of Conservation, State of Washington, petition the United States Court of Appeals for the District of Columbia circuit to set aside the FPC license.

June 29: The United States of America on the relation of Stewart L. Udall, Secretary of the Interior, petitions U.S. Court of Appeals to set aside the FPC license.

August 25: PNP lets contract for exploration work at High Mountain Sheep dam site.

September 10: The U.S. Court of Appeals for the District of Columbia circuit grants motions for intervention in pending case to Idaho Wildlife Federation, Idaho Public Utilities Commission, Idaho Fish and Game Commission, Washington State Sportsmen's Council, Inc., the Oregon Wildlife Federation, the Fishermen's Cooperative Association, Inc., the Northwest Fisheries Association, the Alaska Fishermen's Union, the Pacific Fish Conservation League and the Makah Indian Tribe.

1965

* * *: Extensive court proceedings continue for 18 months.

1966

March 24: Court (above) in 3–0 decision affirms FPC license issued to PNP for the High Mountain Sheep project.

June 21: U.S. Supreme Court agrees to hear case.

1967

June 5: The Supreme Court of the United States rules 6–2 that the Federal Power Commission should reconsider its order licensing PNP to build and operate the High Mountain Sheep project. Justice William O. Douglas delivered the opinion of the court. "We express no opinion on the merits," the court said. "It is not our task to determine whether any dam at all should be built or whether if one is authorized it should be private or public." The court said: "The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the 'public interest' including future power demand and supply, alternate sources of power, the public interest in *preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife.*"

1967

August: Hells Canyon Preservation Council (HCPC) incorporated at Idaho Falls, Idaho, for the express purpose of preserving Hells Canyon and the remaining free-flowing portions of the Middle Snake River in its natural state.

September 25: FPC grants previously-filed petitions for intervention by the State of Idaho on relation of the Idaho Water Resources Board (IWRB), the National Wildlife Federation, the Federation of Western Outdoor Clubs (FWOC), the Idaho Alpine Club (IAC), and the Sierra Club. After this date, the FWOC, IAC, and Sierra Club act on behalf of themselves and the HCPC.

1968

July 11: Idaho Water Resource files with FPC for preliminary permit on the Appaloosa and Mountain Sheep damsites on the Snake River above the tributary Imnaha River.

September 4–11: FPC hearing in Lewiston, Idaho. (32% of testimony opposes dam).

September 9–19: FPC hearing in Portland, Oregon. (77% of testimony opposes dam).

September 12: Senators Frank Church and Len Jordan of Idaho introduce a 10-year Middle Snake River Moratorium Bill.

November 8: Department of Interior, PNP, and WPPSS form a 3-way agreement to construct Appaloosa Dam, and unprecedented coalition of private, public, and federal dambuilders.

November 8: Secretary of Agriculture recommends to the FPC that no more dams be built on the Middle Snake.

1969

February 7: Senators Church and Jordan reintroduce the Moratorium Bill, S. 940.

August 12: Secretary of Interior Hickel pulls Interior out of the 3-way bid for a dam, recommends a 3 to 5-year moratorium on any development.

1970

January 6: FPC hearings resume in Washington.

January 19: Congressman John Saylor of Pennsylvania introduces Hells Canyon—Snake National River Bill in the House, H.R. 15455.

January 23: Senator Robert Packwood of Oregon introduces the identical bill in the Senate, S. 3329. This bill was authored by the HCPC.

February 16: U.S. Senate Interior Committee holds hearing in Washington on Moratorium Bill S. 940. (Of the 22 officials testifying, only three favor construction of the proposed dam; 77% speak in favor of preservation).

May 5: Senate passes an 8-year moratorium.

May 23–24: Upon invitation of Arthur Godfrey and the HCPC, Secretary Hickel and Burl Ives join Godfrey in a boat trip up Hells Canyon. This is Godfrey's second trip and through his efforts and published articles by HCPC members, the Hells Canyon controversy becomes a widely know National issue.

June 10: The HCPC receives a substantial grant from the American Heritage Society to continue its conservation work. The HCPC has now grown to 1,000 members in 45 states and a number of foreign nations. An active chapter has formed in Eastern Oregon and is gaining strength.

September: The Secretaries of Interior and Agriculture recommend that portions of the Middle Snake in Hells Canyon be studied for inclusion in the National Wild and Scenic Rivers System.

October: Final briefs are filed with the FPC by the FWOC, IAC, Sierra Club, Idaho Wildlife Federation, the Washington State Department of Fish, the Washington State Deparment of Game, and other groups opposing any further dams in Hells Canyon.

October 22: The FPC Staff Attorneys recommend against the licensing of any dams in Hells Canyon.

November 3: Governor Cecil Andrus elected in Idaho. The Governor had campaigned on a platform of a free-flowing Snake River and preservation of other environmental resources and had been strongly supported by the HCPC and other conservation groups.

1970

December 24: The HCPC charges that the Idaho Water Resource Board has acted illegally in coming to an agreement with PNP to share in the profits of a Hells Canyon dam.

1971

January 11: Senator Packwood supports the accusation of the HCPC against the IWRB and asks the Environmental Protection Agency (EPA) to intervene.

Governor Andrus of Idaho, in his first State of the State address, gives preservation of Hells Canyon top priority.

January 15: The Idaho State Department of Health announces high levels of mercury contamination in the Snake River. The three existing Hells Canyon dams have the highest levels and the Department states that certain species of fish are no longer safe for human consumption.

February 1: Senators Church and Jordan reintroduce a Moratorium Bill (S. 488) which died with the 91st Congress because of no action in the House. The Bill, now a 7-year moratorium, is also introduced by Congressman Orval Hansen of Idaho in the House.

February 10: Senator Packwood and Congressman Saylor reintroduce the Hells Canyon—Snake National River Bill (S. 717 and H.R. 4249).

February 23: FPC examiner William C. Levy, nearly repeating his action of October 8, 1962, recommends in favor of granting a license to construct a Pleasant Valley-Mountain Sheep combination of dams. He recommends initial construction begin in September 1975.

April 1: Senator Packwood meets with William Ruckelshaus, Administrator of the EPA, Russell Train, Scientific Assistant to President Nixon, and Secretary of the Interior Morton. He urges intervention in the FPC proceedings and protection for Hells Canyon under the Wild and Scenic Rivers System. The Senator announces favorable reaction and is optimistic.

Mr. PACKWOOD. It should be noted, Mr. President, that this Snake River question has run through four changes of administration, at least five agencies, in and out of congressional committees, and even up to the Supreme Court. The matter is now before the Federal Power Commission again. As is customary with matters before the Federal Power Commission the staff counsel of the Commission normally files an initial brief on the matter involved. The staff counsel did so in this case. On October 22, 1970, the Federal Power Commission staff counsel filed its initial and reply brief "In the matter of the Pacific Northwest Power Co. and Washington Public Power Supply System project Nos. 2243/2273." Now that sounds like a pretty dull subject—a run-of-the-mill Federal report. But what was written in some 400 pages of that report is most revealing.

Allow me to quote from that report, using the counsels' own words:

> In the course of fifteen years, three administrative hearings have been held concerning development or nondevelopment of the Middle Snake River.
>
> * * * * *
>
> Neither Pleasant Valley or Appaloosa is economic, and both, according to staff duties, would cost the applicants more to produce power than producing power from an alternate source.
>
> The evidence in this record on the economics of the proposed developments shows high mountain sheep to be the only economic development, *but even that conclusion does not hold when the qualified values from the loss of the river are included.*

The potential recreation values of a dam should be understood. They are whatever recreational values can be obtained from a lake or reservoir formed behind a dam. It principally would be water skiing, sailing, and perhaps lake fishing. But in the process a great gorge would be destroyed by the dams and the great thrill of running a free-flowing river would be lost forever.

There is no doubt the staff counsel had delved into the history of this issue in great depth—that the real values at stake were understood. Again referring to the report:

> With hydroelectric development, the value of recreation to be provided promises to be small, especially in light of the large losses from the recreation lost by inundation of the river. Thus, recreational value, as an independent argument for construction of the Middle Snake Project, should be rejected.
>
> * * * * *
>
> In view of the doubtful economic showing of Pleasant Valley-Mountain Sheep and the even poorer economic showing of Appaloosa; and the fact that staff studies show that power from either project at the present interest rates would cost the applicants, and consequently the ratepayers, more than demonstrated great recreational values for this and future generations from preservation of the Middle Snake River as it now is, Commission staff counsel recommend that no license be issued at this time for either Pleasant Valley-Mountain Sheep or Appaloosa-Mountain Sheep.

Now Mr. President, let me review the situation to date. We have an application by public and private utilities to build dams on the Snake River. We already have evidence from the Bonneville Power Administration that the dams are not needed if the Federal Government will fulfill its commitment to install other generators on existing dams and if the nonhydrogeneration program continues ahead as planned. We have seen that existing dams are already threatening tremendous fish losses which will only be aggravated by the installation of new dams. The public is overwhelmingly opposed to the construction of these dams. There has been no environmental impact statement as yet filed by the Federal Power Commission; and lastly, we have the recommendation of the Federal Power Commission's staff counsel that no new dams should be licensed. One would think that at this juncture the Federal Power Commission and its examiner would move slowly and at least ask for an environmental impact statement before issuing a decision. And even if an examiner were to render a decision at the moment, one would think with all of the adverse evidence against the building of a dam that the examiner would recommend against such a dam even without the environmental statement being filed. One would hope that after these many long, weary years the Federal Power Commission would get in step with the environmental desires of the American people and recognize that the citizens of this country are no longer willing to hastily and irresponsibily trade for all time, one of the greatest treasures on this planet to supply a limited amount of power.

But such is not the case. William C. Levy, the presiding examiner of the Federal Power Commission, on February 23, 1971, announced his initial decision relating to the pending applications. He recommended that applicants be licensed to build the Pleasant Valley-Mountain Sheep Project. Mr. Levy's recommendation is now before the full Federal Power Commission. Rumor has it that his initial decision will be affirmed. Mr. Levy even went as far as to say:

> There is no good reason to delay a Commission decision now.

Mr. President, I think it is time the American people step in and demonstrate to the Federal Government that they are no longer satisfied to sit idly by while they see the Government itself ravage America's great resources. It is time that the Federal Government listens to what the people are saying. What the people are saying, Mr. President, is that they want the passage of my bill, Senate bill 717, which would create the Hells Canyon-Snake National River. I am delighted to report that joining with me to

sponsor this bill are: Senators BAYH, JAVITS, MONDALE, KENNEDY, MCGOVERN, and CASE. If this bill cannot be passed immediately, then the people of this Nation want the Snake River declared a wild or scenic river. In short, Mr. President, the people of the United States want this river saved.

We are at that time in the long history of this issue where we can have a part in preserving this national shrine for future generations, or we can have a part in destroying it for all time. Hells Canyon is the deepest gorge on earth. In addition, through it runs one of the wildest rivers in America. The canyon contains great prehistroic and historic value. The area is an archeological treasure. Here are found unique combinations of plants and wildlife. Most of the vegetation zones in North America are compressed into this small area between the river and the mountain top. And yet with all of these irreplaceable values it has been in constant danger of being completely destroyed for year after year after year.

Mr. President, I call upon all Members of the Senate who are concerned with the constant erosion of our national resources and our scenic treasures to come to the aid of the Snake River. I call upon the Federal Power Commission to make available to the individual Senators and to the general public an environmental impact statement.

Mr. President, at some juncture this Nation must restrain itself from doing everything that it can technologically accomplish. At some stage we must realize that scenic and esthetic values can on many occasions have a paramount value. We must quit rampaging through this country damming up every rushing mountain stream in order to produce electricity for an ever-increasing population.

The waldens of this land are fast disappearing. Places where one can go and enjoy tranquillity are being destroyed in the guise of fakery and fraud and a misused word called progress. But if Congress is not to fall victim, then it must say with decisiveness and finality—"There will be no more dams on the Snake River." Our fellow man is beckoning and waiting and listening. He knows what is at stake. The question is, "Do we?"

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Kansas (Mr. DOLE) is recognized for 15 minutes.

## HANDICAPPED AMERICANS—1971

Mr. DOLE. Mr. President, 2 years ago today, I made my maiden speech in the Senate. The subject of that speech was the minority group of which I became a member 26 years ago today. I belong to this minority along with some 42 million others in our country. We are the handicapped.

In 1969 and again last year I expressed my concerns about the handicapped in America. I noted several fundamental propositions about them. First, they must be recognized as people—with the same needs, desires, motivations, and expectations as everyone else in our Nation. Second, they have the common needs of all people for adequate income, decent housing, health care, education, recreation and opportunities for developing personal relationships, vocational talents and employment skills but beyond the basic needs, these people have special requirements to enable them to maximize their potentials for self-development and for enjoying meaningful participation in family and community life.

Yes, the handicapped do have special problems, but they also have substantial and unique potentials for contributing to their own well being and to the betterment of the world around them. The great potential of this 42 million-member minority can only be guessed, but a rough idea can be gained by looking back at the achievements and contributions to our country by individuals who have had handicaps and have overcome them—people like Helen Keller, Franklin Roosevelt, Roy Campanella, Victor Riesel, and Jim Thorpe. The list could go on and on.

### PROGRESS AND DISAPPOINTMENT

In my previous statements I have discussed some of the more pressing needs of the handicapped and some approaches which Government and concerned citizens might undertake to find solutions for these problems. Specifically, I proposed creation of Presidential Task Forces for the Mentally and Physically Handicapped, and I urged the establishment of a National Resource and Information Center for the Handicapped. Today, I wish to look at the record and assess where we are on the long road to achieving the goals we have set and meeting the challenges we have defined.

### TASK FORCE REPORTS

I have been encouraged by the response to my ideas and proposals. Many individuals and groups joined me in asking President Nixon to establish task forces to examine and recommend solutions for the problems of the physically handicapped, those with mental illiness, and those affected by mental retardation. The task forces were appointed by the President, met, and issued extensive reports. The great outpouring of information, advice, and experience in response to the task forces' efforts was a massive indication of the concerns and the dedication of Americans in making headway against the handicaps afflicting their fellow citizens.

The reports of the task forces contained many valuable recommendations and directions for enunciating and implementing a national commitment to the physically and mentally handicapped in America. Some of these recommendations have been translated into executive action and legislative enactment; others have not evoked a meaningful response. Progress has been made, but much remains to be done.

### JOINT COUNCIL ON DISABILITIES

The task force on the physically handicapped, as well as the companion task force on the mentally handicapped, called for the establishment of a joint council on disabilities to coordinate the advocacy and review the functions of national committees and groups presently working in the areas of physical and mental handicaps. It was pointed out that such a council could function well under the President's Domestic Affairs Council. Unfortunately, no effort has been made to put this reform into practice.

If the joint council on disabilities were now a reality, it could help to stimulate the broad approaches that are needed and orchestrate the various efforts that have developed for segments of the disabled population. In the absence of this council, one other approach was suggested by the National Rehabilitation Association in connection with improvements sought in the Vocational Rehabilitation Act. It was proposed that an ad hoc commission on transportation and housing be established to do for the area of vocational rehabilitation what was accomplished earlier by the National Commission on Architectural barriers to rehabilitation of the handicapped. In that effort an experienced small group of leaders in the fields of architecture and rehabilitation assessed the national activities underway, analyzed the existing problems, and recommended administrative and legislative remedies to relieve the problems. From that comparatively modest effort came the outlines of a national strategy which combined the community, State and Federal, and national voluntary efforts toward the common goal of eliminating architectural barriers to the handicapped. General lines of activity emerged, which could proceed independently of the Federal bureaucracy.

We might consider this approach in the area of vocational rehabilitation unless a more comprehensive one can be mounted under a joint council.

### RESIDENTIAL NEEDS

Another recommendation of the task forces dealt with the residential and related service needs of the handicapped. Removing architectural barriers from the public buildings was a major concern. Stress was also placed on the dire need for single family homes and congregate residential spaces for those who otherwise would have to go into expensive or unsuitable hospitals or nursing homes. Unfortunately, few of these special housing arrangements have been built. We in Congress, public housing authorities, private developers, and voluntary groups must do more to sponsor, stimulate, and encourage such projects.

I am, however, pleased to report that the United Cerebral Palsy Associations, Inc., has established a National Committee of Architects, Planners, and Program Operators to facilitate the mobility of the disabled. The American Institute of Architects and other associations of designers and planners are working jointly within a committee of the President's Committee on Employment of the Handicapped. Similarly, as part of the White House Conference on the Aging, there are technical committees on transportation and housing with broad representation from business, public, and voluntary groups. These are examples of movement which have been stimulated

by the task forces. But I am impatient for the action which will bring together and galvanize the enthusiasm, energy, and dedication of the public and private sectors which have the responsibility and the capacity to implement these recommendations.

EDUCATIONAL OPPORTUNITIES FOR HANDICAPPED CHILDREN

Turning to another issue in which we in the Congress have been concerned, we see the progress and lags in providing proper educational services for handicapped children. There are 6 million school aged handicapped children and 1 million preschool aged handicapped children in America today. Only 40 percent of these children are included in "special education" classes. Sixty percent of our handicapped children are not receiving the benefits of specialists who are trained and experienced in the management of difficult educational problems. All too frequently, handicapped children have been assigned exclusively to regular classroom teachers, who have neither the training nor the time to patiently work with the special problems of the handicapped. Because of ever-increasing classroom loads, these teachers cannot cope with the individual problems of every student in their classes, including those who have no physical or mental handicaps, so when handicapped children are included in their classes, these teachers cannot meet their needs, and the handicapped become consistent "losers" in the educational process.

It is time now to reestablish the priority of providing meaningful education for all children, including the handicapped. We must see that our handicapped children receive the benefits of close individualized attention which can only be provided through special education classes. Through the patient attention they receive in these small classes, they can develop their skills and grow into productive citizens. This is not to say that special education classes should be used to segregate the mentally and physically handicapped from the mainstream of the educational process. Rather, through the cooperation of their schools, they can receive this valuable specialized attention and can also be involved with activities and programs in the general curriculum.

Our handicapped children must be given the opportunity to profit from the educational opportunities which are offered to all children in our public schools. Yet only through the skills and readiness they acquire in special education classes, can they benefit from the general school program. A dual program, with specialists and all-school personnel working together, is necessary to provide the richest possible educational experience for handicapped children.

The Bureau of Education for the Handicapped in the Department of Health, Education, and Welfare is this year launching a national campaign to assist school administrators and personnel in their responsibilities for the appropriate education of all children. A commitment must be made and met to provide handicapped children with the best possible public education.

We must mount a national effort to make people more aware of the problems and needs of handicapped children; to repeal archaic and restrictive laws which prevent these children from receiving educations; to supply the monetary and physical resources to ensure these children the education to which they are entitled as citizens of this great Nation.

INVESTMENT, NOT CHARITY

The time has come to stop thinking of efforts on behalf of the handicapped as charity and to recognize that helping the handicapped is a social and economic necessity. It is a necessity not only in terms of the handicapped themselves, but in terms of society at large. It costs approximately $30,000 to provide a full 12-year education for a handicapped child. The same child, if placed in an institution, would cost society as much as $200,000 over his lifetime. The $30,000 investment in education can lead to a potential wage-earning for a handicapped individual of close to $300,000 during a lifetime of productive work. The tax from this income alone would repay the cost of the education. So we can see that the handicapped is a sound investment which pays guaranteed dividends in money and enriched human lives.

EMPLOYMENT OPPORTUNITIES

One of the major recommendations of President Nixon's Task Force on the Physically Handicapped dealt with assuring disabled people opportunities for employment at levels commensurate with their abilities. This has been the basic objective of the highly successful vocational rehabilitation program, a State-Federal partnership actively aided by voluntary and private agencies. Approximately 1 million disabled people were involved last year. More than a quarter of this number completed their rehabilitation and were placed in jobs. And a job means more than money, security, or material benefits; it means dignity, self respect, and a sense of contributing to one's family and to society. The task force felt that steps should be taken by Government, labor, and industry to expand and upgrade homebound employment and sheltered workshop programs for the severely handicapped. It recommended a comprehensive review of State home work laws, and the expansion of on-the-job training opportunities through Government incentives. I am pleased that the Social and Rehabilitation Service, the Rehabilitation Services Administration, and a hundred experts from around the country have just completed the first phase of a comprehensive look at this whole area of work opportunities for the homebound. They are formulating recommendations for both administrative and legislative action. Thousands of Americans who are tied to their homes are wasting their lives. This situation is a national tragedy, because these people could be making significant contributions to their own welfare and to society through productive home work. An enthusistic national effort for our homebound citizens should be one of our top priorities for the handicapped.

EXPANSION OF VOCATIONAL REHABILITATION

I have noted another recommendation to help demonstrate the national commitment to serve all the handicapped by broadening the vocational rehabilitation act. At present those who qualify for help through the vocational rehabilitation program must meet the test of having a disabling condition. This disability must be an employment handicap which could probably be overcome with help and thus enable the person to be placed in a suitable job. Of course those who can be helped should be helped to better care for themselves. But the Vocational Rehabilitation Act should be amended to extend rehabilitation services to all disabled persons. There should be no discrimination on the basis of the severity of impairment or potential for employment. We must remember that total success in overcoming a handicap is in many cases not possible. But there a great number of cases in which partial success is attainable and in which that partial success can be translated into real vocational achievement for the handicapped.

THE HANDICAPPED AND WELFARE

President Nixon's proposals for improving the welfare system include full utilization of the rehabilitation network throughout our country. It is hoped that those who are handicapped, yet responsible for their families, can be referred to the public rehabilitation program for assistance. Throughout our country welfare and rehabilitation teams have had great success in working together to rehabilitate and employ the handicapped who are on welfare.

NATIONAL INFORMATION AND RESOURCE CENTER

I have been especially pleased with the national response to my proposal for a National Information and Resource Center for the Handicapped. I proposed this project last year, and the reaction from Government, private citizens, and organizations in this field was overwhelmingly favorable. In the 91st Congress the Senate passed the bill to establish the center, but the House was unable to complete its action. I have reintroduced the proposal this year as Senate bill 41, and Congressman CHARLES BENNETT of Florida has introduced a companion bill in the House. I anticipate equally enthusiastic support in the 92d Congress and look for early passage in both the Senate and House.

Although such legislation may be overshadowed in the areas of massive social, health, and rehabilitation programs, it has overwhelming significance for disabled people, their families, and the organizations that work to serve them. In the framework of the presently available resources for our handicapped citizens, we must be on guard to see that our efforts and money are directed to the point of greatest need. It is the purpose of the information center to consolidate the knowledge and information regarding services for the handicapped. These resources must be made available to the handicapped in the form they can use and at the times they most need them. Presently, there is a crucial lack of coordination and centrally available information, for example on information about rehabilitation facilities and serv-

ices. Much the same can be said for information on employment, health care, economic aid, and many other important areas. The National Information and Resource Center for the handicapped will provide a point of contact for individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, city, and State officials who desire information or direction.

We have the knowledge and the resources to restore many more of the mentally and physically disabled to productive lives. The tragedy lies in the fact that few Americans are aware of the capabilities and services of modern public and private programs for the handicapped. They are also unaware of the human and economic loss this ignorance imposes. The problem is particularly acute when handicapped persons and their families do not know where to turn when disability strikes.

AN EFFECTIVE RESPONSE TO A REAL NEED

This center will fill a great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost. The center will not duplicate the functions of programs in either the Government or private sectors. Its function will be the coordination of information relating to all programs to benefit the handicapped. A small staff will be available to direct inquiries to specialized contacts. The 42 million Americans in the handicapped minority will be the direct beneficiaries of the center's services. America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

CONCLUSION

Mr. President, the work of the task forces on the Mentally and Physically Handicapped; the ideas put forward by volunteer groups, specialized agencies and private citizens; and the resources of Federal, State, and local government need to be put to best and most effective use.

In the past 2 years we have seen a great amount of effort put into ideas, reports, and plans. Now, those mental efforts call for matching efforts to implement and realize them.

In this age of concern for the preservation and restoration of our physical resources, the handicapped are a great reservoir of human resources. We must not squander them or fail to utilize them.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for a period not to exceed 15 minutes.

(Under a subsequent order, the remarks of Mr. STENNIS are printed later in the RECORD under "National Policy on Public Schools.")

## RECISION OF ORDER FOR RECOGNITION OF SENATOR ERVIN—ORDER FOR RECOGNITION OF SENATOR MUSKIE

Mr. BYRD of West Virginia. Mr. President, under the previous order the able Senator from North Carolina (Mr. ERVIN) was to have been recognized at this time for not to exceed 15 minutes. I have received word from the office of the Senator from North Carolina requesting that that order be vacated.

I therefore ask unanimous consent that the Senator from Maine (Mr. MUSKIE) be substituted in place of the Senator from North Carolina (Mr. ERVIN) under the previous order.

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

## FBI SURVEILLANCE

Mr. MUSKIE. Mr. President, I rise today to discuss a matter of grave concern to our Nation. I believe the present scope of surveillance by Federal intelligence agencies of the legitimate political and personal activities of our citizens represents a dangerous threat to fundamental constitutional rights. There is ample evidence to justify this conclusion from the searching and responsible hearings held by my respected colleague, the Senator from North Carolina (Mr. ERVIN).

But this threat to our privacy and freedom has been shockingly and dramatically demonstrated to me in another way. I have recently read an FBI intelligence report written by an agent assigned to cover the Earth Day rally in Washington last year. Among those political actions were reported for the benefit of our criminal, military, and security intelligence agencies was myself. This FBI report mentions no hint of violence, no threat of insurrection, and no foreboding of illegal behavior.

I ask unanimous consent that the FBI report on Earth Day activities which took place in Washington on April 22, 1970, be printed in its entirety in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MUSKIE. Mr. President, this FBI report details the preparation, the planning and the occurrence of this environment rally. It briefly notes who spoke and what was said. It duly records that I, among others, spoke at this meeting.

Before I discuss the implications of this FBI report, I would like to establish a few simple facts about it.

First, this report was not taken from the Media, Pa., FBI files, and is in no way connected with that theft of FBI material.

Second, this report contains no classified designation. Therefore, I feel free to discuss it in detail and insert it in the RECORD.

Third, it should be understood that while this is obviously a report by an FBI agent, it was not intended solely for FBI internal use. This report, and evidently many others like it, have been circulated widely to the entire intelligence community, and perhaps even to local police. This report, and others like it, have been read by a wide range of policy and security personnel.

Finally, I understand that this is but one of about 40 to 60 FBI reports of Earth Day rallies on April 22, 1970. I know that at least one other Member of this body, and probably others, had some of their speeches and participation in Earth Day rallies subject to FBI surveillance. We must find out the scope of this surveillance over environmental groups and gatherings.

This document raises far-reaching questions over the present surveillance operations of the FBI.

If there was widespread surveillance over Earth Day last year, is there any political activity in the country which the FBI does not consider a legitimate subject for watching? If antipollution rallies are a subject of intelligence concern, is anything immune? Is there any citizen involved in politics who is not a potential subject for an FBI dossier?

How much of American political life is recorded, from the perspective of the FBI, and stored for quiet use by Federal and local agencies?

Mr. President, what possible legitimate use could this report serve? Why does the FBI need to know who attended and what was said at Earth Day rallies across the Nation?

No crime or threat of crime was involved nor was any violence threatened. Even if our intelligence agencies believed Earth Day might turn into a threat to our national security or a scene of violence requiring Federal troops, that would not justify a report about the rallies afterwards, when it was clear that no threat to our Government did occur. And why is the report of nonviolent and noncriminal events distributed to other agencies of our Federal Government?

These questions can only be fully answered after there is a complete and searching review of the intelligence communities' domestic surveillance operations. Until this is done, we will not know who or what is being watched and why. All of us will live with the uneasiness that our actions and words, plus unsubstantiated or inaccurate reports about our lives and characters, are filling a secret file in Washington.

That uneasiness is intolerable in a free society.

Although we cannot tell precisely the scope of domestic surveillance, this report on Earth Day, and the evidence already revealed by the Senate Subcommittee on Constitutional Rights, makes the implications of what we know clear enough.

First, surveillance is more than excessive zeal by the FBI. It is a threat to our freedom. Surveillance leads to fear.

Secret surveillance which produces secret files to be used by unknown persons; these are the ingredients for fear.

Every dictator knows that elementary rule.

Such fear is recognized in our constitutional law; it is called the chilling effect. When Government action creates such fear in citizens about participating in political activity or speaking out on controversial issues it "chills" their freedom of speech, then the Supreme Court has held that this violates their constitutional rights under the first amendment.

What is a more proper or protected activity for an American than a rally to bring to the attention of our Government a concern for a cleaner environ-

ment? Is this not free speech? Is this not a redress of grievance? How many Americans will now hesitate, will not attend meetings and will not raise their voices because they feel what they do will become part of an FBI dossier? One American so quieted would be too many.

But I am certain many are now afraid. As pointed out by others, a large percentage of Congressmen believe their phones are tapped. If this is what our congressional leaders think, how does an ordinary citizen feel when deciding whether to participate in a rally, to write a letter, or give a speech critical of the policy of the Government which also keeps notes on his activities?

Freedom of speech and freedom of political action are more than the mere absence of laws that forbid such activity, or of prosecutions that punish it. Freedom is a feeling about what can be done by a citizen without possible future harm, and without secret surveillance. Liberty is an attitude of trust toward our Government, and of openness in our society.

Freedom in America can be maintained in practice, as well as in theory only if we end the unnecessary surveillance over lawful activity in our Nation. Only if this concrete action will quiet the reasonable fears of so many Americans.

This spreading fear of surveillance is doubly tragic. It comes at a time when our policies and our institutions need so much change. And the best way to effective change is through political association. As De Tocqueville noted over a century ago, American democracy is given life through political associations. One man alone against a massive government is nothing. But groups of citizens, all joined for one political end, have influence. Surveillance of the kind demonstrated here threatens to scare those who want to join together to make their institutions more responsive to people. It will drive many of them into silence. It will keep them powerless through fear.

It may be argued that bringing this FBI document to light today will arouse such fears of surveillance. But silence would only be acquiescence in activities that threaten the freedom of our society. As a Senator, it is my responsibility to speak out and arouse others in order to protect our liberty and to calm our fears by eliminating those practices which determine our fundamental rights.

I suppose some would also question my prudence in publishing a document which contains my name and concludes with a dissertation on the Students for a Democratic Society and the Progressive Labor Party. This very coincidence underscores my concerns. Here is a report that identifies me as a speaker to an Earth Day audience; describes certain other speakers as having associations with those far-left organizations; and then wraps it all up—all the concern and indignation people felt that day about the spoiling of the American environment—with a brief outline of two radical political groups. This document is then distributed to various other intelligence organizations, and perhaps elsewhere. What is the inference? Unless one is accustomed to this kind of thing and therefore hardened to it, the inference is that Earth Day, Senator MUSKIE, and many thousands of Americans who gathered together to protest pollution were somehow related to SDS and the Progressive Labor Party. And that inference is hardly removed by the standard closing lines, "This document contains neither recommendations nor conclusions of the FBI."

Second, there is no justification for any part of the Federal intelligence community surreptitiously observing and reporting on legitimate political events which do not affect our national security or which do not involve a potential crime.

Our Federal Government is one of limited powers. Every power it exercises must flow from a constitutional grant of that power. There is no such grant of power for general political surveillance. Indeed, such a concept would be repugnant to the most basic notions of our Founding Fathers.

It is repugnant to me.

This limitation on Executive power is recognized by the Justice Department itself. In testimony delivered March 9 of this year, before the Senate Subcommittee on Constitutional Rights, Assistant Attorney General William Rehnquist stated that the Department of Justice's authority to use investigative techniques includes "combating organized crime, preventing acts of violence, controlling civil disorders where appropriate, and enforcing numerous Federal statutes."

Even this broad reading of Federal power, which covers much of the duty of local and State governments to maintain order and prevent violence, does not include general political surveillance. Mr. Rehnquist states that data stored by the Internal Security Division "relates to specific incidents in which there is evidence that a law has been or may be broken." Despite the fact that this statement seems to imply that the division investigates the violation of any law, State or Federal, whether or not any question of national security is involved, it again does not provide for general surveillance. Finally, if there are excesses of information gathering, the Assistant Attorney General tells us that "self-discipline on the part of the executive branch will provide an answer."

The existence of the FBI report on Earth Day and the Justice Department's position on surveillance of a year later can mean only one of two things. First, the FBI and Justice Department believed that reporting about the Earth Day rallies of 1970 was necessary to prevent threats to the national security, or possible violence needing intervention of Federal troops, or probable violation of Federal law. If that is the case, the Justice Department's self-imposed limitations upon surveillance are meaningless.

Or, the Department might not know about, or be unable to control, the Earth Day surveillance by the FBI. In this case, also, the Department's self-imposed limits are meaningless.

Self-discipline evidently means no discipline.

Finally, Mr. President, this FBI report reveals a monumental waste of the taxpayers' money and of the valuable time of trained FBI agents. Every Government agency must choose the most effective means of utilizing its limited resources and personnel. This and other evidence shows that the FBI does not seem to be able to make reasonable choices. Many agents were assigned to spy on Earth Day rallies, and the FBI apparatus was involved in the preparation and dissemination of the many reports on Earth Day. With the problems of organized crime, of international drug traffic, and of actual bombing of Government buildings, I think better use could be made of these highly trained and dedicated men.

I take no pleasure in this criticism of the FBI. The FBI has in the past, and I hope in the future, performed valuable services in preserving the security and safety of this country. Its agents' initiative and dedication are justly famous. Some young people may not remember a time when fast-moving criminals and murderers completely out-maneuvered local police. Using the mobility and power of a national organization, the FBI in a few brief years, brilliantly subdued those free-wheeling criminals of the 1930's. And again, during the Second World War, the FBI tracked down foreign agents who threatened our security in war. Today, the Bureau continues its role as an efficient Federal law enforcer as well as a major force in upgrading local police with its training programs and its example of professionalism. I acknowledge the FBI's past achievements, not to minimize the seriousness of what I believe I have said today, but to acknowledge the Nation's debt to this agency.

It is clear that internal self-restraint in the Federal intelligence community is not adequate to safeguard our rights, and to keep the Government's surveillance within legitimate bounds. That is not surprising. Any agency charged with the responsibility to investigate and provide intelligence will want to find out more and more. That is only doing the job better. And it is too much to expect that those who must gather facts about crime and subversion can weigh constantly the need to limit surveillance in order to protect our individual rights.

It does not appear that those in the executive branch who are responsible for the supervision of the FBI, the Attorney General and the President, will do anything to change this situation. The President, in the face of reports, of investigations that should outrage the Nation, remains silent. There is no indication that he intends to issue new directives to limit the scope of FBI surveillance or create the institutions to do this. The Attorney General, as represented by the Assistant Attorney General vigorously defends the present scope of surveillance and the system to limit it.

Further, the traditional checks upon executive power, congressional legislative and appropriate powers, have obviously not been enough to curb the scope of intelligence surveillance to reasonable bounds. Therefore, new institutions must be created to protect every American's liberty.

As a first step, I propose that Congress create a Domestic Intelligence Review Board, to supervise the activities of all agencies of Government in this field.

Such a board should be composed of the most distinguished members of the intelligence community, of Congress, of the Judiciary, of the practicing bar, and of our law schools. The board should review the claims of those who must gather intelligence to protect our community and of those who are most sensitive to protecting our liberties should be presented so the needs of information and the requirements of a free society are balanced.

The board should be appointed by and responsible to both the President and the Congress. It should report yearly to the public in general terms, about the scope and need of civilian and military domestic surveillance and its effect. It also should produce a much more extensive and detailed report on domestic intelligence activities, including budget details. This should be made available only to the President and the Members of Congress. This will allow these annual reports to be comprehensive enough but without prejudicing our intelligence gathering operations. The board's most important responsibility must be to recommend Executive orders and legislation required to curb the unnecessary use of surveillance in our society.

I am not convinced that creation of this Board, by itself, will be adequate. I believe that Congress will have to legislate precise limits over the scope of domestic surveillance and over the use of collected information. But such a board is a good beginning.

I believe our Government has reached a critical juncture in its intelligence activities.

We have clearly gone beyond the limits that a free society should impose on our Central Government's surveillance.

We have just become politically conscious of that fact. We can continue ahead, brushing aside the delicate and immense requirements of liberty. This choice will cost us much of our freedom. Or we can pause and examine our course to see that it will destroy much of what we value most.

If we do, and if we redefine our intelligence needs in light of the requirements of freedom, we will have to change many of our present surveillance operations. This will be painful and it will involve a certain amount of risk. But that always is the cost of freedom. And I believe we dare not sacrifice our freedom, no matter what the cost.

EXHIBIT 1

NATIONAL ENVIRONMENTAL ACTIONS,
APRIL 22, 1970

On April 6, 1970, Mr. Robert Waldrop, local representative of the Sierra Club, 235 Massachusetts Avenue, N.E. Washington, D.C. (WDC), made application for the use of National Capitol Parks to "peacefully petition the government for immediate action to preserve the environment and to express citizen's concern for environmental problems." Waldrop stated the request was being made by the Washington Area Environmental Action Coalition for a National Environmental Teach-In Day, April 22, 1970. He requested the use of the Parklands Playing Fields at Constitution Avenue and 21st Street, N.W., from 1:30 p.m. until 2:30 p.m., and the Sylvan Theatre on the Washington Monument Grounds from 3:30 p.m. to 9:30 p.m.

Waldrop stated that the Washington Area Environmental Action Coalition includes residents of the metropolitan region, community groups, and students from local universities. "We are closely coordinated with the nation-wide Environmental Teach-In sponsored by Senator (Gaylord) Nelson and Representative (Paul N.) McCloskey, (Jr.)."

The Sierra Club is a western based conservation organization located at 1050 Mills Tower, San Francisco, California.

On April 14, 1970, "The Washington Post" a paper located in WDC, reported under the caption, "Area Students Mobilize for Earth Day", that the dangers to the earth's environment, including overpopulation, have been the concern of a student organization in the WDC area. Since February, 1970, a "movement" has gotten under way made up of a coalition of students and conservation organizations, with support coming largely from the white, middle class. April 22nd, "Earth Day" will climax with a march to the Interior Department in the afternoon by students and conservation organizations headed by representatives of the Sierra Club.

On April 14, 1970, the Washington Area Environmental Coalition held a press conference at the Dupont Plaza Hotel; WDC. Robert Waldrop spoke for the coalition and stated that "Earth Day" activities on April 22nd, were being organized by the coalition which consists of interested students from American University, Catholic University, Trinity College, George Washington University, and Prince Georges Community College, Maryland, working closely with the Emergency Committee on the Transportation Crisis (ECTC). Environmental Teach-Ins were planned for the respective campuses on April 22, 1970.

It was announced that the Coalition would picket the Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., on April 21, 1970, where Secretary of Transportation John A. Volpe would be speaking before the highway users conference.

Waldrop announced plans for April 22nd, saying that the march past the Department of Interior would be "symbolic" since the Department of Interior "has become the symbol of the Government's environmental insanity. The Nixon administration has tried to make the environment its issue."

Others present at the press conference were: Timothy Paulis from Catholic University, Matthew Andrea representing Environment, Incorporated, 917—15th Street, N.W., Sammie Abbott, publicly director for ECTC, Gene Goldman from American University, Philip Michael, described as a recent returnee from the Peace Corps in Africa, and Professor "Bud" Ivan Hames from American University.

Sammie Abbott has been publicly identified in the past as a Communist Party leader. His activities on behalf of the ECTC have led to local publicity and several arrests.

The ECTC is a foe of inner-city freeways.

Among the coalition of local participating organizations for Earth Day are: Environmental Teach-In, Incorporated, 2000 P Street N.W., WDC, Environmental Action, headed by Steve Cotton, who according to a press release is on leave from Harvard Law School, Environment, Incorporated, supra, headed by George Washington University student James "Skip" Spensley, Zero Population Growth and Friends of the Earth, both located at 917 15th Street, N.W.

Environment, Incorporated, is self-described as a non-profit organization organized in the District of Columbia for the purpose of providing posters, buttons and information about speakers to schools and community organizations. It has announced plans to keep its downtown office and campaign going after April 22nd. The organization publishes a newsletter called "Environment".

"The Mound Builders Gazette" newsletter, published by the Environment News Cooperative, 7321 Takoma Avenue, Takoma Park, Maryland, made its debut a week or more prior to April 22, 1970, stated it will provide in-depth coverage of the polluters and the protectors of the environment. It will be published bi-weekly beginning in September, 1970. Its editor is Bill Hobbs.

William (Bill) Hobbs, above, according to another Government agency, was formerly associated with the Students for a Democratic Society (SDS) at George Washington University, with the Southern Christian Leadership Conference and was one of the prime movers in the Action Coordinating Committee to End Segregation in the Suburbs, better known as ACCESS.

The SDS is characterized in an appendix page attached hereto.

On April 21, 1970, representatives of the FBI observed the following activities at the Washington Hilton Hotel, from about noon until 1:20 p.m.

A group numbering about 60 persons picketed on the sidewalk in front of the hotel. Literature passed out stated the demonstration was called to coincide with the Tuesday luncheon of the Highway Users Federation for Safety and Mobility at which Secretary Volpe was scheduled to speak. Picket signs indicated the group represented the National Coalition on the Transportation Crisis, ECTC, Student Committee on the Transportation Crisis and Washington Area Environmental Coalition. Signs displayed accused the Federation of being a highway lobby, and "polluters and plunderers."

Sammie Abbott and Matt Andrea, previously mentioned, were observed directing the pickets.

There was no incidents or arrests.

On April 22, 1970, "The Washington Post" published on "Earth Day" schedule for the Washington area which related that a number of events were scheduled to be held at various high schools and colleges in the area between 9 a.m. and 9:15 p.m. The day's main events commenced with a rally at 21st Street and Constitution Avenue, N.W., followed at 2 p.m. by a march past the Interior Department to the Sylvan Theatre where a program featuring folk singers and speakers was scheduled.

On April 22, 1970, representatives of the FBI observed about 200 persons on the Playing Fields shortly after 1:30 p.m. They were joined a few minutes later by a contingent of George Washington University students who arrived chanting "Save Our Earth".

A brief speech followed by which an unidentified GWU Law School student spoke out against Secretary of the Interior Hickel and the administrations of both Presidents, Johnson and Nixon. He said it was time for some action regarding pollution.

About 2 p.m., the group, numbering about 750 persons, moved out in the direction of the Interior Department. Some of the signs carried were: "Save Our Earth—Concern, Inc." "Save Our Seas; We Demand A Moratorium On All Off Shore Drilling", and "End the Fascist Rape of America." Some persons wore paper surgical type masks and one had a gas mask.

Shortly after 2 p.m., the crowd then estimated to be eight to nine hundred persons, gathered on the Virginia Avenue side of the Department of Interior at 19th and C Streets, N.W. An unidentified male read a "Declaration of Independence" and the crowd chanted, "We want air, we want water, we want Hickel."

About 2:30 p.m., the group at the Interior Department left and joined another group

gathered at the Sylvan Theatre. The two groups totaled an estimated 2,500 or more. A sign was noted which read, "God is Not Dead; He is Polluted On Earth." There were not speeches, but several musical groups entertained the crowd until after 8 p.m.

Shortly after 8 p.m., Senator Edmund Muskie, (D), Maine arrived and gave a short anti-pollution speech.

Senator Muskie was followed by WDC journalist I. F. Stone, who spoke for 20 minutes on the themes of anti-pollution, anti-military and anti-administration.

Dennis Hays, National Coordinator for Environmental Action, WDC, followed and gave a short anti-Vietnam war and anti-pollution talk.

Phil Ochs was the next speaker. He made a few anti-war, anti-administration remarks and then introduced Rennie Davis, one of the convicted defendants in the Chicago Conspiracy Trial. Davis spoke for approximately ten minutes.

Davis began by saying that the events he was involved in in Chicago were not a conspiracy, but there is one now, a capitalistic conspiracy and he called for tearing down the capitalistic structure. He said that people in "Agnew Country", meaning government officials in Washington, believe the ecology issue will divert the attention of people in the United States from the Vietnam war. He said the movement knows its history and this tactic will not work. He said The Conspiracy is joining forces with such groups as Women's Liberation, the Black Liberation Struggle and ecology forces to fight at every level of our society to end the war in Vietnam.

At this point, Davis was interrupted by heckling from someone in the audience. He made an obscene remark to the effects that any "pigs" in the audience should get out while they could. He then said he opposed all pollution except "light up a joint and get stoned". "One way to fight for ecology is to go to New Haven on May 1st to stop Bobby Seale's trial," referring to the trial there of the Black Panther Leader.

At about 10:15 p.m., Roger Priest, Navy enlisted journalist, then under court martial proceedings in WDC on charges of making disloyal and seditious statements in his anti-war publication "Off", spoke for several minutes. He said that "tomorrow" would be the last day of his trial and that the day after the verdict is given, the slogan will be "Sink the Navy".

At 12:25 a.m., April 23, 1970, Pete Seeger, the folk singer, made a few remarks about ecology and cleaning up society and the Potomac river. At this point, the power was shut off. Seeger and Reverend Frederick Kirkpatrick, a Negro folk singer, sang a few songs through a bullhorn, and the crowd began thinning rapidly. The program ended at 1 a.m., with approximately 50 persons remaining behind to clean up the area.

STUDENTS FOR A DEMOCRATIC SOCIETY

A source has advised that the Students for a Democratic Society (SDS), as presently regarded, came into being at a founding convention held June, 1962, at Port Huron, Michigan. From an initial posture of "participator democracy" the line of the national leadership has revealed a growing Marxist-Leninist adherence which currently calls for the building of a revolutionary youth movement. Concurrently, the program of SDS has evolved from civil rights struggles to an anti-Vietnam war stance to an advocacy of a militant anti-imperialist position. China. Vietnam and Cuba are regarded as the leaders of worldwide struggles against United States imperialism whereas the Soviet Union is held to be revisionist and also imperialist.

At the June, 1969, SDS National Convention, Progressive Labor Party (PLP) forces in the organization were expelled. As a result, the National Office (NO) group maintained its National Headquarters at 1608 West Madison Street, Chicago, and the PLP faction set up headquarters in Cambridge, Massachusetts. This headquarters subsequently moved to Boston. Each group elected its own national officers, which include three national secretaries and a National Interim Committee of eight. Both the NO forces and the PLP forces claim to be the true SDS. Both groups also print their versions of "New Left Notes" which sets forth the line and the program of the particular faction. The NO version of "New Left Notes" was recently printed under the title "The Fire Next Time" to achieve a broader mass appeal.

Two major factions have developed internally within the NO group, namely, the Weatherman or Revolutionary Youth Movement (RYM) I faction, and the RYM II faction. Weatherman is action-oriented upholding Castro's position that the duty of revolutionaries is to make revolution. Weatherman is regarded by RYM II as an adventuristic, elitist faction which denies the historical role of the working class as the base for revolution. RYM II maintains that revolution, although desired, is not possible under present conditions, hence emphasizes organizing and raising the political consciousness of the working class upon whom they feel successful revolution depends. Although disclaiming control and domination by the Communist Party, USA, leaders in these two factions have in the past proclaimed themselves to be communists and to follow the precepts of a Marxist-Leninist philosophy, along pro-Chinese communist lines.

A second source has advised that the PLP faction which is more commonly known as the Work Student Alliance is dominated and controlled by members of the PLP, who are required to identify themselves with the pro-Chinese Marxist-Leninist philosophy of the PLP. They advocate that an alliance between workers and students is vital to the bringing about of a revolution in the United States.

SDS regions and university and college chapters, although operating under the outlines of the SDS National Constitution, are autonomous in nature and free to carry out independent policy reflective of local conditions. Because of this autonomy internal struggles reflecting the major factional interest of SDS have occurred at the chapter level since the beginning of the 1969–70 school year.

The PLP is characterized separately in the Appendix.

PROGRESSIVE LABOR PARTY—PLP

"The New York Times" city edition, Tuesday, April 20, 1965, page 27, reported that a new party of "revolutionary socialism" was formally founded on April 18, 1965, under the name of the PLP which had been known as the Progressive Labor Movement.

According to the article, "The Progressive Labor Movement was founded in 1962, by Milton Rosen and Mortimer Scheer after they were expelled from the Communist Party of the United States for assertedly following the Chinese Communist line."

A source advised on June 3, 1968, that the PLP held its Second National Convention in New York City, May 31 to June 2, 1968, at which time the PLP reasserted its objective of the establishment of a militant working class movement based on Marxism-Leninism. This is to be accomplished through the Party's over-all revolutionary strategy of raising the consciousness of the people and helping to provide ideological leadership in the working class struggle for state power.

The source also advised that at the Second National Convention Milton Rosen was unanimously re-elected National Chairman of the PLP and Levi Laub, Fred Jerome, Jared Israel, William Epton, Jacob Rosen, Jeoffrey Gordon, and Walter Linder were elected as the National Committee to lead the PLP until the next convention.

The PLP publishes "Progressive Labor," a bimonthly magazine; "World Revolution," a quarterly periodical; and "Challenge-Desafio," a monthly newspaper.

The April, 1969, issue of "Challenge-Desafio" sets forth that "Challenge is dedicated to the peoples fight for a new way of life—where the working men and women control their own homes and factories; where they themselves make up the entire government on every level and control the schools, courts, police and all institutions which are now used to control them."

Source advised on May 8, 1969, that the PLP utilizes an address of General Post Office Box 808, Brooklyn, New York, and also utilizes an office in Room 617, 1 Union Square West, New York, New York.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and it is loaned to your agency; it and its contents are not to be distributed ouside your agency.

(The above is a stamp.)

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BAYH). Pursuant to the previous order, there will now be a period of not to exceed 30 minutes for the transaction of routine morning business, with each presentation not to exceed 3 minutes.

## INTELLIGENCE COLLECTING AGENCIES

Mr. BAYH. Mr. President, I was very impressed by the comments of our distinguished colleague from Maine (Mr. MUSKIE). I wholeheartedly agree that the overzealousness of some of our security and intelligence-collecting agencies give cause for alarm. I have been a member of the Senate Subcommittee on Constituitonal Rights since coming to the Senate more than 8 years ago. During that time I have followed with great interest the hearings conducted by the distinguished chairman of that subcommittee, the Senator from North Carolina (Mr. ERVIN). I want to join the Senator from Maine in praise of the Senator from North Carolina.

It is alarming to see the FBI's involvement in certain inappropriate intelligence-gathering endeavors. I was likewise distressed, over a month ago, by the disclosure of the Army's involvement in spying—and that is what it is—on peaceful civilians.

The Army has admitted maintaining dossiers on at least 7 million Americans. I fear these dossiers include substantial amounts of information which is not about the individual who is essential to national security. Too much of it is unreliable hearsay.

And the problem of overzealous collection is further exacerbated by the lack of safeguards against unwarranted and illegal distribution of the information once collected. Some agencies have been irresponsible—or promiscuous—in disseminating supposedly secret documents. One witness appeared before our committee and documented, chapter and verse, the number of documents from six separate Federal agencies—documents that plainly had "confidential" written across their faces—which had been made

available to private persons who clearly had no right of access to such data.

In conclusion, I think we have two problems, collection and dissemination. Congress certainly should take positive action soon. But we all know that passing one law is not enough. Senator MUSKIE has just made one proposal; the Citizens Privacy Act, which I recently introduced charts a different course. Both deserve the full attention of this body. Whatever method is chosen, it is essential that the Congress and the executive branch take all the necessary steps to insure that our intelligence gathering agencies respect the right of privacy of each American citizen.

## EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED RURAL COMMUNITY DEVELOPMENT REVENUE SHARING ACT OF 1971

A letter from the Secretary of Agriculture, submitting a draft of proposed legislation to establish a revenue sharing program for rural development (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

A letter from the Deputy Assistant Administrator, General Services Administration, submitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF NICKEL FROM THE NATIONAL STOCKPILE

A letter from the Deputy Assistant Administrator, General Services Administration, submitting a draft of proposed legislation to authorize the disposal of nickel from the national stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED COMMUNITY DEVELOPMENT ACT OF 1971

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF OPERATIONS UNDER THE AIRPORT AND AIRWAY DEVELOPMENT ACT

A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the first annual report of operations under the Airport and Airway Development Act, fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office of the previous month (with accompanying papers); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improvements being made in the controls over Government test equipment acquired by contractors for the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on our examination of the financial statements of the Student Loan Insurance Fund, fiscal year 1969, Office of Education, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improved administration needed in New Jersey for the Federal program of aid to educationally deprived children, Office of Education, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improvement in the development and evaluation of design alternatives for Federal water resources projects by the Corps of Engineers, Department of the Army and the Bureau of Reclamation, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

PROPOSED FEDERAL EMPLOYEES INDIAN TRIBAL ORGANIZATION TRANSFER ACT

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

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

PROPOSED LEGISLATION TO PROVIDE FOR THE ASSUMPTION OF THE CONTROL AND OPERATION BY INDIAN TRIBES AND COMMUNITIES OF CERTAIN PROGRAMS AND SERVICES

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the settlement of certain land claims of Alaska natives, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturaliaztion Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AMEND THE JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Chairman, American Revolution Bicentennial Commission, submitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE PRESIDENT'S NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

A letter from the Chairman, President's National Advisory Council on Supplementary Centers and Services, transmitting, a report entitled "Educational Reform Through Innovation, The Third Annual Report of The President's National Advisory Council on Supplementary Centers and Services" (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, the annual report covering status of public building projects authorized for construction and alteration pursuant to the Public Buildings Act of 1959, December 31, 1970 (with an accompanying report); to the Committee on Public Works.

PROPOSED FOLEY SQUARE COURTHOUSE ANNEX

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus proposing the construction of an annex to the Foley Square Courthouse in New York City (with accompanying papers); to the Committee on Public Works.

REPORT OF THE ADMINISTRATOR OF VETERANS' AFFAIRS

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, the 1970 annual report of the Administrator of Veterans' Affairs (with an accompanying report); to the Committee on Veterans Affairs.

PROPOSED EDUCATION REVENUE SHARING ACT OF 1971

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purposes of assisting them in carrying out educational programs reflecting areas of national concern (with accompanying papers); to the Committee on Labor and Public Welfare.

## PETITIONS

A petition was laid before the Senate and referred as indicated:

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

A joint memorial of the Oregon Legislative Assembly; to the Joint Committee on Atomic Energy:

"To His Excellency President of the United States, and to the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the Pacific Northwest and the nation will be drastically affected by the discontinued funding of the electricity producing facility of the Hanford Reactor; and

"Whereas the Reactor at the Hanford Facility is a product of a decade of local, state and national cooperation representing a capital investment of millions of dollars; and

"Whereas the continued electrical energy operation of the Hanford Reactor has provided the nation with highly trained and skilled technicians and with needed electrical power; and

"Whereas the Pacific Northwest is currently striving to introduce measures which will reduce the impact of the inevitable electrical power shortage in this region; and

"Whereas the closing down of the Hanford Reactor will only aggravate that problem; and

"Whereas the closure of the Hanford Reactor would necessarily result in the unemployment of several thousand individuals who would be forced to relocate to other already jobless urban areas; and

"Whereas the State of Oregon is vitally sensitive to these economic crises in the neighboring state of Washington and this region; and

"Whereas we support the original timetable for the orderly 1974 phaseout of the Hanford K and N Reactors; now, therefore, be it

"*Resolved* by the Legislative Assembly of the State of Oregon:

"(1) The President of the United States is memorialized to reverse that action which has caused the discontinuation of funding of the Hanford Reactor; and

"(2) The Congress of the United States is memorialized to review the effects of the Hanford closure on power needs of this nation and on the economic welfare of the Pacific Northwest region.

"(3) A copy of this memorial shall be sent to the President of the United States, to the presiding officers of each House of Congress and to each member of the Oregon Congressional Delegation."

## 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. BYRD of West Virginia:

S. 1514. A bill to amend title II of the Social Security Act so as to reduce to 50 the age at which a woman may begin to receive actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

S. 1515. A bill for the relief of Yeh Ming Chen. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1516. A bill for the relief of Maria Celeste deAlmeida Albuquerque. Referred to the Committee on the Judiciary.

S. 1517. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 1518. A bill to extend and amend laws relating to housing and urban development and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JORDAN of North Carolina:

S. 1519. A bill for the relief of Rudi Smit. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1520. A bill to establish the Advisory Commission on Federal Tax Forms, and for other purposes. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 1521. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1522. A bill to provide for the striking of medals commemorating the 250th anniversary of the birth of John Hanson. Referred to the Committee on Banking, Housing, and Urban Affairs.

S. 1523. A bill to amend title 13 of the District of Columbia Code to permit actions to be brought against partnerships in their firm names; and

S. 1524. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property. Referred to the Committee on the District of Columbia.

By Mr. MATHIAS (for himself, Mr. BEALL, and Mr. HATFIELD):

S. 1525. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1526. A bill for the relief of Rosalind B. Marimont. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 1527. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

By Mr. HART:

S. 1528. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes. Referred to the Committee on Commerce.

S. 1529. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions. Referred to the Committee on Labor and Public Welfare.

By Mr. MUSKIE (for himself and Mr. BAYH):

S. 1530. A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1531. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. MCGOVERN, and Mr. MUSKIE):

S. 1532. A bill relating to the allowance of a depreciation deduction. Referred to the Committee on Finance.

By Mr. BAYH:

S. 1533. A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself, Mr. BAYH, Mr. BURDICK, Mr. HART, Mr. METCALF, Mr. STEVENS, and Mr. THURMOND):

S. 1534. A bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents. Referred to the Committee on Armed Services.

By Mr. MCINTYRE:

S. 1535. A bill for the relief of Sayed Badr. Referred to the Committee on the Judiciary.

By Mr. GAMBRELL:

S. 1536. A bill for the relief of Ana Matilde Povea. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1537. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes. Referred to the Committee on Government Operations.

By Mr. BROOKE (for himself, Mr. PASTORE, and Mr. COTTON):

S. 1538. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

By Mr. DOLE (for Mr. BROCK):

S. 1539. A bill to establish a Youth Council in the Executive Office of the President. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 1540. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

By Mr. THURMOND:

S. 1541. A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A. Van Fleet. Referred to the Committee on Armed Services (by unanimous consent).

S. 1542. A bill for the relief of Sadanand B. Raut and his wife, Satyawati S. Raut. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1543. A bill to provide a tax credit for contributions made to educational institutions. Referred to the Committee on Finance.

By Mr. PEARSON (for himself and Mr. DOLE):

S. 1544. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S.J. Res. 85. A joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day." Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S.J. Res. 86. A joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished. Referred to the Committee on Finance.

By Mr. CASE (for himself and Mr. WILLIAMS):

S.J. Res. 87. A joint resolution to establish "National Collegiate Press Day." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1517. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 1518. A bill to extend and amend laws relating to housing and urban development and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, one of the most serious domestic problems facing our Nation is the inadequate supply of housing. With the harsh money market, housing production has declined sharply and is falling far below national goals. Cost of building, owning or renting adequate housing has risen sharply; even medium-priced conventionally built homes are without financial access to nearly one-half of all American families.

Today I am introducing two bills which are directed to assist low and medium income families to obtain adequate dwellings. This legislation is concerned with mobile homes. As President Nixon pointed out approximately 1 year ago in his second Annual Report on National Housing Goals:

> The current housing situation would be substantially worsened without these mobile homes.

Mr. President, for many moderate income families, the mobile home is the only type of house they can reasonably afford. In the 91st Congress, I introduced a bill which permitted the Federal Housing Administration to insure loans financing the purchase of mobile homes to be used by the purchaser as his principal residence. This bill, which became part of Public Law 91–152, has provided a low-cost avenue for thousands of citizens in obtaining adequate housing. During the last session of Congress, a bill was passed which would permit eligible veterans to receive guaranteed loans for mobile homes as well as individual mobile home lots—Public Law 91–506. The bills I introduce today round out the availability of Federal programs for mobile homes under all types of Government housing programs.

First, under the existing Federal Housing Administration program, mobile home parks and the individual mobile home are provided for, but the program does not include the combination of a mobile home and an individual lot. My legislation permits a purchaser to receive FHA assistance for both the home and the lot.

The second piece of legislation would amend title V of the Housing Act to permit the Farmers Home Administration to participate in the program. This bill was introduced by me in the last Congress and passed the Senate, but failed in the House and was deleted in the conference. I still believe this is a valuable piece of legislation that would be beneficial to the entire national housing effort. The constituency of the FHA includes the economic income bracket which would most benefit from low-cost housing. Seventy-five percent of the mobile homes delivered in 1969 were in States that contained 72 percent of the national rural population, and 84 percent of our farm population. Further, 34 percent of existing housing units in that same group of States are deteriorated, dilapidated, or lacking in adequate plumbing facilities. It would seem clear that this source of housing would be most beneficial in areas where the lack of housing is most severe.

Due to the impact of inflation, high interest rates, and tight money, American families with middle to low income are effectively barred from seeking new and improved housing. These families include returning veterans, young marrieds, and retirees. A survey done by the U.S. Department on Housing and Urban Development indicates that three-fourths of the households have children under 6 years of age; the husband is under 35 and has completed at least 3 years of high school education; and, his total income, primarily from wages, is about $6,700 per annum. It is clear that the mobile home offers him a source of housing not otherwise available to him. The availability of mobile homes contributes significantly to the housing supply outside the central city and the small community. By the assistance of this legislation, we can extend the advantage to many more people.

Mr. President, I sincerely feel that, although mobile homes are not the answer to fulfilling our housing commitments, they do provide an adequate measure in easing the housing crisis in our Nation.

By Mr. PROXMIRE:

S. 1521. A bill to amend the act providing an exemption from the antitrust laws with respect to agreement between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out. Referred to the Committee on the Judiciary.

### END TV BLACKOUT FOR SOLD-OUT HOME GAMES

Mr. PROXMIRE. Mr. President, I introduce a bill banning the TV blackout of home professional football games when the game is "sold out."

Last year over 90 percent of the seats in the National Football League stadiums were sold out. On the average, over 50,000 fans paid to fill the seats in each regular pro league game. Tens of thousands of fans were turned away. Yet the NFL blacked out the coverage of all regular home games within a 75 mile radius of the stadium. Insult was added to injury when the Super Bowl game was blacked out in the Miami area although the Miami team was not even a contestant.

On regular weekends, if his team is at home, the most avid fan can only watch a game in which he has no personal interest. No Packer fan wants to watch the Eagles play the Redskins when the Packers are at home.

My bill amends section 1292 of title 15 of the United States Code by requiring that those who hold the TV rights to away games be required to televise the "sold out" home games. It does this by adding to the law exempting football from the antitrust laws the words "but this exception shall cease to apply with respect to any such game when tickets for admission to such game are no longer available to the general public."

There are a number of persuasive reasons why this amendment should pass.

In the first place, the airwaves belong to the public and not to the pro football leagues.

Second, in most cities the local stadium has been built with public funds or the public subsidizes the stadium in other ways. Yet, the local citizen-taxpayer can neither get a ticket to a home game nor see it on television.

Third, it would not be unfair to the regular ticketholder. Home game TV coverage would only occur if the game were sold out.

Finally, it could actually increase television revenues for the pro teams.

Times have changed since the blackout section was passed. Pro teams are no longer struggling to survive. It is time that the fan got a break as well as the owners of the clubs. My bill would give him that break while protecting the gate for home games.

If no action is taken, the average sports fan may not only be blacked out on home football games but blacked out of all sports attractions as well. Closed circuit television and pay TV may soon end sports on public television unless something is done and done now.

Technically the bill would also apply to other sports where sold out home games are blacked out while televised elsewhere.

I send the bill to the desk and ask that it be appropriately referred.

By Mr. MATHIAS:

S. 1523. A bill to amend title 13 of the District of Columbia Code to permit actions to be brought against partnerships in their firm names. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I introduce, for appropriate reference, a bill which will correct a longstanding inequity in the law of the District of Columbia.

At the present time a partnership with an office in the District of Columbia, whose partners are not residents of the District, is not amenable to service of process in the District. The practical effect of this prohibition requires a suitor to bring action against individual partners in the place of their residency even though the partnership may be carrying on an extensive business from its partnership office located in the District of Columbia. It is manifestly unfair, Mr. President, to the residents of the District that a business can maintain an active operation in the District and yet be wholly insulated from suit merely by withholding partnership status from its local representatives.

The residents of other jurisdictions in the metropolitan area are not under a

like disability. In my own State of Maryland. Mr. President, any nonresident partnership who has not registered under a statute providing for the appointment of an agent for the service of process, shall be deemed to have appointed the Secretary of State to be its agent upon whom process may be made. The State of Virginia provides that service on a nonresident may be made upon any agent of such nonresident in the county or city in which he resides or upon the Secretary of the Commonwealth of Virginia who shall be deemed the statutory agent of the nonresident.

The bill I introduce today, Mr. President, would cure a legislative deficiency which has existed too long. It would allow service of process upon a partner, the manager or other person in charge of the regular place of business of the partnership in the District and such service would be deemed as service upon the partnership and each partner individually. The residents of the District would be provided with redress in local courts against persons who incur obligations to them. They are entitled to such legitimate protection.

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By Mr. MATHIAS:

S. 1524. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I send to the desk for appropriate reference a bill to establish a limitation on the period of time during which an action may be brought in the District of Columbia to recover damages, contribution or indemnity against architects, designers, engineers, or contractors on the ground of a defective or unsafe condition of an improvement to real property.

At the present time in the District of Columbia there is no limitation as to the period of liability of architects, builders, and engineers for a defective or unsafe condition in an improvement to real property. The only limitation under District of Columbia law is that such actions must be brought within 3 years after the date the cause of action accrues. The liability of these professionals is eternal, continuing throughout their lifetimes and, in the case of causes of action that survive a tort feasor, even beyond a lifetime, to be charged against their estate.

Without a reasonable statute of limitations architects, designers, engineers, and contractors must preserve plans, correspondence files, personnel rosters, and job notes forever. They may find themselves defendants in suits 25 or 50 years after buildings, they designed or constructed were completed and occupied. To permit actions long years after their work has been completed, when records have been destroyed and witnesses deceased, imposes an impossibility upon the defendant of asserting a reasonable defense.

The injustice which the bill seeks to remedy has been recognized by some 37 States which have enacted legislation similar to the bill I introduce today.

The proposed bill would require that actions against architects, engineers, and contractors, based upon a defective or unsafe condition of an improvement to real property would be barred unless it is brought within 5 years from the date the improvement to the real property was substantially completed.

The passage of this bill will do much to correct a serious omission in the laws of the District of Columbia and will afford to the architects, engineers, and contractors practicing in the District the same protection that they would have in many States.

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By Mr. MATHIAS (for himself, Mr. BEALL, and Mr. HATFIELD):

S. 1525. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MATHIAS. Mr. President, I am today introducing, for myself, the junior Senator from Maryland (Mr. BEALL), and the senior Senator from Oregon (Mr. HATFIELD), a bill to provide for the expansion of the Antietam National Battlefield in Washington County, Md.

Identical legislation is being introduced in the other body by Congressman GOODLOE BYRON, of the Sixth District of Maryland.

Mr. President, rapid approval of this legislation is essential to save this historic area from the pressures of encroaching development.

There is no question about the importance of this site as a monument to the tragedy of war and as an enduring symbol of our respect for our national heritage. The Battle of Antietam, which exploded on September 17, 1862, around the quiet little town of Sharpsburg, Md., was the great confrontation between the Grand Army of the Potomac, commanded by Gen. George B. McClellan, and the Army of Northern Virginia, led by Gen. Robert E. Lee. It was the bloodiest single day in our Nation's history, with over 23,000 Union and Confederate casualties.

In the forword to "The Gleam of Bayonets," an excellent study of this tragic battle, James M. Murfin wrote:

> Few battles in which Americans died have left such a mark on history as did Antietam. Few battles have held in their final moments of victory and defeat the vast political, economic, and military implications that did this bloodiest single day of the Civil War. Antietam was the turning point in the history of the Confederacy; it was, diplomatically speaking, one of the decisive battles in the world; on it hinged the very existence of the United States . . .
>
> On September 4, 1862, General Robert E. Lee began crossing the Potomac River with the Army of Northern Virginia. His sojourn in Maryland lasted only 14 days, but they are 14 days we can ill-afford to forget. Lee brought with him the hopes and fears of a newborn nation; an undefeated nation on the verge of foreign recognition and independence. When he returned to Virginia on the night of September 18, he left on record one of the most gallant struggles in military history; a battle which brought neither victory nor defeat, but which opened the door for the ultimate downfall of his government.

As Prof. James I. Robertson, Jr., has summarized:

> Tactically, Antietam was a draw. Strategically, politically, diplomatically and morally, it was a Union victory of high magnitude. The Confederates were forced back to the battle-scarred fields of Virginia. Southern morale received a stiff blow. Even worse for the Confederates, the stalemate at Antietam cut short the prospects of foreign intervention at a time when it seemed most likely to materialize in behalf of the South. Lastly, and in many respects most importantly, Lincoln used the springboard of the Antietam "victory" to issue his preliminary Emancipation Proclamation, a document which crystallized liberal opinion around the world in support of the Northern cause.

The Battle of Antietam thus was a crucial mark in the evolution of the Civil War from a political and economic battle into a moral cause. This tragic day of slaughter was also the beginning of two humanitarian movements. The field hospital which Clara Barton maintained on the battlefield was a forerunner of the American Red Cross which she later founded. And the memorial services which began at Antietam National Cemetery near the end of the Civil War have been regarded by many authorities as the precursors of Memorial Day.

Much of the site of this tremendous struggle has been preserved as the Antietam National Battlefield, originally established by the then War Department in 1890 and maintained as a unit of the National Park Service by the act of April 22, 1960. Public holdings now total 1,087.7 acres, including the 11-acre national cemetery. The National Park Service has built a handsome visitor center and has provided excellent interpretive exhibits and signs, including a self-guiding tour. With highway access via I–70 and other routes improving, the area becomes more popular every year. Almost 400,000 people registered at the visitor center in 1968, and over half a million visited last year.

Since the beautiful Sharpsburg area is still largely agricultural, few visitors to Antietam realize that the national battlefield itself embraces only a portion of the actual battle scene. Many of the most important battlegrounds, in fact, are outside the present Federal holdings. These include the Cornfield, scene of tremendous slaughter; the West Woods behind the Dunkard Church; the probable site of Clara Barton's field hospital; the locations of much of the Union lines opposite the sunken road, now called Bloody Lane; and much of the fields south and east of Sharpsburg where A. P. Hill's forces rebuffed the afternoon advance of Union troops under General Burnside to end the battle.

Like so many other historically important sites in the Potomac Basin, these portions of the battlefield have been preserved in much the same status for over a century by private citizens, who appreciate their significance and have a real commitment to conservation and historic preservation. However, more intensive development is spreading in Washington County as elsewhere in this region, and we cannot rely on the best of private intentions indefinitely.

Accordingly, I am introducing legisla-

tion today to authorize the expansion of the Antietam National Battlefield to a maximum of 3,400 acres. This additional land would include 400 acres to be set aside for the expansion of the Antietam National Cemetery in an appropriate location. It would enable us to preserve virtually all of the important fields of the actual battle, and to insure that this historic and beautiful environment would remain as it is now essentially as it was when the two armies faced each other there 107 years ago.

Of the 3,400 acres included in this bill, 1,800 would encompass the site of the actual battle. The additional 1,600, including the cemetery expansion, would be maintained as an environmental protection zone to shield the battlefield itself and to provide protection for lower Antietam Creek to its junction with the Chesapeake & Ohio Canal National Historical Park nearby.

The bill provides that, in most cases, the present owners of residential and agricultural properties within the battlefield would be given the option of retaining rights of use and occupancy for purposes compatible with the park.

A seven-member advisory commission, including two representatives of Washington County and two representatives of the State of Maryland, would be established to advise and work with the Secretary of the Interior in shaping policies and programs for historic preservation and interpretation, environmental protection, and coordination with relevant Federal, State and local programs and projects.

In addition to authorizing the battlefield's expansion, the bill provides for archaeological investigations and research to determine the actual site of Clara Barton's field hospital. It also directs the Secretary of the Interior to work closely with State and local governments and interested groups.

The Battle of Antietam was so important in our Nation's history that its site should not be only half preserved. If we delay, development could wreak devastation more permanent than that of the battle itself. Prompt congressional action is essential. Toward this end, Senator BEALL and I will encourage the Committee on Interior and Insular Affairs to seek comments on the bill from executive agencies and to hold public hearings as soon as possible.

Mr. President, the Battle of Antietam was one of the most inhumane days in our Nation's history. Ironically, its result was to advance humanitarian interests, including the Red Cross and the cause of individual liberty. There was no victor on the bloody fields of Antietam, but the battlefield stands today as a monument to human courage and a reminder of the horror of war. Its true meaning may be summed up in the words of one Union survivor, who described his thoughts on the night of September 17:

> There was no tree over our heads to shut out the stars, and as I lay looking up at these orbs moving so calmly on their appointed way, I felt, as never so strongly before, how utterly absurd in the face of high Heaven is this whole game of war, relieved only from contempt and ridicule by its tragic accomplishments, and by the sublime illustrations of man's nobler qualities incidentally called forth in its service. Sent to occupy this little planet, one among ten thousand worlds revolving through infinite space, how worse than foolish these mighty efforts to make our tenancy unhappy or to drive each other out of it.

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By Mr. RIBICOFF:

S. 1527. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

TAXPAYERS PROTECTION ACT OF 1971

Mr. RIBICOFF. Mr. President, tomorrow is April 15, the last day for paying Federal income taxes. By now millions of Americans have mailed their tax forms with a check attached or with the hope for a refund. Many have personally prepared their own returns, checked them over, signed them, and dropped them in the mail. An increasing number, however, have had a tax preparation service do the work for them to insure that the return was correct and to avoid dealing with the complexity of our tax laws. Unfortunately, many of these independently prepared returns will be erroneous.

A recent article in the Wall Street Journal has dramatically illustrated the wide range of results a taxpayer can get from tax preparation firms. Given the same information, five firms in the Atlanta area came up with five different results. One firm informed the taxpayer he owed $652 on his Federal return, another said $487, a third $542, a fourth $483. The fifth company claimed that the client should receive a refund of $141. This is a spread of almost $800.

Surely something is wrong when this occurs. It is not that these taxpayers are victims of fraudulent practices, but rather that too many employees of these firms do not have a sufficient knowledge and understanding of the income tax laws. For example, Owen Edwards has written a revealing article in New York magazine about his visits to tax preparation offices in New York City. The following exchange took place at the tax office of one of America's largest banks:

> EXPERT (consulting form, pencil poised). Have you previously filled out a form 1099?
>
> TAXPAYER. I'm not sure. What is form 1099?
>
> EXPERT (smiling brightly). I really don't know.

If the "expert" from the bank does not know, how much does the man or woman in your neighborhood office know? The answer in an increasing number of cases is very little.

In the last few years the tax preparation service industry has grown at a dramatic rate. The House Government Operations Subcommittee on Legal and Monetary Affairs, chaired by Congressman JOHN MONAGAN, of Connecticut, has found that 60 percent of the income tax returns filed are now prepared by third parties for a fee. An estimated 200,000 persons and firms now prepare tax returns. Franchises are being sold across the country and chain department stores and banks are setting up tax booths in every branch. The service is always performed by "experts" and is usually "computer fast and accurate."

The industry has, however, been allowed to grow unregulated. There are no Federal laws, rules or regulations covering their practices or their employees. No standards must be met, no licensing of personnel exists and no review of results is made by authorities. Some of the older firms give their employees a short course in tax preparation, but they are the exception.

The result is that millions of American taxpayers who relied on the expertise of the tax preparer may have suffered unnecessary losses. The taxpayer may have paid too much because he did not declare deductions to which he was entitled. On the other hand, he may have claimed improper deductions and will have to make future payments plus a penalty.

If a person prepares his own return, he knows the risk of error and assumes it. A person who is paying to have his return prepared should expect to have it done accurately. At this time there is no guarantee that this will be the case.

Therefore, I am introducing today the Taxpayers Protection Act, which will authorize the Secretary of the Treasury to set standards for persons, other than lawyers and certified public accountants, who are in the business of preparing Federal tax forms for others. The Secretary would develop an examination to test the preparers' knowledge and understanding of the tax laws. Special emphasis would be placed on recent changes and the most commonly confused subjects, such as business and moving expenses, and retirement tax credits. Only a person who meets the standards set by the Secretary will be able to represent himself as a "licensed tax preparer," and any individual or firm that prepares more than 25 returns for a fee would have to be so licensed.

If properly developed, these regulations should not hamper the growth of the industry. The ultimate success of tax preparation firms depends on public confidence in their skills and judgment, and the Taxpayers Protection Act will help assure the public of reliable service.

Mr. President, I ask unanimous consent that at this point the following items be inserted in the RECORD: the text of the Taxpayers Protection Act; a detailed analysis of the act; an article by Tom Herman in the April 7, 1971, Wall Street Journal entitled "Tax Totalers"; and an article by Owen Edwards in New York magazine entitled "Many Happy Returns."

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

S. 1527

**A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subpart D of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions relating to information and returns) is amended by renumbering section 6021 as 6022, and by

inserting after section 6020 the following new section:

"SEC. 6021. U.S. LICENSED TAX RETURN PREPARER.

"(a) GENERALLY.—Any individual, engaged in the business of preparing returns (of the tax imposed by chapter 1) for others, who meets the standards set (pursuant to subsection (b)) by the Secretary or his delegate may hold himself out as a 'U.S. licensed tax return preparer'. An individual who prepares more than 25 returns (of the tax imposed by chapter 1) for others, in any calendar year, shall, prior to the expiration of the sixth month following the close of such calendar year, meet the standards set (pursuant to subsection (b)) by the Secretary or his delegate for designation as a 'U.S. licensed tax return preparer'.

"(b) AUTHORITY TO LICENSE.—The Secretary or his delegate is authorized to license individuals who are engaged in the business of preparing returns (of the tax imposed by chapter 1) for others as 'U.S. licensed tax return preparers'. Pursuant to this authority, the Secretary or his delegate may give regular and periodic examinations and set such other standards as he considers necessary to determine the competence and fitness of those who are to be designated as 'U.S. licensed tax return preparer' shall be for a period of 5 years and may be renewed upon reexamination and compliance with such other standards as the Secretary or his delegate considers necessary to determine the competence and fitness of those who are to be designated as 'U.S. licensed tax return preparers'.

"(c) WITHDRAWAL OF LICENSED STATUS.—The Secretary or his delegate may, after due notice and opportunity for hearing, withdraw from any individual the status as 'U.S. licensed tax return preparer', upon a showing that such individual is incompetent or unfit to be a 'U.S. licensed tax return preparer', or who, with intent to defraud in any manner, willfully and knowingly deceives or misleads any individual in any matter arising out of his business as a 'U.S. licensed tax return preparer'."

(b) The table of sections of subpart D of part II, subchapter B is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 6021. U.S. licensed tax return preparer.
"Sec. 6022. Listing by Secretary of taxable object owned by nonresidents of internal revenue districts."

SEC. 2. Subchapter A of chapter 75 is amended by adding at the end of part I thereof a new section 7216 to read as follows:

"SEC. 7216. OFFENSES INVOLVING U.S. LICENSED TAX RETURN PREPARER STATUS.

"(a) FALSE REPRESENTATION AS A 'U.S. LICENSED TAX RETURN PREPARER.'—Any individual who willfully holds himself out as a 'U.S. licensed tax return preparer' without having satisfactorily met the standards set by the Secretary or his delegate shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

"(b) FAILURE TO OBTAIN STATUS AS U.S. LICENSED TAX RETURN PREPARER.—Any individual who is, pursuant to section 6021(a), required to obtain designation as a 'U.S. licensed tax return preparer' and who continues to engage in the business of preparing returns (of the tax imposed by chapter 1) for others, without obtaining status as a 'U.S. licensed tax return preparer' shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 6 months, or both."

SEC. 3. The amendments made by this Act shall take effect on the first day of the first calendar year beginning after the date of enactment.

TAXPAYERS' PROTECTION ACT—SECTION BY SECTION ANALYSIS

This bill adds a new section to the Code which provides for the status of "U.S. licensed tax return preparer." Pursuant to this provision (sec. 6021), any individual who is engaged in the business of preparing returns for others, and who meets the standards set by the Secretary or his delegate may hold himself out as a "U.S. licensed tax return preparer." An individual who prepares more than 25 returns for others, in any calendar year, must meet the standards set by the Secretary or his delegate for designation as a "U.S. licensed tax return preparer" if he is to continue in the business of preparing income tax returns for others. The standards must be met before the expiration of the 6th month after the end of the calendar year in which the individual prepared more than 25 tax returns for others.

The bill gives authority to the Secretary of the Treasury to license U.S. tax return preparers who are in the business of preparing returns for others. The Secretary may schedule periodic examinations and set any other standards as are necessary to determine the competence and fitness of those who seek designation as "U.S. licensed tax return preparers." Status as a "U.S. licensed tax return preparer" is to be for a period of 5 years but may be renewed upon reexamination.

The Secretary of the Treasury may withdraw from an individual the status as "U.S. licensed tax return preparer" upon a showing that the individual is incompetent or unfit to act in that capacity. Withdrawal of this status may also occur when an individual, with intent to defraud, willfully or knowingly deceives or misleads any individual in any matter connected with his business as a "U.S. licensed tax return preparer."

The bill also adds a penalty provision dealing with offenses involving "U.S. licensed tax return preparer" status. An individual who willfully holds himself out as a "U.S. licensed tax return preparer" without having satisfactorily met the standards set by the Secretary or his delegate is guilty of a misdemeanor and, upon conviction, will be fined not more than $10,000, or imprisoned not more than one year, or both. If an individual who is not a "U.S. licensed tax return preparer," engages in the business of preparing returns for more than 25 persons, he is, upon conviction, to be fined not more than $1,000, or imprisoned not more than 6 months, or both.

The bill provides that it is to take effect as of the first calendar year beginning after the date of enactment.

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[From the Wall Street Journal Apr. 7, 1971]

TAX TOTALERS: DOES AN ATLANTA MAN OWE UNCLE SAM $141? OR DOES HE GET REFUND?—PROFESSIONAL SERVICES, USING IDENTICAL SETS OF FIGURES REACH DIFFERENT ANSWERS—MONEY BACK FOR EVERYBODY

(By Tom Herman)

ATLANTA.—John Sherman, his wife and two small children live in a comfortable $30,000 home in a suburb of this Southern city. Last year, John (not his real name) earned $13,962.69, including $3,643.89 paid him by employer, a large publisher, as reimbursement for moving expenses incurred during his transfer here last summer.

John is a fairly typical American taxpayer. He has the usual income tax deductions, including medical expenses, interest, state and local taxes and charities. He also has the typical taxpayer's sense of foreboding as the April 15 deadline for filing returns rapidly approaches.

John usually computes his own income taxes. Once, however, he used a professional tax-preparation service. And this year, because of such complexities as the separate form used for itemizing moving expenses, John, like several million other U.S. taxpayers, decided once again to seek professional tax advice.

Once his decision was made, John encountered a common problem: Which service should he use? This year's Atlanta Yellow Pages list 90 tax-preparation firms, up from 82 in last year's edition. John, like other taxpayers throughout the country, was at a loss as to which office would be the best choice. Or did it make any difference?

A $793 DIFFERENCE

It did indeed. At the suggestion of a reporter from this newspaper, John agreed to submit his figures to five different services. At one extreme he was told by a tax office he was entitled to a refund of $652.04 from the federal government; at the other extreme, another service figured he *owed* the government $141. The difference between these two figures was a hefty $793.04—despite the fact that John had given all the so-called experts the same set of figures.

The services also varied in other areas. On John's Georgia income tax return, the five offices all came up with different refunds, ranging from $55 to $181.04—a difference of $126.04. And, perhaps coincidentally, the expert who promised John the biggest refund also charged him the biggest fee ($31), while the office that told him he owed the government money charged him the lowest fee ($15).

Such variances between the professional services may surprise the average taxpayer, who often seems to assume that tax computation is an exact science. But federal tax officials say the differences aren't surprising at all, since there are absolutely no rules or regulations to govern who can set himself up in business as a tax expert.

It's been suggested that all would-be tax experts be required to pass a standardized test. But an Internal Revenue Service spokesman in Atlanta says the IRS "would be reluctant to jump into the game of judging which people are qualified to figure out other people's income taxes."

"MECHANIC ON DUTY'

For this reason, at least for the foreseeable future, taxpayers seeking help from professional services should be prepared to face the fact that no one expert has the last word on all tax matters. A close look at John's experiences with the experts helps to illustrate this point. (In his rounds, John was accompanied by this reporter, who claimed he was along "for moral support.")

The first discovery made by the comparison shopper is that tax services can be found in varied locales, ranging from downtown office buildings where clients are seen by appointment only to gasoline stations where the sign outside advertises: "Cigarettes 35 cents. Guaranteed Income Tax Returns, 20 Years Exp. $5 & Up. Mechanic On Duty."

The differences don't stop at the door, as John quickly found out. The five offices he visited were operated by C&M Tax Service; H&R Block (John used two branches—one in Atlanta and one in Decatur); Sears, Roebuck & Co. and Mr. Tax of America. Their computations and fees were as follows:

| | Refund or (amount owed) | | |
|---|---|---|---|
| | Federal | State | Fee |
| C. & M | $652.04 | $181.04 | $31.00 |
| Block-Atl | 487.00 | 167.00 | 25.00 |
| Block-Dec | 542.00 | 55.00 | 22.50 |
| Sears | (141.00) | 111.00 | 15.00 |
| Mr. Tax | 483.00 | 82.00 | 26.00 |

Each tax service insisted its work was checked several times by highly qualified personnel. Each also assured John that it was positive its work was 100% correct and that it would gladly pay any penalty or in-

terest caused by any error. (Each office also said, however, that it wouldn't pay any extra taxes, should they later be deemed due by the IRS.)

THE ULTIMATE EXPERT

John was perplexed. Should he put his trust in C&M Tax Service and claim a $652.04 refund? Or should he follow Sears, Roebuck's computations and pay $141 to the IRS? He finally decided to take his problem to the ultimate expert: the Internal Revenue Service itself.

Under most circumstances, the IRS won't figure out a taxpayer's return unless the individual is blind or disabled. It will, however, answer specific questions from any taxpayer and it will compute the tax of an individual using the standard deduction whose adjusted gross income is $20,000 or less and consists solely of wages or salaries and tips, dividends, interest, pensions and annuities. Although John's case didn't conform to all these requirements, the IRS agreed to compute his taxes since he was working with a reporter on a story.

But even the IRS wasn't infallible. After examining John's figures in detail, the government agency said he was entitled to a refund of $466.10. Later, however, when John questioned this figure, an agent said he had erred in the computation of moving expenses.

The correct refund, the IRS said, was $400.94. This figure, presumably the last word, was $251.10 less than the refund stipulated by C&M. It was also $541.94 better than the figure advised by Sears.

To solve the confusion on the state income tax, John took his form to the Georgia Revenue Department, which will fill out without charge the state form of any Georgia resident. The department informed John that he was entitled to a refund of $117.80. The figure was $63.34 less than that given John by C&M, but it was far better than those computed by three of the other offices.

A study of the forms prepared by the five commercial services shows that the biggest and costliest differences were connected with moving expenses and itemized deductions:

| | Itemized deductions | |
|---|---|---|
| | Federal | State |
| C. & M | $3,724.16 | $3,510.56 |
| Block-Atl | 2,835.00 | 1,710.00 |
| Block-Dec | 3,034.00 | 1,902.00 |
| Sears | 3,103.00 | 1,957.00 |
| Mr. Tax | 2,937.00 | 2,579.00 |
| | **Moving expenses** | |
| | Federal | State |
| C. & M | $3,643.89 | 0 |
| Block-Atl | 3,682.00 | $3,585.00 |
| Block-Dec | 3,772.00 | 0 |
| Sears | 204.00 | 204.00 |
| Mr. Tax | 3,561.00 | 0 |

A NUMBER OF ERRORS

Certainly, the treatment of moving expenses for tax purposes has recently become more complex. Federal tax changes in 1969 increased the number of deductible moving expenses, including a number of "indirect" items associated with moving. Former laws, for example, didn't allow currently legitimate deductions, such as expenses connected with househunting and other related costs not directly involved in the move.

But the services also had a large number of errors:

An employe at H&R Block's Decatur office filled in $3,054 in itemized deductions on one tax form but later put $3,034 on another form, costing John $20 in deductions.

Several of the services failed to deduct $214 in state taxes withheld by Georgia during the year, even though the figure was prominently displayed on John's W-2 forms.

Several offices failed to include as income $8.53 in interest earned by John even though he gave each office a set of figures including that item.

H&R Block's Atlanta office didn't include a $138 deduction for medicine and drugs.

One office wrongly listed his home address, and another listed his first name as his surname.

Two offices gave him deductions he didn't claim and to which he clearly wasn't entitled. C&M, for example, allowed him $25 for "tax preparation" by a professional last year, although John said he had prepared his own taxes. And Sears allowed him $30 for miscellaneous deductions, although John said he had no idea what this amount should be.

SOME WERE ALERT

On the other side of the coin, some of the service's employes seemed to be especially alert. For example, Mrs. Mildred Dorton of Mr. Tax of America discovered several legitimate deductions that went unnoticed by everyone else, and she cited specific tax court rulings to substantiate her claims. (Mrs. Dorton apparently made one error, however, when she informed John he couldn't deduct any of his moving expenses on his state forms. The Georgia Revenue Department later said he could deduct $1,555.89 of these expenses.)

Despite the faults of tax services, growing numbers of taxpayers are turning to them for professional help. Statistics aren't available for the total number of offices throughout the U.S., but their growth is reflected plainly in the performance of some of the industry leaders.

H&R Block, number one in size, has 5,267 offices this year, up from 4,349 in 1970. Sears, Roebuck has tax services this year in more than 600 stores, up from 109 last year. Montgomery Ward & Co., another giant retailer, currently has tax services in 250 retail stores, up from 135 last year.

S. Bonsal White Jr., a partner at Alex Brown & Sons, a Baltimore brokerage firm, says a major reason for the industry's growth is the growing complexity of tax laws and tax decisions. "Every time Congress or a state legislature passes a tax reform bill, and every time a tax court hands down a major decision, you can be sure that more people will flock to tax-return companies," Mr. White says.

MORE COMPLICATED TAXES

Observers say another reason for the industry's growth is the rise in individual incomes, leading to increasing diversification of investments and more complicated tax returns. Also, more cities and localities are requiring income taxes, meaning that more forms must be filed.

Tax services operate their offices in a variety of ways, including franchises. H&R Block owns outright most of its locations in major cities and operates these offices with its own personnel. Block also has a few franchised locations; and in smaller cities and towns, the service sets up so-called satellite offices.

Under the satellite method, H&R Block selects and trains a local individual, who is allowed to set up shop under the H&R Block emblem. The individual furnishes his own office, but Block does his advertising and provides him with some of his office supplies.

Tax services, of course, operate their offices on a seasonal basis—usually from early January through mid-April. During the remainder of the year, the larger offices run training sessions for the upcoming season's employes.

Richard Block, chairman of H&R Block, says about "75% or more" of each season's employes return to the service the following year. "Personnel is no longer a problem," he says. "It was at first when we were getting started, but not any longer."

"A PEOPLE BUSINESS"

Some services disagree. "Getting qualified personnel is by far our biggest worry," says R. L. Swan Sr., an official at Mr. Tax of America. "You see, this is a people business, and getting good people is the whole ball game."

Despite personnel problems, the industry sees more growth in the future. The IRS estimates that slightly more than half of the 77 million individual returns filed last year were prepared by "third parties," including professionals, semiprofessionals, friends and relatives. This means that about 50% of the taxpayers will prepare their own returns—about 40 million potential customers. Furthermore, analysts predict population growth will lead to a steady growth of new, young customers.

The industry also undoubtedly prospers from the fear and mistrust with which many taxpayers regard the government in general, and the IRS in particular. "Do you think the average taxpayer will actually ask the IRS to figure out the best angle for him?" asks one Atlanta tax practitioner. "Don't be silly. He believes the government's people are out to squeeze every penny they can from the public, and so he'll come to private firms."

Firms specializing in tax returns aren't the only beneficiaries. Banks and loan companies for example, have found that tax-return services draw new customers. "When you have a man's tax return in front of you, you're in a great position to know what he can afford and can't afford to do with his money," says one tax-service man.

OCCASIONAL FRAUD

Federal and state tax officials report that fraud is sometimes evident in the work of tax-return services. "There's this one outfit here in Atlanta that promises every client a refund, and you should see some of his work," says an agent at the Georgia Revenue Department. "We've never been able to get him in court because nobody will testify against him."

Earlier this year, however, the federal government managed to prosecute a case involving fraud by a tax professional. A federal district court in Jackson, Tenn., convicted Mrs. Fannie Mae Case Robertson, a tax practitioner, on 12 counts of fraud and sentenced her to a year in prison and a $600 fine. Mrs. Robertson is appealing the decision.

But the five firms visited by John were guilty of errors rather than fraud. "That was purely a mistake on my part," the Sears man later said concerning his moving-expenses computation. And Richard Bloch said, "I've got to place the blame squarely on the tax return service."

"It astounds me," Mr. Bloch said. "We do nine million returns, so we're bound to make some mistakes, but there's no excuse for getting the spread you got. I can't understand it. We have a minimum of two people checking every return done by our preparer."

At C&M, tax-preparer Thomas Perry conceded he forgot to include several items on John's forms, including $13 in dividends and interest on his state return. Mr. Perry stood by the deduction he gave John for tax-preparation services, claiming it was for his own work this year. (Mr. Perry noted, however, that the $25 he allowed John for tax preparation should have been $31—the fee charged by C&M.) According to the IRS, however, such deductions may be made only for tax-preparation fees paid during the year for which the return is being submitted.

Mr. Tax of America's Mrs. Dorton also stood by her ruling that John wasn't entitled to moving-expense deductions on his state forms. She said the matter of such deductions was "a very gray area," adding that her rea-

soning was based on prior experience. But the Georgia Revenue Service, which presumably has the last word, maintained John was indeed entitled to the deductions.

Beyond the problems of error or fraud, there lurks another worry: Some tax return firms may be selling information gleaned from supposedly confidential returns to outside concerns, such as department stores, credit bureaus and direct-mail companies. The Federal Trade Commission is now investigating this possibility, as well as possibly misleading advertising by some tax firms that promise big refunds to prospective clients.

Congress has also entered the picture. Sen. Charles Mathias (R., Md.) last month introduced a bill that would require the consent of a taxpayer before a tax-return preparer could use information from his client for any purpose other than figuring the return. "Many income tax preparation firms and services are beginning to move into other fields, such as the selling of mutual funds, insurance and other financial services, and are using for these marketing purposes the detailed knowledge of their customers gleaned in the course of preparing income-tax returns," Sen. Mathias says.

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THE URBAN STRATEGIST: MANY HAPPY RETURNS

(By Owen Edwards)

The unthinkable is upon us once more. Taxman, first cousin to the Grim Reaper, is coming to town, list in hand, and there you are again, with your green eyeshade and plastic sleeve guards, licking your pencil point and sweating like a Cossack, friendless and vulnerable before that merciless armada of IRS computers.

And why? To save a little money? Would you remove your own appendix for budgetary reasons? After all, there is help out there to be had. If you believe the ads, all you have to do is sit down, spill your financial guts and wait for the refund. If you believe the ads.

The truth of the matter varies just a teensy bit from that sunny picture. Like other seasonal businesses (firecracker sales, for instance), public tax accounting has something of the ephemeral about it—offices that never seem to be open, phones that aren't answered, and tents that are silently folded on the morning of April 16. Unlike barbers, hot dog stands and CPAs, tax consultants need no license to work. In fact, the lady at the Department of Consumer Affairs seemed positively unsure what a tax consultant is in the first place. Anyone with the barest knowledge of mathematics and a passable bedside manner can jump into the nearest phone booth and emerge, seconds later, as a full-fledged finagler. But there is much that is reputable, too, and the services rendered, when rendered well, can save you money. The question is, how to choose?

To find out just how one tax juggler differed from another, I compiled a set of fictitious figures for income and expenses and made the rounds of well-known and not-so-well-known places, posing as a customer. The process carried with it a foretaste of purgatory.

The financial situation I drew up was a little more complicated than the average W-2 non-itemized return, so that I could discover how each place handled the extra work, and how much each would charge for it. In order to appear no more fraudulent than usual, I indicated that I was self-employed (necessitating a specific torture device known as Schedule C) and wished to file jointly with my wife. I also showed income derived about equally from writing and stock dividends (a bit of shameless wish-fulfillment). Each of the tax specialists I went to was given the same basic set of figures. Some dredged harder than others to come up with additional business expenses and, as a result, were able to lower my net income after deductions, but all started from the same point. The gross income on my fictional ledger was $11,372, and by the time it was all over I almost believed I had made that much.

My first stop, for no other reason than that I had just staggered from the poisonous chamber of an inbound commuter bus, was the All State Tax Service branch at the Ninth Avenue end of the Port Authority Bus Terminal. The place had more than its share of Old World charm, consisting, as it did, of a table loaded with tax forms at one end of a coin-and-stamp-trading shop.

My financial Boswell at All State was an earnest man with glasses like the windows of a diving bell. After I laid out my information there was a brief flutter of confusion while he ran back and forth behind a counter to get schedule after unnerving schedule. For most of the non-commuting denizens of the bus terminal, taxes may be a life-and-death matter, but they usually involve relatively straightforward forms and procedures. Then along comes Mr. Self-Employed-With-Dividends-Fancypants. But if the complications I presented at four in the afternoon daunted the All State man for a moment, he was quick to see me as a challenge. While the radio punished me with helping after helping of Herb Alpert, my new and trusted friend muttered about "straight line methods" and chewed the end of his pencil. By 4:45 the thunder of New Jersey-bound feet was welling up in the corridor outside and we were still trying to determine whether to itemize or not. No electronic wizardry here, not even an adding machine. Man against the economic elements. No matter that he was a little grudging about nuances, or that he said if my needs were a hair more elaborate he would pass me on to a CPA—the All State man threw himself into my taxes as if they were his own (which, he stated a little self-righteously, were very simple). At almost five, with millions grinding past on their trek home, that kind of involvement was touching. But the real touch was yet to come.

When the information was written in the appropriate slots. I asked how much the computation would cost me. My man started ticking it off: federal and state, $10; schedule B (interest and dividends), $5; $6 for an auto expense form; for a form that detailed a business-motivated move (I was starving), $5; and finally the cruncher, Schedule C, a multi-faceted triple-vivid account of my karma for which he wanted $40. (Since I live out of town, no city form was needed.) A grand total of $66.

Noticing my sudden pallor, my tarnished Robin Hood chewed his pencil again, vibrated slightly in sympathy with a subway far below, and set a limit for the job at $55. I was on my feet, stammering a feeble excuse about wanting to re-check my figures and telling him not, for God's sake, to do any more work. My head had been a bubble of $3-and-up TV promises and I hadn't been ready to have it burst so soon. As I swam into the commuter surf he shouted after me: "You won't find anyone to do it for less!" He was wrong, as it turned out, but not always.

The struggle so starkly apparent at the bus terminal also goes on at the First National City Bank branch at the corner of Park Avenue and 32nd Street, but it is served up in a bankerly aspic of dark plywood panels and expertly homogenized Muzak. The "Tax Service Center" is tucked into that railed-off archipelago of glass-top desks occupied in every bank by smiling silver-haired men with nothing to do. A discreet screen of plastic shrubbery hides the throes of the client from a passing public quick to seize on the suffering of its fellows.

The sign in the window had specified "computer fast," which I hear is fast indeed, but nothing was said about waiting. After half an hour I went out and consoled myself with a Sabrett hot dog. After another half-hour I returned in time to see the man in line ahead of me rise from the tax desk with the look of someone just finishing Thanksgiving dinner during a bull market. My own sense of well-being foundered slightly as I sat down and saw that National City's tax expert, behind his pilot's glasses, might have been on the sunny side of fifteen. But his manner was efficient.

All was not impeccable about this peach-cheeked banker, of course. He had to ask me for a clarification of the spelling of a well-known bond issue, for one thing, and the following bit of dialogue unnerved me not a little:

*Expert* (consulting form, pencil poised): "Have you previously filled out a form 1099?"

*Taxpayer:* "I'm not sure. What is form 1099?"

*Expert* (smiling brightly): "I really don't know."

But after that there was little stumbling. The right schedules were quickly produced and there was a man-to-man leveling, after which the ambitious but perilous notion of writing off car expenses was scrapped. The sound of the adding machine was so exuberantly confident that only an idiot could have worried. Ergo, I was not worried.

After fitting consultation it was suggested that my financial situation did not justify itemizing. I bristled a bit at the implied slur ("I work damn hard, fella, and you tell me I can't itemize!"), but under his adolescent exterior the lad was solid steel. I knuckled under.

The session took a crisp 30 minutes—tidy, germ-free, as impersonal as the computer itself. A total of five forms (1040, state, C and Social Security and moving expenses) cost $16. My hand stopped trembling. I will admit that I was naive enough to expect a large white machine to present me with my returns on the way out, child of the freeze-dry era that I am. But the computer, it turns out, is in some hermetically sealed squash court downtown, and the best National City could promise was a five-day wait (due, I was told, to an unexpected February crush).

Eight breathless days later the impeccably manicured form arrived. My federal tax was $1,432 and my state tax was $209, for a total hit of $1,641. As it turned out, no other tax specialist reached a figure that high, confirming my suspicion that bankers don't understand that people actually use money to buy things.

First National City tax centers go into moth balls after the fifteenth, but there is a telephone number that you can call if errors are discovered, or if you're going to be audited and just want to chat before killing yourself.

As I headed for H. & R. Block, the mere name conjured up the impressive image of a huge cube of titanium with me and my money safely locked inside while scores of weeping, gnashing IRS men blunted their blowtorches on its unmarred surface. As always, reality is a little more plain pipe rack than that. The second-story Block office as 663 Lexington Avenue has the weary gray air of benevolent bureaucracy that might be found in the headquarters of the English Mafia, if there were an English Mafia.

The pretty receptionist gave me an old-friend smile and took down a little information. To the question, "How did you hear about Block?" I replied "subliminally," and the girl wrote it under the square for TV, radio, and friends without looking up. The place was girded for the March onslaught, with four facing rows of metal chairs and one of those take-a-number-for-better-service devices. Several older ladies in low-heeled Corfam shoes were waiting, and while I was there most of the people who came in were women over fifty. There was a family feeling. One woman brought her sister in to meet the nice man who had done her taxes last year. The receptionist offered me one of her Hostess Twinkies and then rushed to the

window and peered down the street, explaining as she came back that the manager's car had been towed away four times that week. I sat for an hour and a half, wondering if the manager could do better against IRS than he did against the New York Police Department, and absorbing the ambiance. A hidden radio offered movie themes in glutinous waves of strings. A sign on the receptionist's desk said, "Thank You for placing your confidence in H. & R. Block." Somehow it seemed presumptuous. While I languished, people came in and were processed with cheerful clicks of efficiency, like victims in a city emergency ward. And, as in an emergency ward, they then had a chance to sit for a while and think about dying.

A map on the wall located more than 5,000 Block offices in the U.S. and Canada. Next to it were two black plastic rectangles, one proclaiming in silver letter "H. & R. Block Silver Award" and the other in gold letters, "H. & R. Block Gold Award." I still can't figure out who gave them those awards. The manager strode from desk to desk in a six-button shiny gray suit of some suspicious space age fabric, a green-and-yellow-striped shirt, a wide paisley tie and the kind of oversize gold rim glasses usually seen on TV theater critics. The ladies doted on him and he took it in stride.

At last I was called. My intercessor was a man in his late thirties with hair like a molting Shetland sweater and the look of someone already weary of other people's struggles to stay afloat. I soon understood why. For the next hour and twenty-five minutes he became one with my taxes, to the point that I began to regret that they weren't my taxes. He gave advice ("Stick to precedents and keep it simple if you can"), meticulously tracked a mistake through the labyrinth until he found it, and, when the manager oozed past with the whispered word to start shortcutting because of the crowd, answered with upraised chin, "Not with a Schedule C I don't start shortcutting." My chest swelled. So much for the slickeries of the managerial class; this was my man and we were in this thing together.

At the end of nearly two hours he gave me tentative figures, something the man tied to an off-premises computer can't do. On a gross income of $11,372, the federal tax was $1,282. (Six days later the return arrived in the mail with a balance due of $1,466.) There was considerable pondering of my New York State return, because I had spent half the year in California, but after Herculean figuring and refiguring, an appealing but speculative $9 came forth. (On the final return this jumped mysteriously to $55.) The Block style is to have the figures checked by another auditor, entered formally and given to the client within five days. If you are audited as a result of their work you can ask that a man from Block be present to hold your hand during the inquisition (and indeed, while I was there, the manager left to attend an audit on a previous year's return). The one glaring error I detected was that no Social Security form was attached to my Schedule C, but this was corrected in the final return, adding $184 to my final bill, but presumably saving me from a life of crime. The fee for federal, state and Schedules C and B was $20, which seems a fair bargain considering the Twinkies and hard work.

During my session a crisis developed when the lady with the sister became enraged at a two-dollar increase in the cost of her calculations for this year. The manager was at her side faster than a speeding cruise director, making phone calls higher up and championing her cause until things were put straight. Somewhere in greater Kansas City, Henry and Richard Block would have smiled.

In the cautiously middle-class household of my youth, loan companies ranked only slightly higher than abortionists. Somehow it was nicer to be foreclosed by a bank that your friends knew and respected. So, despite countless periods of the direst financial drought, I have never brought myself to push open the reputedly well-oiled door of a Beneficial or a Household Finance. But Beneficial Finance has entered the profitable sideline of tax accounting, so I took a deep breath and entered their office at 137 East 57th Street. I had expected thick cigar smoke, grimy light and a brutal beating by dull-eyed henchmen but, in fact, the place was fluorescent-bright, button-down and painless looking, like a dental clinic that smoothly sails its sufferers in with a smile and out on a cloud of Novocain. I was ushered into Cubicle 3 by a mohair-breasted stewardess and was quickly confronted by a genial man puffing on a pipe full of what looked like assorted chocolates. I proffered my statements of income and expense. A shadow passed over his We-can-lend-you-a-bundle smile as he stared at the two pages for a long time. Then he stared at me for a long time. To break the ice I suggested that a Schedule C was indeed required as well as the 1040, but he began to redden and I knew at once that I had gone too far. It was explained to me with some humility that he and Beneficial had only been at this tax thing for a year and that he and they were, well, just not up to handling my specific needs. Had my situation been more typical I could have found happiness with them for between $7.75 and $12.75, I was told, but as it was . . . He spread his hands. With my ears ringing to the inevitable I-told-you-so's of my mother, who spends the winter in my subconscious, I scraped together my well-thumbed figures and left.

Down Lexington Avenue, just above the satin hotpants of Etcetera at No. 680, is an office of R & G Brenner. A sign on the door said "Out to lunch." It was almost four in the afternoon. For thirty minutes I chatted with a parking meter and considered with growing gloom the fix that Amendment 16 had gotten us all into. Then I tried Brenner again. Nothing. Well, until the fifteenth there was always tomorrow.

On the slippery verge of being daunted I slogged uptown. From a second-story window at 738 Lexington Avenue a confident yellow-and-blue sign announced Income Tax Preparation Company, which seemed an honest enough name. Upstairs I found a cozy little gaggle of desks, a table full of dog-eared *Playboys* and *Reader's Digests* and the genteel greed of a smalltown real estate office. Not a *caveat emptor* notice in sight. There was no waiting. A lady I'll call Shirley, constructed mainly of rhinestone glasses, orange frosted hair and brimming blue ski pants, sized up me and my statistics with a glance and was working before I had come to terms with the stern wooden chair next to her desk. The appropriate forms seemed to spring from the ends of her fingers. Over the roar of an air conditioner unexplainably functioning full blast, Shirley pumped me about my business expenses. Never, at any point, did she quite *invent* an expense for me, but when she asked about something not on the sheet, like cabs or tips, she would look across at me with motherly reproach until I came up with a figure that she considered worthy of me. Under her silent pressure I began to produce. Amazing numbers leapt straight from my imagination onto the form. Within ten minutes Shirley had me feeling as guilty as if we had known each other years, not because I was sliding deeping and deeper into fraud, but because I had been such a patsy for so long.

Like a magician she drew numbers out of me, adding them up, shaking her head and muttering that at least next year she'd be able to put together a better "financial picture." That there would be a next year for Shirley and me seemed already settled. When all the figures were down she gave me one more look to let me know that I was lovable but a shlemiel, and then she began questioning me in a more or less intimate way for what she called a "personal profile." Finally, she leaned back in her chair with a sigh and told me that she would do the final figuring over the weekend. Feeling that at last I had found a real finagler, I got up and took out my wallet. Shirley riffled through the pile of forms and then seemed to estimate the value of my visible wardrobe.

"It's going to be a lot of work," she said. "You really haven't given me the kind of picture I like to have. But I think I can do the whole thing for, say, $125."

The stabbing pain I had felt at the bus terminal came flooding back. I gripped the top of the chair and tried to smile, but I doubt if it reached as far as my face. Shirley gave me another mother-knows-best look.

"Don't worry, it's going to be a very professional job. And besides," she added, bestowing the ultimate blessing, "it's deductible next year. That's worth $35 alone."

I managed a twenty-dollar deposit and told Shirley that I would pay the rest when I got the finished form. Outside, the rustle of maxi coats cleared my head. Finagler or not, I knew I wasn't going to pay this extra $105. The next morning I called Shirley and broke the news. Contrary to my expectations, there was no bargaining, just what sounded like genuine disappointment that I had turned out to be small potatoes after all. Of course, there were questions left unanswered by my cowardice. After a weekend of plumbing her own imagination, Shirley's final results might have been the lowest of all. And the idea of having a "financial picture" developed from the murky negative of my career might have done a lot for my ego. Then, too, I might have been audited and gone to jail. ITP states in print that they are open all year and will be responsible for mistakes, but the figures I had concocted under the pressure of Shirley's merciless gaze were all my own.

My experience at Block was beginning to seem so pleasant, despite the waiting, that I decided to check another office for consistency. H & R Block at 261 West 23rd Street is a storefront operation of humbler dimensions than its uptown counterpart. There is only room for six simultaneous heart-to-hearts and a coffee machine (free) with paper cups. Like Marx and Lenin on the wall of a back-country Intourist bureau, the brothers Block stare benevolently down on the proceedings. The office was empty except for a pleasant lady with a Spanish accent laboring over a stack of returns. The weather had turned warm and the office temperature was about a thousand degrees, but the lady seemed perfectly comfortable in a heavy black dress. With heat waves rolling up off the desk top we went to work immediately. I was getting so good at the game by this time that I can't be absolutely sure she was as efficient as she seemed, but there is no doubt that she worked as hard as the Blockman on Lexington. And she didn't forget any forms, not even the moving expense sheet that not all the others had used or even known about. There was a lot of soul-searching about the extent of the camera expenses I wanted on my business costs, and she prevailed on me to lower the figure. Her main concern, like the man at the other Block office, seemed to be to keep me from attracting attention rather than to save a bit of money. Only once was there a glint of dark Latin despair. As she grudgingly accepted my patently dishonest figure for stationery, she shrugged and said, "Anyway, there is no way to escape."

One hour and twenty minutes later I walked out, sweat sloshing out of my shoes. The charge for six forms was $22.50, admirably in line since there was the additional Social Security schedule. The tax figure was less consistent. The federal bill, tentatively, came out to $1,387 (including

the increase for Social Security) and the state bill (which the lady in black calculated from money earned in the state rather than time spent here) was $170. Thus the total tax at the Chelsea office was $266 higher than uptown, but it seems fair to say that I could have prevailed over the lady's caution if I had insisted. Whoever gave those little plastic awards, even if there was a touch of nepotism, was right.

Back to R & G Brenner, just one day later, and sure enough, lunch was over. The office had the thrown-together aura of a Christmas decoration store on the first of December. A sign on the electric-blue wall bragged of 50 Brenners in Manhattan and the five boroughs. At the single desk sat a sort of hairy Phil Silvers with Brillo sideburns and a lobster bib tie. It is pure chance that his name wasn't Norman, so let's call him that. I searched the premises in vain for a computer, or even a brochure alluding to one.

Forewarned by now, I presented my sheets smudged almost beyond reading, and asked for an estimate. He mused over them for maybe six seconds and said that he could handle it for $40. I was so reluctant to go through the calculation grind again that even that much money was an excuse to go home. As I got up, Norman's eyes widened a little.

"Look, if that's too much, give a figure you think is fair."

I didn't feel like helping. "If you say $40 I guess that's fair," I said, scuffing my feet. "But maybe I'll do them myself."

"The truth is, it's a little quiet right now," he said, pausing for a moment so I could hear how quiet it was. "A month from now this place will be loaded and I'd give you a figure and that would be it." He glared defensively for a second, then caved in. "How about $30?"

Outflanked, I sat down. Norman got going before I could change my mind. He was the sprinter of the lot, going through the forms with a pencil and stroking his adding machine at the same time. One of the reasons for his speed was that he didn't bother consulting me about business expenses. He was no lay analyst like Shirley. If I didn't know what I might have spent on things like cabs and meals during the year, he knew what I should have spent. I was no rare bird, after all.

"I get lots of creative types in here," Norman said. "Writers, actors, models. They're all around five thousand." He shook his head sadly over the artist's plight and kept scribbling in mysterious numbers.

The phone rang often and Norman answered it with a cellophane-smooth "Tax center." He was exacting about fine points, decided that I should be wary of trying to extract too much from my use of the car, and entered my cross-country moving expenses under "travel and entertainment," which, if inaccurate, at least saved a form. I felt more redundant than I had at the other places. There was neither radio nor Muzak, but Norman bounced and tapped his foot to far-off Puerto Rican rhythms. On a camera item that I considered a temptation of fate, he responded that even if I were audited, it wouldn't be for two or three years. I was actually comforted.

In a record 30 minutes the ballots were counted and Norman announced the results: to the Feds I owed $1,221, another record, and on the state tax, which had caused the usual consternation, the bill was $83. The slowest thing about Norman was the week he said it would take to mail my returns (he didn't make it). On his card was the standard promise to go to the gallows with me if things went wrong. As I left Norman he was picking up the phone and licking his lips.

Internal Revenue Service, at 120 Church Street, advises with a maddeningly cheerful voice that they will do just what the accountants do, for free. Considering the overall profit they make, why should we be grateful? Alas, I was turned away from that well-lit Heart of Darkness when it was discovered I needed a Schedule C. (The implication was that I should go to work like everybody else.) Looking at my statistics, the IRS man told me to go to an accountant. That advice landed heavily.

My mind-warping odyssey was over. At that point I felt that a long jail term could be no worse than filing my taxes with the help of an accounting firm next year. But it was probably the cumulative effect of seven sessions. Even seven beautiful call girls, I suppose, could grate on the sensibilities.

The range of charges had been so wide that I didn't know what to think. I called the Department of Consumer Affairs to see if they knew what to think. They didn't, but they did assure me that tax accountants can charge what they feel they can get. Looking at it that way, the price Shirley quoted was positively flattering. The only thing that Consumer Affairs can step in on is deceptive advertising, and the "& up" tagged onto most tax signs takes care of just about everything.

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By Mr. HART:

S. 1528. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes. Referred to the Committee on Commerce.

FISH INSPECTION BILL

Mr. HART. Mr. President, the wholesomeness of our Nation's food supply is clearly a matter worthy of the utmost concern. Hardly a week goes by without the newspapers reporting cases of food contaminated with disease-causing bacteria, environmental pollutants, or harmful food additives. The two principal high protein foods—meat and poultry—have for several years been the subject of laws designed to protect their wholesomeness. Yet our third high protein food—fish—continues to be produced without adequate quality control. The result has been a product of widely varying quality, occasionally so low as to endanger human life and health.

Although for years fish inspection bills have been pursued in Congress without success, it is my hope that we soon will see a fish inspection program enacted into law. In the past, there has been a great deal of controversy over the level of inspection of fish processing facilities needed to insure a safe product. The bill I introduce today—as did last year's version—specifies "continuous inspection," or a man in every processing plant, as the inspection level required. It has not been demonstrated, in my view, that anything less than that will give the consumer the sort of protection to which he is entitled.

Today's proposal contains an addition to last year's bill which I hope will be significant in its impact. The new provision calls for an intensive screening system for the detection of dangerous materials in fish or fishery products. With the current mercury crisis, it seems difficult to dispute the need for some system of this sort.

In previous years, fish inspection bills have dealt broadly with quality control, with most of the emphasis on sanitation problems rather than on contamination by environmental pollutants. Under the new provision, however, the Secretary of Health, Education, and Welfare would be required to develop a list of dangerous polluting substances and to prescribe procedures necessary to eliminate the threat they pose to human health through the consumption of fish. It is provided that private citizens can challenge both the list and the procedures by petitioning the Secretary pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act. Those who will be adversely affected by any decision of the Secretary are further entitled to public hearings and judicial review of his action under that section.

Had this system been in effect several years ago, the present mercury crisis might well have been less acute. It is worth noting that an article by Dr. John Wood published in the British magazine Nature on October 12, 1968, established conclusively that industrial discharges of metallic mercury presumed to be harmless could be converted into deadly methyl mercury. Had this information been called to the attention of FDA through the petition procedure proposed today, screening of fish for mercury could have started immediately thereafter. Instead considerable time passed during which, in the absence of any protective testing, polluted fish were freely consumed.

It is of course true that information such as this could be brought to the regulator's attention under existing law. Yet today's proposal—by arming the concerned and informed citizen with legal procedures to effect action—is designed to make that result more likely. It is my hope that we will thereby reduce the likelihood of future "mercuries" and thus reestablish public confidence in the fish and fishery products we consume.

I introduce the bill for appropriate reference and ask unanimous consent that it be printed in full in the RECORD.

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

S. 1528

A bill to to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Wholesome Fish and Fishery Products Act of 1971."

CONGRESSIONAL FINDING

SEC. 2. Fish and fishery products are an important source of the Nation's total supply of food. These foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources. It is essential that the

health and welfare of consumers be protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, not adulterated, and are properly marked, labeled, and packaged. Fish or fishery products which do not meet these standards depress markets for wholesome, not adulterated, and properly labeled and packaged fish and fishery products. Those articles that are unwholesome, adulterated, of poor quality, mislabeled, or deceptively packaged compete unfairly with articles that are of good quality, wholesome, not adulterated, and properly labeled and packaged, to the detriment of commercial fishermen, processors, and consumers of fish and fishery products. It is hereby found that all fish and fishery products regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITIONS

SEC. 101. Section 201, as amended, of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof capable of use as human food.

"The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh, or frozen or otherwise processed, or any part thereof.

"(z) The term 'fishery products' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are exempted from definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portions thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or product thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The terms 'process', 'processed', and 'processing', with respect to fish or fishery products, mean to harvest, handle, store, prepare, produce, manufacture, preserve, pack, transport, or hold such products.

"(cc) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product under this Act.

"(dd) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article is in accordance with the provisions of this Act.

"(ee) The term 'official inspection certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ff) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(gg) The term 'vessel' means any watercraft of any description which is engaged in the processing of fish for landing and human consumption in any State.

"(hh) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(ii) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to inspect articles under the authority of this Act."

PROHIBITED ACTS

SEC. 102. Section 301, as amended, of the Federal Food, Drugs, and Cosmetic Act is further amended by adding at the end of such section the following new paragraph:

"(r) Without authorization from the Secretary or contrary to regulations prescribed by him, casting, printing, lithographing, or otherwise making, simulating, using, or failing to use, altering, defacing, detaching, or destroying any form of official mark, official inspection legend, official inspection certificate, or official device; possessing, without promptly notifying the Secretary thereof, any forged, counterfeited, simulated, or improperly altered form of official mark, official inspection legend, official inspection certificate or official device; forging, counterfeiting, simulating, improperly altering any form of official mark, official inspection legend, official inspection certificate, or official device; making any false statement in any shipper's or other certificate provided for in regulations; or falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from such inspection.

"(s) The processing of any fish or fishery products in any establishment or vessel preparing any such article in violation of the requirements of part B of chapter IV and regulations prescribed pursuant thereto.

"(t) The importation of fish and fishery products in violation of section 410(i).

"(u) The failure to maintain, or to afford access to, records as required by section 411 (b)."

ADULTERATION

SEC. 103. Section 402, as amended, of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed, stored, or handled in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(2) If it is, or is a product made or derived in whole or in part from, shellfish and such shellfish (a) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (b) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (c) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

INSPECTION OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

SEC. 104. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "PART A—GENERAL" immediately below the chapter heading, and (2) by adding at the end of such chapter the following:

"PART B—FISH AND FISHERY PRODUCTS

"Subpart 1—Inspection and Regulation of Products, Establishments, and Vessels

"SEC. 410. (a) GOOD MANUFACTURING PRACTICES.—The Secretary shall, either directly or by contract, make, by experts in sanitation or other competent persons, such survey of as many establishments in the United States and vessels which process fish and fishery products for interstate commerce as he deems appropriate to inform himself concerning the operations and sanitary conditions thereof for the purpose of developing adequate standards of good manufacturing practices, including but not limited to sanitation and quality control, under which such establishments and vessels shall be maintained and operated. The Secretary shall thereafter by regulation prescribe standards of sanitation and quality control for the processing of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) prescribed pursuant to this subsection shall become effective upon the date specified in the order prescribing them, but the initial regulations shall become effective one year after the date on which such regulations have been issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or any part of such regulations into effect. On and after the effective date of such regulations no person shall process for interstate commerce fish or fishery products in any establishment under his control without complying with such regulations.

"(b) CERTIFICATION OF ESTABLISHMENTS AND VESSELS.—Sixty days after the effective date of such regulations, no person shall process for interstate commerce fish or fishery products in any establishment or vessel under his control unless there is in effect for such establishment or vessel a certificate of registration issued by the Secretary. The Secretary shall issue such a certificate upon application accompanied by such assurance as may be required by regulations that such establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary may deny the certificate of registration if an adequate assurance of compliance is not presented, and the denial shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(c) SUSPENSION AND REINSTATEMENT OF CERTIFICATES.—The certificate of registration of any establishment or vessel may be suspended, after opportunity for hearing, for failure to comply with the requirements of this subpart. The certificate may be immediately suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers if processing were to continue prior to the correction of such violation: *Provided*, That the authority conferred by this sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such suspended certificate may at any time apply for reinstatement, and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this chapter and the regulations. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the

administrative proceeding under that section. In the event of any judicial proceeding relating to such summary suspension before the proceeding under section 412 the only issue to be judicially determined shall be whether the Secretary had reasonable cause under the circumstances of the case to take summary action.

"(d) INSPECTION.—For the purpose of preventing the use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall cause to be made, by inspectors appointed by him for that purpose, a continuous inspection of each establishment where fish or fishery products are processed for interstate commerce. For the same purposes, the Secretary, at his discretion, may require that adequate inspections be made, by inspectors appointed for that purpose, of vessels processing fish or fishery products for interstate commerce. Any inspector appointed for the purposes of this title shall at any time have access to any establishment or vessel where fish or fishery products are processed for interstate commerce. Denial of access to such inspector shall be ground for suspension of the certificate of registration. The Secretary, whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery products found to be adulterated shall be immediately condemned and segregated and shall, if no appeal is taken from the inspectors' determination of condemnation or if upon completion of an appeal inspection such condemnation is sustained, be destroyed for human food purposes under the supervision of an inspector: *Provided,* That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be ground for suspension of the certificate of registration. An appeal under this subsection from the determination of condemnation shall be at the cost of the appellant if the Secretary determines that the appeal was frivolous. The cost of inspection (other than any cost of appeal determined to be payable by the appellant pursuant to the preceding sentence) shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment, shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"(e) USE OF THE OFFICIAL MARK AND OFFICIAL INSPECTION LEGEND.—When fish or fishery products are processed for interstate commerce in an establishment holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such products shall, at the time they leave the establishment, cause a label to be attached thereon which shall bear or contain the official mark or official inspection legend except as may be otherwise authorized by regulation pursuant to clause (2) of section 405.

"(f) LABELING AND PACKAGING.—If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and the official mark or the official inspection legend not used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. If the person using or proposing to use such labeling or packaging does not accept the determination of the Secretary, such person may request a hearing, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(g) TRADE NAMES AND ESTABLISHED PACKAGES.—Established trade names or other labeling and packaging which are not false or misleading in any particular and which are approved by the Secretary are permitted.

"(h) STORAGE OR HANDLING REGULATIONS.—The Secretary may by regulation prescribe conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated, misbranded, or otherwise in violation of this Act when delivered to the consumer. Violation of any such regulation is prohibited, and fish and fishery products stored or handled in violation of such regulation shall be deemed adulterated under section 402(f) of the Act. Such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State that would be subject to this section only because of purchases in interstate commerce, if the storage and handling of such articles at such establishment are regulated, under the laws of the State in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 421(a) of this Act, determines is adequate to effectuate the purposes of this subsection.

"(i) IMPORTATION OF FISH AND FISHERY PRODUCTS.—After the effective date of regulations issued under this subpart—

"(1) no fish or fishery products shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States: *Provided,* That whenever it shall be determined by the Secretary, in the case of any foreign country, that the system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with the country's inspection, good manufacturing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart: *Provided further,* That any fish or fishery products covered by such certificates shall be marked and labeled as required by regulations for such imported articles: *And provided further,* That (A) nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household except that the total amount of such fish shall not exceed fifty pounds; and (B) the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"(2) The Secretary may prescribe, under section 801 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefore by the Secretary, or (2) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the importation of fish or fishery products into any port in the United States, except such as may be designated by the Secretary with the approval of the Secretary of the Treasury is prohibited.

"(j) SURVEILLANCE OF DANGEROUS MATERIALS.—(1) Order to protect consumers from the dangers of dangerous materials which may be found in fish and fishery products, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in fish and fishery products.

"(2) DEFINITIONS.—As used in this subsection—

"(A) The term 'dangerous material' means any material which can be expected to reach toxic levels in significant quantities of fish or fishery products.

"(B) The term 'intensive screening' means that level of surveillance required to discover and eliminate the threat to human health arising from the presence of dangerous materials in fish or fishery products.

"(3) Not more than 90 days after the date of enactment of this subsection, the Secretary shall propose regulations specifying all dangerous materials and indicating the intensive screening procedures that he will follow in carrying out this subsection.

"(4) Analyses performed under this subsection to determine the presence and amount of dangerous materials in fish or fishery products shall be performed using the best available technology.

"(5) The results of any analyses performed under this subsection shall be made available to any person upon request to the Secretary.

"(6) Nothing in this subsection shall limit the responsibility of any person to comply with quality control regulations established pursuant to section 410 of this Act or any other provision of law.

"(7) If the Secretary finds that there is a hazard to the public health that requires an immediate increase in the level of screening or research for any hazardous material in fish or fishery products, he may increase the level of such screening or research to such extent he determines necessary without regard to any requirement under this Act for previous notice or opportunity for a hearing: *Provided,* That the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of screening for the hazardous material in question.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"SEC. 411. (a) Withholding, Withdrawing, and Reinstating Certificates—The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may withhold a certificate of registration under section 410 or may suspend or withdraw such a certificate issued under that section, with respect to any establishment if he determines that the applicant or holder of such certificate is unfit to engage in any business requiring a certificate under that section because such person, or anyone responsibly connected with him, has been convicted in any Federal or State court, within the previous ten years of (1) any felony, or more than one misdemeanor, based upon the acquiring, handling, or distributing of adul-

terated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. This section shall not affect in any way other provisions of this Act for suspension of a certificate under section 410. For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(b) MAINTENANCE AND RETENTION OF RECORDS.—For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing fish or fishery products for human consumption in interstate commerce or holding such products after transportation in interstate commerce shall maintain accurate records showing to the extent that they are concerned therewith, the source waters of such fish or fishery products, the receipt, delivery, sale, movement or disposition of fish or fishery products and shall, upon the request of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"(c) ADMINISTRATIVE DETENTION OF FISH OR FISHERY PRODUCTS.—Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated, or misbranded or otherwise in violation of the provisions of this Act or of any other Federal law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject of condemnation under section 410(d), may be detained by such representative for a period not to exceed twenty days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that the article is eligible to retain such marks.

"(d) INSPECTION EXEMPTIONS.—(1) The provisions of this subject shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operations performed by such retail dealers are conducted on the premises where such sales to consumers are made. The Secretary may suspend or terminate any such exemption at any time with respect to any person, upon a finding that the conditions of exemption, prescribed by regulations, are not being met.

"(3) The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment, known in the trade as a 'fish house', in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection or (ii) to a retail dealer described in paragraph (2) of this subsection.

"(e) PROCESSORS OF INDUSTRIAL FISHERY PRODUCTS AND RELATED INDUSTRIES.—Inspection shall not be provided under this subpart of any establishment or vessel processing fish and fishery products which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in interstate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation or receive for transportation, in commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION OR WITHDRAWAL OF CERTIFICATES AND WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING; REGULATIONS

SEC. 412. (a) OPPORTUNITY FOR HEARING.—(1) Any person denied a certificate under section 410(b) or 411(a), or whose certificate has been suspended or who has been denied reinstatement under section 410(c), or who has been refused the official mark for proposed labeling or packaging under section 410(f), or from whom it is proposed to withdraw a certificate under section 411(a), may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objection. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as possible after the hearing, the Secretary shall act upon the objections.

"(2) Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall contain findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"(b) JUDICIAL REVIEW.—(1) Any person adversely affected by the Secretary's action on his objections may obtain judicial review by filing in the United States Court of Appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The findings of the Secretary with respect to questions of fact shall be sustained is based upon a fair evaluation of the entire record.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(c) REGULATIONS.—Any regulation proposed or issued under this subpart and any amendment or modification of any such regulation shall be subject to the provisions of section 701 (e), (f), and (g) of this Act.

"Subpart 2—Federal and State Cooperation

SEC. 421. (a) It is policy of the Congress to protect the consuming public from fish and fishery products that are adulterated, misbranded or otherwise in violation of this Act, and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy:

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering a State fish and fishery products inspection program in any State which has enacted a State fish and fishery products inspection law that imposes mandatory inspection, reinspection, and sanitation requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing an adequate State program under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such program. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (3), deems adequate to effectuate the purpose of this section.

"(3) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies and representatives of consumers and industry as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to fish inspection and other matters within the scope of this part, including evaluating State programs for purposes of this part, and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this subpart shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act: *Provided*, That with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agen-

cies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a) (1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, inspection, reinspection, and sanitation requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State and the appropriate advisory committee provided under this subpart of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State fish inspection requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this subsection, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register, and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shall promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery production and inspection of such operations.

"STATE JURISDICTION

"SEC. 423. Requirements within the scope of subpart 1 of part B of this chapter with respect to any establishment or vessel at which a certificate of registration is required under subpart 1 of this part, which are in addition to or different from those made under such subpart may not be imposed by any State, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles inspected under such subpart, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish, including shellfish intended for introduction in interstate commerce. This Act shall not preclude any State from making requirements or taking other action, consistent with such subpart, with respect to any other matters not regulated thereunder.

"INTERDEPARTMENTAL COOPERATION

"SEC. 424. (a) There shall be consultation between the Secretary and the Secretary of the Commerce prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act. The Secretary is also encouraged to enter into agreement or other arrangements, with or without reimbursement, with any State in carrying out the provisions of this Act, including enforcement."

OTHER LAWS

SEC. 105. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by the Federal Food, Drug, and Cosmetic Act prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Continuous inspection under, and compliance with the requirements prescribed by or pursuant to, the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act) with respect to fish and fishery products shall not exempt any person from any liability under common or State law.

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By Mr. HART:

S. 1529. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions. Referred to the Committee on Labor and Public Welfare.

EQUAL PAY BILL

Mr. HART. Mr. President, I am today reintroducing a bill which would amend section 13(a)(1) of the Fair Labor Standards Act of 1938 in order to make it possible to provide the protection of the Equal Pay Act—enacted in 1963 as an amendment to the Fair Labor Standards Act—to individuals of both sexes who are employed in bona fide executive, administrative, or professional positions, or in the capacity of outside salespersons.

Because the equal pay provisions were incorporated into the wage and hour law, equal pay protection is afforded under that law at present only to employees working in establishments where there are employees subject to the minimum wage provisions of the Fair Labor Standards Act, and who are not otherwise exempt.

My bill would not, of course, in any way remove or affect the existing exemption for these white collar workers from the minimum wage and overtime provisions of the Fair Labor Standards Act. It would simply help to eliminate a long-standing injustice by requiring that men and women in administrative, executive, or professional positions, or working in the capacity of outside salespeople, receive equal pay for equal work along with the other employees who are already protected. Examples of employees who would be reached by this bill are as follows:

Professors, teachers at all educational levels, academic administrative personnel, school principals, assistant principals, student counselors, personnel counselors, lawyers, physicians, engineers, pharmacists, chemists, accountants, office managers, department managers, assistant managers, buyers, executive assistants, administrative asistants, credit managers, loan officers, adjusters, actuaries, underwriters, personnel managers or directors, purchasing agents, outside sales people, programmers-systems analysts, technicians, technologists, therapists, registered nurses, account executive, traffic managers, editors, creative writers, TV and radio announcers, and so forth.

Although a number of Federal and State measures have been enacted over the years for the purpose of eliminating discrimination in employment on the basis of sex, by far the greatest activity to date has occurred under the Equal

Pay Act of 1963, which is enforced by the Wage and Hour Division in the U.S. Department of Labor.

Since the effective date of the Equal Pay Act in June 1964 through the end of February this year, nearly $28 million has been found owing in back wage underpayments to about 75,000 employees, almost all of them women. Although more than 95 percent of the equal pay cases are settled without recourse to litigation, legal action is sometimes necessary. To date, more than 200 court cases have been filed by the Labor Department in behalf of aggrieved employees. About 75 percent of these have been decided or settled. Others are still pending. In the landmark Equal Pay Act case involving the Wheaton Glass Co., of Millville, N.J.—which the Supreme Court declined to review on May 18, 1970—an amount of over $850,000, found owing in back wage underpayments to more than 2,000 women employees, has already been paid.

With a record such as this, it is not surprising that employees find it more to their advantage to seek relief from sex-based wage discrimination under the equal pay provisions of the Fair Labor Standards Act than any other remedy.

Among the reasons for the success in administration of the Equal Pay Act is the fact that as an amendment to the Fair Labor Standards Act it enjoys the great advantage of that act's strong enforcement remedies—all of which are applicable to the equal pay provisions.

The Wage and Hour Division is generally able to obtain compliance through educational methods and the voluntary correction of violations but, if there is a refusal to comply or deliberate violation of the law, penalties are provided in the statute. The Secretary of Labor may obtain a court injunction to restrain not only continued violation but withholding of back wages legally due. The Secretary of Labor may also bring suit for the back wages upon written request of an aggrieved employee, or the employee may bring suit through his or her own attorney for the back wages owed, plus an additional amount as liquidated damages as well as attorney's fees and court costs. Complaints under the Equal Pay Act are treated in strict confidence by the Division and, unless court action ultimately becomes necessary, the same of the complainant need not be revealed.

Mr. President, when the Equal Pay bill was first introduced in the Congress in 1961 and 1963, it contained no provision which would have resulted in its becoming a part of the Fair Labor Standards Act of 1938. There was nothing in the original proposal, therefore, which would have exempted executive, administrative, or professional employees, or outside salespersons, from equal pay protection.

Only after the hearings were completed was the action taken to incorporate the equal pay bill into the Fair Labor Standards Act, thus, on the one hand gaining the advantage of that act's strong enforcement procedures but, on the other, subjecting the equal pay provisions to all of the exemptions provided under the wage-hour law.

Last year before the General Subcommittee on Labor of the House Education and Labor Committee, during the course of its hearings on proposed amendments to the Fair Labor Standards Act, Mrs. Lucille H. Shriver, director of the National Federation of Business and Professional Women's Clubs, Inc., testified in part as follows:

> The history of the Equal Pay Act shows that attachment of this bill to the Fair Labor Standards Act was indeed the 'catalyst' that made victory possible, as Congressman Frelinghuysen of New Jersey pointed out during debate on the House floor. . . . But as a result equal pay is required for only about half of the jobs in America today, according to Mr. Robert Moran, Administrator, Wage and Hour Division of the U.S. Department of Labor. This is the situation that we deplore and that we would change.

Mr. President, it was not only the National Federation of Business and Professional Women's Clubs that presented testimony last year in support of extending the protection of the Equal Pay Act to executive, administrative and professional employees and outside sales personnel. Support was also included in the testimony of the AFL–CIO, the United Auto Workers International Union, the Women's Equity Action League, the National Organization for Women, Miss Virginia R. Allen of Michigan, who was chairman of President Nixon's Task Force on Women's Rights, and Responsibilities, and many, many others representing a wide spectrum of labor unions, women's organizations, and other civic groups.

Among the recommendations included in the Report of the President's Task Force on Women's Rights and Responsibilities, published in April 1970 under the title "A Matter of Simple Justice," is one which states that:

> The Fair Labor Standards Act Should be Amended to Extend Coverage of its Equal Pay Provisions (i.e., the Equal Pay Act of 1963) to Executive, Administrative, and Professional Employees.

Statistics show that there is a substantial gap between the earnings of men and women in executive, administrative, and professional occupations of every category. There is no valid reason why any of this Nation's workers should be subjected to wage discrimination on the basis of sex. It is my earnest hope that the Committee on Labor and Public Welfare will give early attention to the bill I am introducing, and that it will receive favorable consideration in this Congress.

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

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

S. 1529

A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 13 (a) of the Fair Labor Standards Act of 1938 is amended by the insertion after the words "the provisions of section 6" of the following language "(except section 6(d) in the case of paragraph (1))."

By Mr. MUSKIE (for himself and Mr. BAYH):

S. 1530. A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. MUSKIE. Mr. President, on January 11, 1971, the administration announced a major fiscal policy decision which has not received the congressional attention or debate that it deserves. This decision, making substantial changes in depreciation rules, will result in a loss of Federal revenue of $3 billion in the first year and $36.8 billion on the first decade of its operation. It represents more than a 7-percent tax cut for big businesses and, if the Treasury proposals are allowed to stand unchallenged, they will constitute a mockery of the constitutional power of Congress to levy taxes. This is particularly true when one considers that Congress rejected a 2-percent tax cut less than 17 months ago.

It is no wonder, then, that the administration action has been subject to grave legal questions. To date, Boris Bittker, a leading tax authority and Sterling professor of law at Yale University; Oliver Oldman, professor of law and director of international tax programs at Harvard University; and Sheldon Cohen and Mortimer Caplin, two former Commissioners of the IRS, have all publicly stated that the proposals far exceed Treasury's authority and are illegal.

Other organizations have indicated their intentions to challenge the legality of the Treasury proposals in court. Clearly, regardless of the eventual outcome of such suits, they will hinder any incentive effect the proposals may have. I believe that major economic policies, involving substantial loss of Federal revenues, should not be undertaken without the participation of the people's duly elected representatives. Failure to follow the safeguard of the legislative process can only cause many segments of our society to feel that they have no voice in our Government and to a widespread discontent, not only with a particular policy, but with the institutions of our Government themselves. Certainly, one of the lessons of Vietnam is that failure to submit major decisions for legislative consideration only adds to the general distrust and bitterness.

It seems clear to me, then, that the wise and prudent course would be to submit the Treasury proposals to Congress. In this way, they would be subject to the corrective influence of the legislative process. For these reasons, I am introducing today a bill that will prohibit the proposed action by the Treasury for the coming fiscal year. The introduction of the bill in no way acknowledges the legality of their action but is an expression of my grave displeasure at Treasury's attempted end-run of Congress and their bold attempt at a form of backdoor tax cutting.

Mr. President, I ask unanimous consent that a copy of my bill, plus a letter that I have submitted to Internal Revenue Service Commissioner Randolph W. Thrower, placing my opposition to these proposals on public record, and a previ-

ous statement of mine opposing these proposals be inserted in the CONGRESSIONAL RECORD.

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

S. 1530

A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the case of taxable years ending after the date of the enactment of this Act and beginning before June 1, 1972, the reasonable allowance for the exhaustion, wear and tear (including the reasonable allowance for obsolescence) of property allowable as a depreciation deduction under section 167(a) of the Internal Revenue Code of 1954 shall be computed, subject to the provisions of Revenue Procedure 62-21 (as in effect on January 1, 1971), on the basis of the expected useful life of property in the hands of the taxpayer.

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Re proposed depreciation rules.
The Honorable RANDOLPH W. THROWER,
*Internal Revenue Service,*
*Washington, D.C.*
(Attention: CC:LR:T)

DEAR MR. COMMISSIONER: I am opposed to the proposed asset depreciation range system regulations that were published in the Federal Register for March 13, 1971. These proposals are illegal and economically unsound. They constitute an impermissible arrogation of Congressional constitutional authority over taxation by the Executive Branch. They waste precious revenues. They should be withdrawn.

BACKGROUND

Depreciation concepts have a long history, dating back to the middle of the 19th century. Under present law, depreciation accounting is recognized as a system which aims to distribute the cost of an asset, less its salvage value, over its estimated useful life in a systematic way. The asset depreciation range proposals do not conform to this basic method which is prescribed by law. Instead, the ADR proposal cuts the legal linkage between a taxpayer's depreciation practices and the actual useful life of the property.

THE PROPOSALS ARE ILLEGAL

Section 167 of the Internal Revenue Code permits taxpayers to claim as a deduction a "reasonable allowance" for depreciation. In *Massey Motors, Inc. v. United States,* 364, U.S. 92 (1960), the Supreme Court held that depreciation under this statutory rule "is to be calculated over the estimated useful life of the asset while actually employed by the taxpayer." Later in the same opinion, the Court went on to say:

"We therefore conclude that the Congress intended that the taxpayer should, under the allowance for depreciation, recover only the cost of the asset less the estimated salvage, resale or second-hand value. This requires that the uesful life of the asset be related to the period for which it may reasonably be expected to be employed in the taxpayer's business. 364, U.S. 92."

The law in this area is clear. Depreciation for tax purposes *must* relate the cost of an asset to its actual period of use. The asset depreciation range system proposed by the President disregards this clear rule of law by permitting taxpayers to increase or decrease their depreciation deductions by as much as 20% without regard to changes in the actual conditions of the assets. Furthermore, the proposals permit taxpayers to claim these deductions without regard to the separate circumstances of their own businesses.

The proposed ADR is a radical departure from the system of depreciation allowances mandated by Congress and clarified by the Courts. It seems to be a capital cost recovery system, which never has been authorized by Congress. The President's own Task Force on Business Taxation acknowledged that legislation was needed to change depreciation from a useful life to a cost recovery method. It reported that "since the shift from the depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute."

It should be noted that the task force recommended a 40% shortening of the guideline lives rather than the 20% proposed by the Treasury. The difference between 40% and 20% is not important legally because both proposals set the system totally adrift from the legal anchor of useful life.

By no stretch of the imagination can we regard the depreciable lives that would be permitted by the asset depreciation range proposals as reasonable as required by law. The "guideline lives"—which the Treasury now proposes to shorten by 20 percent—were first established in 1962. Announcement of these new depreciable lives was accompanied by introduction of a reserve ratio test that was designed to assure the reasonableness of the depreciation deductions claimed by taxpayers. Under the 1962 guideline lives, depreciation allowances could be based upon the *most rapid* replacement practices in each industry. If a firm failed, however, to replace assets as fast as indicated by the guidelines, it would eventually fail the reserve ratio test and be required to cut down its depreciation deductions. This means that the depreciation changes of 1962 were tied to the useful life of * * *.

Today the Treasury proposes not only the radical ADR system, but also abolishes the reserve ratio test, completely destroying the legally required test of "reasonableness".

While the depreciation changes of 1962 were within the legal requirement of reasonableness, the proposed changes, by setting up a purely arbitrary depreciation system not related to the facts of the business or its replacement history, fail to meet the legal test of reasonableness.

Thus, the fundamental differences between the 1962 guidelines and the proposals of March 13, demonstrate clearly that what was done in 1962 can in no way justify what Treasury now proposes.

Another disturbing aspect of the Treasury's action is that it seeks to do by executive action what Congress has recently refused to do. In 1969, the Administration recommended that taxes on corporations be reduced by 2 percent. Congress considered and rejected this Treasury proposal to cut corporate taxes. But the presently proposed depreciation changes amount to a tax cut several times larger. If corporate taxes are to be cut, *that decision must be made by Congress.* This is obviously true for direct cuts; it should be equally true for "backdoor cuts" of the kind now proposed by Treasury.

Another clearly illegal aspect of the Treasury proposal concerns the plan to permit taxpayers to deduct currently their expenditures for the "repair, maintenance, rehabilitation, and improvement" of eligible property. This proposal has not yet gotten the attention it deserves. The "repairs" in question are those that current law requires to be capitalized and written off in future years, rather than deducted now.

In the past, Congress has jealously guarded the privilege of writing off capital expenditures currently. It took special legislation to authorize current deductions for such items as research and experimental expenditures and soil and water conservation expenditure. Now the Treasury proposes to allow the same thing in the case of rehabilitation and improvement expenditures. *This* is a decision that must be made by Congress, if it is to be made at all.

Treasury's power to alter depreciation allowances should be strictly confined because, as Professor Bittker states, the ADR proposals are a "first cousin to the powers to alter the tax rates themselves."

In the thicket of legal and economic arguments, it should not be forgotten that the Treasury has taken upon itself to grant a tax cut of roughly 7% to businesses. The authority to raise tax is constitutionally vested in Congress. Within the ambit of that authority, only Congress has the right, unless otherwise specifically delegated to determine substantial expenditures or losses of Federal revenue. The proposed ADR, therefore, represents an unauthorized usurpation of Congressional authority.

I share the views of Professor Bittker, Sterling Professor of Law at Yale University, Oliver Oldman, Professor of Law and the Director of the International Tax Program at Harvard University, Sheldon Cohen, and Mortimer Caplin, former Commissioners of the Internal Revenue Service, and these proposals far exceed Treasury's authority.

This executive modification of tax statutes cannot be permitted as precedent. The proposals represent a tax cut of more than 7% and could be a precedent for an Administrative tax cut of almost any size. There could be no clearer infringement of legislative authority.

NO EVIDENTIARY SUPPORT

It should also be noted that the Treasury in announcing its new rules has offered no substantial evidence that the useful life of the capital equipment used by American industry is significantly shorter in 1971 than it was in 1962. The Treasury Department has not revealed any economic or engineering study of industry practice which would justify the short lives. Considering the failure of Treasury to document the needs and reasons for such a major change, congressional hearings are essential to establish a foundation for this decision.

THE TREASURY PLAN WILL CAUSE SERIOUS INEQUITIES

One of the most troublesome aspects of the proposed ADR system is that it would seem to breed inequities. This fact was vividly expressed by a 1970 Treasury memorandum which stated that, "In view of the admittedly great diversity of replacement policies among firms in the same industry and the still great diversity of replacement policies among firms in the same industry and the still greater diversity between industries, an arbitrary system of capital allowances would necessarily result in inequalities in the tax treatment of private investment." It goes on to say that, "if the reserve ratio test were abandoned and replaced by a system of arbitrary capital allowances . . . by new regulations, the Congress and the Treasury Department would be thrust into the role of arbiter of industrial asset replacement policy."

These statements raise serious questions about the ADR system.

Just as the 1962 guidelines are not a legal justification for the proposed ADR system, economic policies of the early sixities offer no justification for the proposed ADR system because investment is not playing a parallel role in the economic situation. In 1962, investment spending was in the doldrums.

Business fixed investment amounted to 9.0% of the GNP in 1961 and 9.2% in 1962. Its share had sagged from a post war high of 10.5% in 1957. Today, investment share is again up to 10.0% even in the recession year of 1970. There is plenty wrong with our economy today, but it is not inadequate investment.

Since 1962, spurred by various legislative and administrative acts such as the invest-

ment tax credit and liberalized depreciation rules, American industry has gone on a capital investment binge. The following table indicates that while there was little increase in purchase of producer's durable equipment during the fifties, there was substantial increases in the sixties.

INVESTMENT IN PRODUCERS DURABLE EQUIPMENT

(*1958 prices——In billions of dollars*)

| | |
|---|---|
| 1950 | 24.8 |
| 1955 | 27.7 |
| 1958 | 25.0 |
| 1961 | 28.1 |
| 1965 | 44.0 |
| 1968 | 52.7 |
| 1970 | 56.2 |

Not surprisingly, a recent Tax foundation survey on depreciation allowance found that obsolete equipment was greatly reduced from 20% to 13% in the period of 1962 to 1968.

President Nixon recognized the different condition of investment when, in his tax reform message of April 21, 1969, he stated:

"In the early 60's, American productive capacity needed prompt modernization to enable it to compete with industry abroad. *Accordingly Government gave high priority to providing tax incentives for modernization.* Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency."

In less than 2 years, the Administration "economic miracles" have apparently imperiled these "new levels of productivity and efficiency."

THE PLAN WILL NOT SIGNIFICANTLY STIMULATE THE ECONOMY

Not only is this tax reduction unnecessary because of already high investment in plant and equipment, but this loss of revenue will not produce the economic stimulation our economy badly needs. At a minimum, ordinary taxpayers should expect that the ADR Plan will significantly stimulate America's sadly depressed economy. Unfortunately, there is very little evidence that it will do so. The public sometimes gets the impression that the economists spend too much time arguing with one another. But on this issue there seems to be a surprising unanimity of economic opinion: the ADR Plan has been condemned by economist after economist as the wrong solution to the economic problems we now face.

In our present economic dilemma, the full impact of the depreciation liberalization will not be felt until there is economic stimulus from another sector of the economy, especially spending on consumption. Since investment decisions are based on sales expectations, firms are not anxious to expand or modernize during a period of slack demand. At present, firms are operating at 76.3% of potential. This is the greatest excess capacity the economy has seen in nine years.

The fact is that few people really believe that new depreciation rules will significantly increase business spending in the immediate future. According to *Business Week,* there is "scant evidence that liberalizing depreciation at this time will induce many companies to change investment plans."

As Dr. McCracken stated, the increased depreciation allowance will increase "the cash flow and the rate of return." But to justify these proposals because of increased cash flow is to admit that they will not immediately induce business to purchase plants and machinery because increased cash flow does not assure increased capital investment.

Businesses do not make investment only because they have cash on hand: they will use cash for investment only when they expect a demand for their product. *What business needs is customers not tax breaks for investment.*

PERMANENT REVENUE LOSSES ARE INVOLVED

Although the proposed ADR system was advertised by Treasury as merely delaying tax payments until a later time, *this argument is only valid if one expects that almost all businesses will suddenly stop buying machinery and equipment at some point in the future.* While many businesses have encountered difficulties during the past few years, it is unreasonable to believe that all businesses will suddenly collapse at some date unfixed in the future.

Since businesses will not collapse simultaneously, the taxes that are unpaid today, due to introduction of the ADR system, will go unpaid forever.

THE ADR PROPOSAL WILL CHANGE THE TAX LAW IRREVERSIBLY

The tax windfalls created by the ADR System will be realized over a period of time and that will make it extremely difficult to change the proposed system once it is adopted. Under a depreciation system such as the ADR plan, the taxpayer is put in the position of perpetually "borrowing" future depreciation deductions so that he can take them this year. And like a man who is in debt, taxpayers who have once "gotten hooked" on accelerated depreciation find themselves in serious financial difficulties if they are ever forced to pay up. Thus, once they are adopted, it is very difficult to eliminate accelerated depreciated rules.

The ADR system also commits us to a loss of federal revenue that might be economically hazardous. The ADR Plan really begins to pump large sums of money into the American economy—in the years 1975, 1976 and 1977. I hope the Administration hasn't concluded that we will still be trying to recover from a recession at that time. There is simply no reason to believe that we will want or need a stimulus to the economy in these years as long as economic policy is managed better than it was in 1969–70.

THE ADR REVENUE LOSSES WILL BE STAGGERING

Treasury tells us that the revenue losses due to the ADR system will come to $36.8 billion during the plan's first decade of operation. Thereafter, the best available estimate is that revenue losses will continue at a rate of about $2 billion per year into the indefinite future. That is a huge loss of revenue.

If the ADR System is adopted, ordinary American citizens, and especially wage earners, must be prepared either to pay the taxes that corporations will no longer have to pay or to forgo urgent public services. Either way, we would shift a tax burden onto the shoulders of the ordinary wage earner, without any evidence that he will receive anything in return.

THERE ARE ATTRACTIVE ALTERNATIVES TO THE ADR PROPOSAL

The American public deserves a set of economic proposals that will really help to stimulate the economy, that will get people back to work and get business out of the doldrums, and begin to chip away at hard core unemployment. The ADR System is not a kind of a proposal that will put unemployment men and machines back to work. It is a tax break for large corporations that reduces the money available for public expenditure without stimulating the economy.

Fortunately, there are a number of attractive alternatives to the ADR plan.

Congress will pass a public service job program that will put men to work and put purchasing power into the economy.

We should also increase the investment in our sadly-neglected public infrastructure, such as rapid transit facilities, housing, and anti-pollution projects. This is the kind of investment we need today, to meet today's needs. In contrast, after a 7-year boom in private capital spending, obsolete equipment in private industry has dropped to very low levels. It is therefore time to turn out attention to modernizing our sadly-neglected public investments.

We could immediately put into effect the tax cuts already enacted for 1972 and 1973. These provide relief, particularly in the lower brackets where people are likely to spend tax money promptly, thereby giving a needed immediate boost to business.

This approach would help the immediate victims of recession—the general public. It would infuse our anemic economy with a vigorous spurt of purchasing power. Also, unlike the ADR system, it would preserve the integrity of the tax system. While the ADR represents a rising commitment of federal revenue, acceleration of prior tax cuts has a self-limiting, self-terminating effect on long-term revenue, while it puts purchasing power into the economy and into the consumer pocketbook.

CONCLUSION

The proposed asset depreciation system should be withdrawn.

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By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1531. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, by request, a bill to authorize construction at military installations and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of the bill and the explanation of its purpose be printed in the RECORD immediately following the listing of the bill.

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

THE SECRETARY OF DEFENSE,
*Washington, D.C., March 30, 1971.*

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

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1972. The Office of Management and Budget on March 16, 1971, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1972.

Titles I, II, III, and IV of this proposal would authorize $1,252,323,000 in new construction for requirements of the Active Forces, of which $596,191,000 are for the Department of the Army; $352,412,000 for the Department of the Navy; $277,520,000 for the Department of the Air Force; and $26,200,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $919,220,000 for all costs of that program for FY 1972.

Title VI requests authorization for appropriation of $7,575,000 for homeowners' assistance involved in base realignments.

Title VII contains General Provisions generally applicable to the Military Construction Program.

Title VIII totaling $80,326,000 would authorize construction for the Reserve Components, of which $25,686,000 is for the Army National Guard; $30,300,000 for the Army Reserve; $10,090,000 for the Naval and Marine Corps Reserves; $9,000,000 for the Air National Guard; and $5,250,000 for the Air Force Reserve. These authorizations are in lump sum amounts in accordance with the amendments to chapter 133, title 10, United States Code, which were enacted in Public Law 87-554.

The projects which would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91-190. Eleven projects have been identified which may require environmental impact statements. Draft statements have been prepared by the military departments for these projects and final statements will be submitted to the Congress when required procedures have been completed.

Sincerely,

MELVIN R. LAIRD.

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By Mr. BAYH (for himself, Mr. McGOVERN, and Mr. MUSKIE):

S. 1532. A bill relating to the allowance of a depreciation deduction. Referred to the Committee on Finance.

Mr. BAYH. Mr. President, today I rise to deal with one of the most basic, fundamental domestic problems which confront our society today.

President Nixon's $35 billion decision to liberalize depreciation allowances for business is not only an unwarranted raid on the public purse, it is unlawful. In attempting to implement the proposed ADR system by administrative action the Treasury Department has far exceeded its authority to "merely prescribe all needful rules and regulations." It has instituted, in effect, a new capital cost recovery system. Congress never intended to authorize such a grant of authority—nor could it. This is clearly a legislative function reserved under the Constitution to the Congress.

The basic changes in depreciation allowance proposed by the President, and spelled out in his January 11 announcement, include:

First. Asset depreciation range: The ADR system would permit a taxpayer to depreciate assets over a period arbitrarily selected by him and within a range from 20 percent above or below the present Treasury guidelines on useful lives.

Second. First year convention: Under existing law, an asset placed in service during any part of a year can be depreciated for half a year. The proposed change would permit a businessman to depreciate over one whole year an asset placed in service at any time during the first half of the year.

Third. Eliminate the reserve ratio test used to determine the limits on depreciation allowances: The 1962 Treasury guidelines established the rule that taxpayers should gear depreciation allowances to their actual experience in replacing facilities. The reserve ratio is the ratio of depreciation actually taken to the cost of the asset. Thus, businessmen who use assets for periods longer than those estimated in the guidelines are required to lengthen their service lives.

On its face, it appears obvious that the reason for the President's sleight-of-hand action is simply that many businessmen are finding their depreciable lives extended on audit because they are actually experiencing significantly longer useful lives than those outlined in the 1962 Guidelines. And, as a result of present law, they are not permitted to write off depreciation as quickly as they might prefer. The proposed ADR system, therefore, is nothing more than a shallow attempt to permit businessmen to avoid paying tax. And that can only mean more taxes for the rest of us.

Section 167 of the Internal Revenue Code provides that the deduction for depreciation be a "reasonable allowance" for the exhaustion, wear and tear, and obsolescence of property used in the taxpayer's business. For 40 years, beginning in 1931 with the Treasury Department's first set of published guidelines for determining useful lives, it has become clearly established that this deduction for depreciation must be based on the actual useful life of the asset. These guidelines, it is true, have been revised and modernized, first in 1942 and again in 1962—but they were not abandoned. The principle of useful life is too firmly embeded in our tax laws to be brushed aside at the whim of this or any administration.

The concept of an asset's useful life runs through every important provision in the Internal Revenue Code dealing with depreciation. It is found in Section 167 (b), (c), (d) and (f), the basic statutory provisions for defining the deduction allowable for depreciation. There have been occasions in the past when it was considered in the public interest to provide for exceptions to the useful life rule. On these occasions, it was not the Treasury Department who implemented the changes, but Congress. By specifically amending the Internal Revenue Code in the case of emergency defense facilities—section 168—grain storage facilities—former section 169—and for the installation of pollution control facilities—current section 169—Congress has established ample precedent—if any is needed—for the principle that any abandonment of the concept of useful life requires legislative action.

Even if there were no such precedent, the Treasury Department would be bound to the concept of useful life by the repeated decisions of the U.S. Supreme Court in interpreting the Internal Revenue Code. Mr. President, Mr. Justice Brandeis, writing as far back as 1927, pointed out that earlier revenue acts embodied the concept of useful life:

> The amount of the allowance for depreciation is the sum which should be set aside for the taxable year, in order that, at the end of the *useful life* of the plant in the business, the aggregate of the sums set aside will (with the salvage value) suffice to provide an amount equal to the original cost. *United States* v. *Ludey*, 274 U.S.S. 295 (1927) (Emphasis added)

More recently, in 1960, the Supreme Court held that depreciation "is to be calculated over the estimated useful life of the asset while actually employed by the taxpayer." The Court went on to say:

> We therefore conclude that the Congress intended that the taxpayer should, under the allowance for depreciation, recover only the cost of the asset less the estimated salvage, resale or second-hand value. *This requires that the useful life of the asset be related to the period for which it may reasonably be expected to be employed in the taxpayer's business. Massey Motors, Inc. v. United States*, 364 U.S. 92 (1960) (Emphasis added)

The concept of useful life is not new to the Treasury Department. Justice Brandeis' opinion in Ludey, for example, is paraphrased in the basic regulations, Regs. Sec. 1. 167 (a)-1(a) and is also found in bulletin F, the 1942 revision on useful lives. The most recent Treasury estimates of useful lives, the 1962 guidelines, actually incorporate specific language indicating that "the purpose of the allowance is to permit taxpayers to recover through annual deductions the cost (or other basis) of the property over its useful economic life." This concept was reaffirmed by former Secretary of the Treasury Kennedy as late as July 1970 in a memorandum to Senator JAVITS. In summarizing the statutory rules governing depreciation, the Secretary said:

> These rules, in general, specify that . . . [the] depreciable basis must be apportioned over the *estimated useful life* of the asset by a consistent method. (Emphasis added)

By authorizing the Internal Revenue Service to accept depreciation based on a life that is up to 20 percent longer or shorter than the 1962 guidelines and by permitting a businessman to claim a full year's depreciation for an asset placed in service at any time during the first half of the year and a half year's depreciation for an asset acquired at any point in the second half, what kind of an impact will the asset depreciation range system have? First, it will allow deductions for depreciation that has not yet taken place. Second, it will permit businessmen to spread these deductions over a period of years that bears little relationship to the asset's actual useful economic life. Third, it will distort the true tax picture of most businessmen.

Of course, the Secretary of the Treasury has the authority, under section 7805, to make "needful rules and regulations for the enforcement of the Internal Revenue Code." But the ADR system is more—much more—than a regulation for the implementation of statutory language. Of course, the Secretary of the Treasury has the authority to prescribe regulations governing certain depreciation methods and rates established by section 167(b). But the ADR system goes beyond—far beyond—the specific limitations imposed by 167(b). Of course the Secretary of the Treasury has the authority to prescribe certain accounting regulations designed to insure that a taxpayer's return will "clearly reflect income." But the ADR system will produce exactly the opposite.

Mr. President, the facts in this case are so clear, the evidence so compelling that the administration lacks the legal authority to implement these proposed changes that one must marvel at this arrogant attempt to usurp the Congress'

power to tax. As in the recent case of the executive's impoundment of congressionally appropriated funds, the fundamental doctrine of separation of powers has been violated. But while we may marvel in amazement at such actions, Congress must not acquiesce in them.

Having touched on the questionable legal basis for the Treasury's proposed action, I now want to turn my attention to the equally questionable economic rationale for providing business with a multi-billion-dollar subsidy.

The main source of our present economic ills is not the fall off in spending for plant and equipment—as one might logically assume from the President's proposed remedy—but the reluctant consumer. There is a marked lack of confidence, a lack of confidence reflected in a personal savings rate that continues to remain high, sluggishness in orders for consumer durables and little demand for credit despite falling interest rates. Unfortunately, this lack of confidence seems to be justified by an unemployment rate that continues at or near an intolerable 6 percent. In the present situation, it should be obvious to even so recently a converted Keynesian as President Nixon that the most effective way to stimulate economic growth is to spur demand, to create markets for those goods and services that can be produced with existing facilities.

The most immediate and meaningful way for the Federal Government to create the necessary demand for what American industry is now capable of producing is to provide an additional 13 weeks of federally financed unemployment compensation benefits for the victims of President Nixon's economic game plan. Another meaningful solution is to create public service employment opportunities, a step the Senate took again on April 1, despite an earlier Presidential veto.

Both of these proposals would do more to stimulate economic activity than the proposed changes in depreciation allowances for business—and both have the added value of meeting basic human needs directly and not as the result of any trickling down effect.

According to the Treasury's own estimates of revenue loss, Mr. President, it is unlikely that the proposed changes in depreciation will have much of an impact now on aggregate demand—and it is now that we need the proper economic stimulus, not in 1976 when the ADR system's impact will be maximized. And while it is wrong to say that the economically appropriate amount of Federal spending is reduced by an ineffective and irrelevant tax cut, it is safe to assume that, politically, it becomes more difficult to enact the necessary spending measures. This, then, is the added burden of the President's plan.

One final point, Mr. President, on the absolute irrelevance of the proposed changes as an effective antidote to recessions. Unlike the Nelson bill providing for public service employment and my own bill to extend unemployment compensation benefits, both of which are triggered into operation as countercyclical measures by a formula responsive to economic conditions, the ADR system would remain in effect in good times and bad. During booms, when investment is likely to be high naturally, the tax loss will be great and the inflationary impact of liberalized depreciation will be magnified. Hardly the proper economic prescription. During recessions, when investment falls off naturally, the tax savings to business will be small and there will be no countercyclical impact.

I must admit that I am hard pressed to see why, with industry operating at about 75 percent of capacity, industrial production off, and consumer demand soft, the President chose now to attempt to stimulate investment by making it cheaper to install new equipment. As for modernization, it is important to keep in mind that we have just ended a 7-year investment boom.

It seems somewhat ironic, Mr. President, that the very same President who permitted the investment tax credit to expire would propose this poor substitute. If the administration believes that stimulating business investment is the best way to get our failing economy moving again—an assumption I am not prepared to accept—it ought to propose doing just that directly and not through these sleight-of-hand changes in the depreciation rules. By any standard, the investment tax credit will produce more bang for every tax buck lost.

This brings me to another point about the proposed ADR system. Contrary to the President's January 11 announcement and Secretary Kennedy's accompanying statement, liberalizing the depreciation allowances does not merely defer taxes—it reduces them and in so doing it creates a sizable, permanent revenue loss. According to estimates by Prof. Robert Eisner, the revenue loss over the coming decade is likely to be in excess of $33 billion. In the face of so many critical unmet social and human needs, should the Federal Government be spending $33 billion of our tax dollars—or, more appropriately, should Congress quietly acquiesce in this unilateral appropriation—to buy some modernization of American industry? Is that what the call for a reordering of our priorities is all about?

Mr. President, I am introducing today two measures designed to prevent this unwarranted—and unwise—attempt to usurp the authority of Congress. While I believe that neither measure is necessary—because only the legislative branch is empowered to make such a change in the depreciation schedules—I am making these proposals today to ensure that the Treasury's stated intentions will not be carried out.

The first measure I am introducing is a Senate resolution indicating that it is the sense of the Senate that, because the ADR system would create a "sizable, permanent annual revenue loss at a time of vast unmet social needs," and because the ADR system ignores the Internal Revenue Code's requirement "that a business asset be depreciated over its estimated actual useful life," it is the "sense of the Senate that the proposed ADR system should not be implemented without specific congressional authorization."

The second measure I am proposing today goes farther and would amend section 167(a) of the Internal Revenue Code. This bill would codify the Supreme Court precedents which hold that section 167's "reasonable" depreciation allowance must be based upon the estimated useful life of the property to the taxpayer, taking into account the salvage value to the taxpayer of such property.

Mr. President, I am hopeful that this body will give prompt attention to both measures and take action to head off this unauthorized and ill-conceived change in our economc policy.

Mr. President, I introduce and send to the desk for appropriate reference the texts of the resolution and the bill, and ask unanimous consent that they be printed in the RECORD.

There beng no objection, the resolution and the bill were ordered to be printed in the RECORD, as follows:

S. RES. —

Resolution declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific Congressional authorization

Whereas the Treasury Department has proposed regulations that would replace the present system of depreciating business assets over their estimated actual useful lives by the so-called "Asset Depreciation Range" (ADR) system;

Whereas the proposed ADR system will create a subsidy to business resulting in a revenue loss of $3.0 billion in fiscal year 1972, increasing to $4.7 billion in fiscal 1976, thus leaving a sizable, permanent annual revenue loss at a time of vast unmet social needs and revenue requirements at the federal, state and local levels;

Whereas it is unnecessary to stimulate investment in new plant and equipment with 25 percent of America's industrial capacity now idled and a five-year investment boom just having ended.

Whereas an investment tax credit, not liberalized depreciation, is the most effective way to provide such a stimulus, if it were necessary;

Whereas Section 167 of the Internal Revenue Code required that a business asset be depreciated over its estimated actual useful life, a requirement ignored by the ADR system;

Whereas Congress has not authorized such departures from the basic requirements of the Internal Revenue Code by administrative action of the Treasury Department;

Whereas the Treasury Department already has indicated it will implement the proposed changes, regardless of the evidence developed at public hearings;

*Resolved*, that it is the sense of the Senate that the proposed ADR system should not be implemented without specific Congressional authorization.

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S. 1532

A bill relating to the allowance of a depreciation deduction

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (a) of section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is revised to read as follows:

"(a) GENERAL RULE.—There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

"(1) of property used in the trade or business, or

"(2) of property held for the production of income.

The depreciation deduction shall be based upon the estimated useful life to the taxpayer of property described in paragraphs (1) or (2) of this subsection, and shall take into account the estimated salvage value to the taxpayer of such property."

SEC. 2. The amendments made by Sec. 1 of this Act shall apply to all taxable years beginning after December 31, 1953, and ending after August 16, 1954.

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By Mr. BAYH:

S. 1533. A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel. Referred to the Committee on Labor and Public Welfare.

FUNDS TO ENCOURAGE DEVELOPMENT AND OPERATION OF HEALTH CAREER PROGRAMS

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to amend the Public Health Service Act which would provide that a portion of the grants made to States for comprehensive public health services would be available only for financing programs designed to determine and meet the needs for health care personnel. Under terms of the bill at least 5 percent of a State's allotment for comprehensive public health services under section 314(d) would be dedicated for the conduct of programs which would ascertain health care personnel requirements and would undertake activities to assist in fulfilling those needs.

Setting aside funds for this purpose in my opinion would help accomplish a very worthwhile goal. In this critical period, when the need for improved and expanded health care services is so evident, it is imperative that the Nation do everything possible to attract capable and dedicated young men and women into the many and varied health fields and occupations. My bill contemplates assistance to professionally staffed organizations in each State which would conduct continuing, statewide programs devoted solely to helping serve health manpower needs.

While it is not possible to list in detail all of the activities in which such an organization would engage, leading health career groups in some States are now performing or plan to perform most of the following: Surveying personnel needs in hospitals, nursing homes, health centers, and major clinics; determining current enrollment and potential capacity of institutions with approved degree programs; estimating future health career requirements; coordinating health educational and training programs; establishing motivational programs designed to interest, attract and counsel prospective candidates for health occupations; maintaining information referral services; providing staff consultants for expert vocational counseling in schools on technical health career fields; offering special counseling in health occupations for disadvantaged minorities; referring students to appropriate education and training programs suitable for their intended careers; acting as a clearinghouse and referral service for those who require additional financial aid; and conducting conferences and workshops for guidance counselors and students in the various health occupations.

Let me emphasize that the 5 percent which would be allocated by the bill to health career personnel programs would not reduce the funds available to a State for other necessary public health activities. In order to prevent this from happening, the bill proposes to increase the total authorization for comprehensive public health services grants in section 314(d)(1) for the fiscal year ending June 30, 1972, from $145,000,000 to $152,600,000, and for the fiscal year ending June 30, 1973, from $165,000,000 to $173,600,000. These increases represent the approximate additional cost which would be incurred by committing 5 percent of the total to health careers, so that no other program would in any way suffer any loss.

Mr. President, throughout America junior high school, high school, and college students are searching for the type of career that will be both rewarding and will lead to a fulfillment of their ideals. This appears to be one of the most difficult periods in our history for youth to find the right type of job opportunity. While needs in many occupational fields have decreased, this is not true in the mental and physical health occupations where there is not only a need but also an opportunity to serve mankind.

There are health careers programs in existence today in a number of States. These programs are directly involved in recruitment, education, and utilization of health manpower. They also serve as clearinghouses and information centers. The primary purpose of these programs, of course, is to assist in making manpower available in the health field, but they also perform many other subsidiary yet essential functions.

Both in the United States and Canada there have been established State or province as well as some metropolitan health career programs. Regional organization of this kind permits better coordination and utilization of resources and thus provides increased benefits to the local community.

Formal health career programs have been devised according to criteria set forth by the American Hospital Association—National Health Council Joint Committee on Health Careers. These programs are structured, goal oriented, and have community-based sponsorship. While they have taken the first step in providing health care opportunities, the bill I am introducing today is designed to assist them in fulfilling their far-reaching goals.

Many State, metropolitan, and regional health careers programs have developed into very effective organizations. A survey completed in April 1970, describes the progress made by these programs. Of 57 American programs surveyed, 11 had 1970 budgets of $50,000 or more. Only four of this group projected budgets exceeding $100,000. Six programs had six or more full-time staff members. Thus in terms of budget and staff, the most advanced health career programs are already well established and having a significant impact. But there is a great need to provide a secure financial base for these and to make it possible for many other States to follow their lead. This would be accomplished by the improved methods of funding proposed in my bill.

However, the success of a program is not based only on size or wealth. Equally essential criteria, of course, are the amount and quality of services provided. A study completed recently by the National Health Council of 67 health careers programs noted that in 1 year health career staff members visited 3,774 high schools, 792 junior high schools, and 280 colleges. Within these schools, a total of 3,175 presentations were made at student assemblies and more than 1⅓ million student were in some way exposed to health career opportunities. There also were over 12,500 individual consultations with students. These statistics point to the fact that students can be reached and made aware of the many opportunities available in the health field.

One of the urgent problems confronting the Nation is that of providing medical services in those areas which contain heavy concentrations of minority groups. Poverty areas often have the least amount of available medical services. One of the best means of correcting this imbalance is to encourage younger qualified residents of these districts to seek specialized training and additional education necessary to enter the various health occupations.

In this connection it is interesting to note the comments in the March 15 issue of the American Medical News by Dr. Percy Russell of the University of California-San Diego School of Medicine, who emphasized the large degree of tokenism prevalent in present programs urging minority students to seek admission to the medical profesion. He pointed out that often minority students doubt that they have any real chance to attend medical school and consequenly do not prepare themselves for such education. Moreover, many such students are widely dispersed so that recruiting programs must be widespread rather than concentrated in one area. Richard Sanchez, a California medical student and member of the board of directors of the National Chicano Organization, also criticized in the same issue "token gestures" and called for a broader-based evaluation of minority students by schools providing medical and premedical training.

Dr. Howard Mann, dean of Howard University Medical School, was quoted as having said that "high school students have had inadequate counseling or were discouraged from entering premedical training. Black students often are told that they should take a trade . . . that chemistry is too difficult for them." In the same vein, the Inter-Association Committee report in 1970, which called for increasing minorities in M.D. degree programs from the current 2.8 percent to 12 percent by 1975–76, pointed out that a critical factor in the recruitment and retention of minority students in medical education programs "is the provision

to students of accurate information and counseling on the medical profession. Counseling should be directed to those efforts which will help the student to fully realize his potential and to gain the confidence needed to pursue a career in medicine." This gap is what my bill proposes to fill.

A number of special projects have been devised within health career programs which are designed to help reach minority groups and to assist low income youth in gaining access to a medical career. For too long a time a tendency toward cultural bias has hindered full participation by members of minority groups in the health and medical professions. We are now realizing the unfortunate results of these attitudes. Let us not miss the chance to correct this situation by helping strengthen health careers programs attack this long-standing cultural bias.

A good example of an effective program can be seen in my home State where Indiana Health Careers, Inc., has given effective leadership in this field. With a 1970 budget of approximately $150,000 and a full-time staff of nine or more, this organization has made efforts to communicate with the minority community in order to create an interest in the medical and health professions. Special counseling is being offered to disadvantaged minorities and financial guidance and assistance sought in order to expand their opportunities.

However, most health career programs for the most part have not been this active. Their biggest problem has been lack of funds. Acquiring adequate finances from private and public sources is a complex and time-consuming process. One study showed that the average program director devoted anywhere from 10 percent to 60 percent of his or her working life writing grant proposals alone. While funding has come from a number of sources, very few programs now share in direct Federal assistance. The greatest single source of income has been from the annual dues of the member organizations of a particular program, but many government and private agencies are usually approached for contributions. While the soundest programs should not depend on any one source, there is great need for more efficiency and less cost in lost time. My bill is addressed to these needs by broadening the financial base and relieving staff of the unproductive chores involved in a constant search for private assistance.

In summary let me restate the urgent need for recruiting, counseling, and assisting health care manpower. The shortage of trained personnel in these many occupations is becoming critical. The Carnegie Commission on Higher Education pointed out in a special report that "the United States today faces only one serious manpower shortage, and that is in health care personnel." As population grows, as people live longer, as health insurance programs are increased, and as medical technology is advanced, this shortage can be expected to become even greater. A survey on the medical profession personnel crisis which appeared in the February 21, 1971, edition of Parade magazine disclosed appalling conditions. For instance, according to the report, a lack of lab technicians and a 50-percent shortage of nurses induced some of the latter to quit in protest because of overwork. This has resulted in threatened closing down of Boston City Hospital's operating room for emergencies. Likewise, in Chicago there have been reports that in 1970 approximately 1,000 residents died because of health care neglect. Other cities are facing these same or similar types of problems.

Mr. President, it seems to me that there is a definite need for assistance in the health career field. The intent of my bill is to make it easier for local and regional organizations to obtain needed funds to help them provide increased manpower for the health professions. In view of the critical shortages and of the advantages which can accrue from a properly funded and conducted health career program in each State, I urge that prompt attention be given to this measure. Mr. President, I also ask that the text of this brief bill be printed in full at the conclusion of my remarks.

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

S. 1533

A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first sentence of section 314(d)(7) of the Public Health Service Act is amended by inserting immediately before the period at the end thereof the following: "; and at least 5 per centum of a State's allotment under this subsection shall be available only for the conduct of programs designed to determine the need for health care personnel in the State and to assist in the meeting of such need by providing referral, counseling, and other services to health care institutions, educational institutions, health care personnel, students preparing for careers as health care personnel, and individuals having a potential as students in the health professions or in the allied health professions (including the conduct of demonstrations designed to encourage appropriate individuals to undertake training which would prepare them for careers as health care personnel)".

(b) Section 314(d)(1) of such Act is amended—

(1) by striking out "$145,000,000" and inserting in lieu thereof "$152,600,000"; and

(2) by striking out "$165,000,000" and inserting in lieu thereof "$173,600,000".

(c) The amendment made by subsection (a) shall be effective only with respect to allotments under section 314(d) of the Public Health Service Act for fiscal years beginning after June 30, 1971.

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By Mr. HUMPHREY (for himself, Mr. BAYH, Mr. BURDICK, Mr. HART, Mr. METCALF, Mr. STEVENS, and Mr. THURMOND):

S. 1534. A bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents. Referred to the Committee on Armed Services.

Mr. HUMPHREY. Mr. President, on behalf of Senators BAYH, BURDICK, HART, METCALF, STEVENS, THURMOND, and myself, I introduce legislation today to provide maternity care for women who are pregnant when their husbands are discharged from the Armed Forces. The current lack of any such coverage causes hardships for thousands of young families every year.

About 18,000 of the 900,000 servicemen discharged every year would qualify for benefits under this bill. Present law says once a man leaves the service his wife is not eligible for any maternity benefits from the military. Veterans' benefits are of no assistance.

The problem has become so acute that many young men whose wives are pregnant will reenlist in the service in order to have medical coverage when their baby is born.

Private health insurance companies will not write a policy on a woman who is already pregnant unless it has an exclusionary clause for maternity coverage in effect for about the first 10 months of the policy. Several companies tried offering maternity benefits to servicemen with pregnant wives, but the risk involved was so great that they found it economically impossible to continue. The Department of Defense has negotiated with other companies to provide this coverage, but they report no success.

The discharged serviceman whose wife is pregnant can face a grim future. Unable to get the necessary insurance, he can expect to pay upwards of $600 to $1,000 in some cities for the birth of his child.

These young people are faced with mountainous hospital and doctor bills at a time when they can least afford it. The husband has just been discharged; he probably is out looking for a job or just starting a new one or he is trying to get into college.

If they have no savings, and so many do not, the burden falls on their families who try to help them. But for those who can get no other help, the only thing open is public welfare assistance, if they can qualify.

It would be tragic to send a young man, who has just served in the uniform of his country, from the military service to the welfare rolls just because he is about to become a father. We cannot be so callous as to permit such a thing to happen.

Under the bill I am proposing, the couple would pay only $25 for complete maternity care, including delivery in the hospital of their choice.

The cost to the Federal Government would be approximately $14 million a year to provide this coverage to some 18,000 or so families.

That is a tiny sum alongside the $260 million the Department of Defense spends annually for its civilian health and medical program, or the $1,009,370,000 annual cost for operating and maintaining its hospital and medical facilities.

The civilian health and medical program provides health care for civilian dependents of active duty military personnel, retired members and their dependents and survivors of deceased members of the Armed Forces.

Proper prenatal and maternity care have played a tremendous role in bring-

ing down the infant mortality rate and maternal death rate in this country. In 1915, 100 of every 1,000 babies born died before the age of 1; today 20 newborns of every 1,000 die. Also, in 1915, 60 of every 100,000 mothers died following delivery; today that is down to 27 of every 100,000.

Yet, in spite of these strides we have made in reducing the infant mortality rate, the United States ranks behind 12 other nations in this category, and we are seventh in maternal mortality.

Every pregnancy is different, and without proper prenatal care a woman stands a 2 to 3 times greater risk of having something go wrong. One of the results of poor or no prenatal care is low birth weight—that is, babies born weighing less than 5½ pounds. Often these infants are more subject to mental retardation, neurological handicaps, and neuropsychiatric problems than babies born at normal weight.

All of this points out the need for us to take all steps possible to assure excellent maternity care is available to everyone and at prices all can afford.

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By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1537. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes. Referred to the Committee on Government Operations.

TRANSFER OF FORT SNELLING PARADE GROUND TO MINNESOTA

Mr. HUMPHREY. Mr. President, today I am introducing, for myself and my distinguished colleague from Minnesota (Mr. MONDALE), legislation that would transfer to the State of Minnesota approximately 141 acres in the Fort Snelling Hospital Reservation for use as a park and recreation area.

Fort Snelling, located on a bluff overlooking the junction of the Mississippi and Minnesota Rivers in the Minneapolis-St. Paul area, is the birthplace of the State of Minnesota. It was established in 1820 and was the first stone fort built west of the Mississippi. For over 80 years Fort Snelling succeeded in maintaining the peace in this area among Indians, fur traders, and early settlers.

Fort Snelling served as a foundation for the opening of the Great Northwest, playing a most influential role in the founding of Minnesota, the Dakotas, Montana, and Wyoming. It was unique as a frontier fort because it continued to serve as a military post long after the settling of the frontier.

Serving as the center for a vast region, Fort Snelling inducted and trained soldiers in four of this Nation's wars, from the Civil War to World War II. This military post contributed to the careers of many famous soldiers, including Gen. Mark Clark of World War II fame. Playing a leading role in the development of this Nation's Air Force Reserve capability during the 1920's and 1930's, Fort Snelling was the site of the organization of the first federally recognized Air National Guard unit, the first Naval Air Reserve squadron, and one of the first U.S. Marine Reserve units.

Fort Snelling was decommissioned as an Army post in 1946, at the conclusion of World War II, and was turned over to the Veterans' Administration. It was established as a national historical landmark in 1960, and in 1961 much of the fort site was declared surplus property by the Government. That same year, the Minnesota State Legislature established the entire area as the Fort Snelling State Historical Park. The State was given the surplus land by the Government, and purchased much of the remaining land with both public and private funds. The parade ground, however, is in the hands of the General Services Administration, and past efforts to transfer it to the State have proved futile. GSA has offered to sell the land to the State for one-half the market value, but this would cost Minnesota over $2 million, a sum which it cannot afford and should not have to pay.

Mr. President, it would be unfortunate if this land were to be used for purposes other than those for which it is so well suited. The area can and should be utilized for outdoor recreation, historic interpretation, and public communication programs designed to instill a deep sense of historic pride and appreciation of the heritage of the Great Northwest.

The parade ground played an important role in the life of Fort Snelling. It was used for military training, formal troops review ceremonies, treaty signings, and recreational events. For several hundred years, both Indians and soldiers used this land for field activities of all types.

If this land is transferred to the State of Minnesota, plans are to continue using this unique and spacious parade area for year-round sporting events and field activities, and to make opportunities available for the enjoyment of this area to all. The broad parade grounds will give a sense of spaciousness to allow the visitor to envision columns of infantry and cavalry parading in precise military formations, horse soldiers engaged in polo matches, or Indian braves in pursuit of wild game. From time to time historic episodes relating to the site will be reenacted. Certain buildings flanking the parade ground will be selected to serve the public needs in the enjoyment of this area. Many of the buildings are readily adaptable to museum, library, and public display purposes.

Mr. President, it is most important that this bill be enacted promptly in order to perpetuate one of the historic traditions of the Great Northwest. Failure to pass it most certainly will result in the green grass of the parade ground giving way to the cold concrete of a postal facility, or a parking lot, or whatever else the Government sees fit to do with it. In order to insure the preservation of this site, rich in its historic traditions and natural beauty—not only for the residents of the Twin Cities and Minnesota, but for all those who wish to enjoy Fort Snelling State Historical Park—it is essential that the parade ground be transferred, without monetary consideration, to the State of Minnesota.

By Mr. BROOKE (for himself, Mr. PASTORE, and Mr. COTTON):

S. 1538. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

Mr. BROOKE. Mr. President, on behalf of myself, Senators PASTORE and COTTON, I wish to offer an amendment to the basic legislation of the American Revolution Bicentennial Commission. It would increase the authorization for appropriations for fiscal year 1971 from $373,000 to $675,000.

The $302,000 increased authorization and appropriation are made necessary by a considered administration decision to accelerate implementation of the Commission's July 4, 1970, recommendations for a nationwide bicentennial program, as endorsed by the President on September 11, 1970, during the present fiscal year and to cover obligatory pay increases. This will enable the Commission to reach and assist in a limited fashion State and local communities, groups and associations such as professional associations, service organizations, patriotic groups and historical and heritage societies, in their initial planning of commemorative programs.

The increase in funding will be used primarily for staff and related costs to accomplish these objectives.

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By Mr. DOLE (for Mr. BROCK):

S. 1539. A bill to establish a Youth Council in the Executive Office of the President. Referred to the Committee on Labor and Public Welfare.

YOUTH COUNCIL ACT OF 1971

Mr. DOLE. Mr. President, on behalf of the Senator from Tennessee (Mr. BROCK), I introduce a bill to establish a Youth Council in the Executive Office of the President.

I ask unanimous consent that a statement prepared by him 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 BROCK

Mr. President, during my years as a public official I have become increasingly concerned with the inability of our system of government to cope with the problems of young Americans. This problem of communication has not been limited to the Federal Government but pervades all levels of our society. In view of this situation, it behooves us to make every effort to provide open avenues of articulation with our nation's youth along which may pass a free flow of ideas to and from our decision makers.

With the onset of campus disorders at Columbia University in 1968, my awareness of the dangerous potential caused by the failure of our system to be actively responsive to young people prompted 22 of my colleagues and myself to visit over 50 colleges and universities to listen and gain new insight into student outlooks. Subsequently, we submitted a report of our findings to the President. Later, the report was made public and since that time my office alone has received over 60,000 requests for this document.

Many of the Campus Task Force's report's ten major recommendations have been instituted since it was published. Unfortunately, the single point to which the task force

has continued to address itself has not been acted upon. In it, we proposed:

"8. Coordinate Youth Programs. We think it would be helpful if an effort were made to coordinate all the present youth programs of the Federal Government through one central office. At the moment there is considerable proliferation among many agencies as well as duplication of effort. In order to more effectively use the present resources of the Federal Government we urge your consideration of a mechanism to coordinate and follow-through the work of our numerous programs and agencies."

Recently our Task Force compiled a list of over 500 federal programs which have a direct bearing on young people. It is self evident from this list that we continue to strive to involve American youth within this government. The previous administration's answer to bringing youth programs under one roof was the totally ineffective Youth Opportunity Council. It provided no authority whatsoever to resolve the basic conflicts that exist today between youth programs in various agencies of the government.

There is no device in the Federal Government today for evaluating the impact of youth programs on those human beings. When there are 500 different youth programs, which does a young person go to? Who listens? Where do they get a response? Who is doing something about the problems? Who is providing an oversight, in terms of new legislation, to see what impact each program is going to have on young people? We must bring all areas affecting youth within the oversight of the executive branch, to make those programs move together, to complement one another, and not to compete with each other as they often do today. These programs must work together to solve the problems that afflict the young people of our society and give them a voice in making change.

Today, there is a plethora of proposals to solve these problems and give youth greater impact within the system. The majority of these are characterized by their claims of a "new approach", bound to effect dramatic results. What these fail to grasp is that there are essentially no gimmicks to improving communication.

You do not present a vital youth program as you would sell a laundry detergent with "new approaches" and gimmickry. These will immediately be exposed by the young as a sop, or an establishment pat on the head.

You cannot divert the proven interest of our young people in involvement by shunting them off to the side and hoping that you can insulate yourself by packing layer upon layer of bureaucratic sophism. You must confront, listen, learn, and act accordingly.

The proposal I am introducing today does not try to overwhelm youth with cloudy claims of broad success. It is a simple uncomplicated approach to youth problems which sets up a mechanism to give youth the input they should have and is charged with the accountability for the effectiveness of federal programs which impact on youth.

Modeled after the environmental Quality Council, the bill establishes a Youth Council in the Office of the President. The Council will be comprised of five-time members appointed by the President who are well qualified in the area of youth affairs and who will serve to advise the President on the effectiveness of youth programs and recommend national policies to promote the participation of youth in government. The Council will serve as the oversight organization for youth affairs and help to provide the necessary coordination and evaluative thrust to concentrate Federal efforts on the problem area. With its broad mandate, I feel that it will be able to set the stage for a new and vital dialogue between our Nation's Youth and the Federal system.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 1540. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

FEDERAL ALCOHOL ADMINISTRATION ACT

Mr. THURMOND. Mr. President, I am introducing a bill today to amend section 5(e) of the Federal Alcohol Administration Act.

The amendment I propose will make it mandatory for all bottles of alcoholic beverages, containing more than 24 percent of alcohol by volume, to bear a label, warning that consumption of alcoholic beverages may be hazardous to one's health and may be habit forming. Such statements should be located in a conspicuous place on each label, and they should appear in legible bold type, readily visible to a casual glance.

Mr. President, I am convinced that alcoholic beverages represent a killer of major proportions. No civilized society can allow such a national menace to go unchecked if it would retain its identity as "civilized" or as a "society."

It takes only a passing glance at national statistics to see that alcohol has directly or indirectly caused the deaths of many thousands of people. Figures obtained from the Department of Health, Education, and Welfare indicate that some 10 million Americans are dependent upon alcohol, and this figure does not include the millions who have experienced broken homes and economic ruin resulting from overuse of alcohol.

Since 1961, American battle deaths in Vietnam have risen to more than 45,000. All of us grieve over this high cost in young lives, yet more than 55,000 American lives are snuffed out each year on our highways, and more than half of that number is related to the overuse of alcohol.

It is clear that some step aimed at curbing or pointing out the dangers of this killer is in order.

Mr. President, I am greatly encouraged that a combination of growing public awareness, scientific research, and improved laws at the State and local levels are being applied to the control of the problem drinker, and headway is being made. The door is wide open for a full-scale attack on this No. 1 highway safety hazard.

I am convinced that a Federal law requiring a warning label such as I propose will reinforce the efforts of States which are passing meaningful legislation in this field. I am also convinced that such a label can have nothing but a good effect on the drinker and, especially, the potential drinker.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 1540

A bill to require a health warning on the labels of bottles containing certain alcoholic beverages

*Be it enacted by the Senate and House America in Congress assembled,* That section 5(e) of the Federal Alcohol Administration Act (49 Stat. 982, as amended; 27 U.S.C. 205 (e)), is amended by inserting the following new paragraph immediately before the last full paragraph of such section:

"It shall be unlawful to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate commerce or foreign commerce, or receive therein, or to remove from customs custody for consumption, any bottle containing a beverage having more than 24 per centum of alcohol by volume, unless the label of such bottle contains the following statement: 'Caution: Consumption of alcoholic beverages may be hazardous to your health and may be habit forming.' Such statement shall be located in a conspicuous place on each label, and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label."

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By Mr. THURMOND:

S. 1541. A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A Van Fleet. Referred to the Committee on Armed Services (by unanimous consent).

AUTHORIZING THE ARMY TO MAKE DOCUMENTARY FILMS ON U.S. GENERALS AVAILABLE FOR PUBLIC SHOWING

Mr. THURMOND. Mr. President, in 1955, legislation was passed which has had an unfavorable result beyond that possibly intended by its authors. This legislation provided that certain films produced by the U.S. Information Agency for foreign audiences not be shown to the American people. This law resulted in the restrictions placed on the film about the late John F. Kennedy titled "Years of Lightning, Day of Drums." To meet this problem, special legislation was enacted which resulted in a public showing of the Kennedy film.

Also, this legislation was interpreted by the Army to preclude certain documentary films already in its inventory to include those about Gens. Dwight D. Eisenhower, Douglas MacArthur, and others. As a result, the memorials and schools at Abilene, Kans., and Norfolk, Va., where these two men are buried, cannot show these films. Further, their general use on television or for educational or civic institutions across the land is restricted. The House of Representatives, recognizing this problem, approved legislation in the last Congress to lift the restrictions on a small number of Army biographical documentary films. Unfortunately, the legislation died in the last Congress.

Today, I am introducing legislation which will lift this statutory restriction on nine specific films currently available in film libraries of the Armed Forces, particularly Army libraries. These documentary films present factual biographicals depicting the careers of General of

the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A. Van Fleet.

Mr. President, all but three of the films mentioned have already been shown many times prior to 1955 in the United States at public gatherings and on television as a part of the Army's "Big Picture" series entitled, "Famous Generals." I am convinced the statutory restriction was never intended to apply to these documentary films. Nevertheless, the law enacted permits them to be shown in public only outside the United States.

Mr. President, when some would have us shrug off much of the burden of freedom because that burden is heavy, these documentaries portray men who did not find that burden too heavy. They portray men who grasped responsibility and then embraced it.

These films are about men who grew up in a more simple civilization than that we know today. Theirs was civilization which included the frontier, family fields, main street, the village church, and the small city where the country boy could go and make good.

The heritage which they experienced and grew up with nurtured them throughout their public life. Much of this is now recorded for viewing by generations to come.

Mr. President, the road of life these men chose was not necessarily the most attractive one offered to them. Their choice did not hold the belief that man's primary need is material security, the comforting feeling of being snug and protected. The road of life chosen by these men was the old, tough, traditional one of individualism, of equality through opportunity, and the optimum freedom of action.

These are Americans who dedicated their lives and their careers to the service of their country, both in time of peace and in time of war.

Each of these Americans proved to be a man of strong character, forged in the hearth of adversity, and yet tempered by their heritage.

They had at their disposal enormous power which they did not hesitate to use for the good of our Nation and mankind. And, yet, they still remained humbled by the magnitude of power given them by their Nation.

These are Americans who lived and understood war firsthand, were victorious at it and yet had compassion for the vanquished.

Mr. President, these documentaries are true-to-life biographies of Americans who excelled in their chosen profession as peacemakers for this Nation. They show how these men became steeped in the knowledge and experience of dealing with their fellow man and how they put it to good use throughout their public life. They show how leaders develop and come to the fore in time of adversity.

Their works and their words recorded on film also serve as reminders of our past history and our struggles to maintain our freedom and the freedom of other nations.

The films offer a selection of outstanding personal examples which the youth of our Nation can emulate. They also serve a useful function through their showing at the public memorials dedicated in honor of these Americans.

Mr. President, inasmuch as these films were produced by the Army, I ask unanimous consent that this bill be referred to the Committee on Armed Services, and, that it be printed in the RECORD.

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

S. 1541

A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stilwell, General Mark W. Clark, and General James A. Van Fleet

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Defense may distribute and show to the public documentary motion picture films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stilwell, General Mark W. Clark, and General James A. Van Fleet.

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By Mr. TOWER:

S. 1543. A bill to provide a tax credit for contributions made to educational institutions. Referred to the Committee on Finance.

CONTRIBUTIONS TO EDUCATIONAL INSTITUTIONS

Mr. TOWER. Mr. President, I am introducing today a bill to grant a tax credit to individuals and corporations for gifts and contributions made to educational institutions. As is widely known, our higher educational institutions are today suffering seriously from problems of rapidly rising costs which cannot be met by raising tuition alone, since to do so would exclude many students from advanced educational opportunities. As a result, many schools have had to use endowed funds to cover costs instead of relying upon income from those funds. Even our public school systems are suffering from the inability of the local property tax structure to keep up with rising costs.

The Carnegie Commission on Higher Education has reported that our "colleges and universities are in the midst of a financial crisis unmatched in its impact in any previous period of history." College enrollment has risen from 3.5 million in 1960 to 7 million in 1970, and it is projected that enrollment will reach 10.3 million in 1978. Total expenditures for higher education rose from $6.6 billion in 1960 to $20 billion in 1968 and will exceed $35 billion by 1978. Some smaller colleges are ceasing their operations. Tuition is climbing; salaries are being reduced, and curriculums are being curtailed.

Obviously, we cannot allow this decline in the quantity and quality of our educational system to continue. The prospects for solving urgent world and national problems, both social and technological, depend to a great extent upon the ability of the United States to continue to educate its youth and to share its knowledge and skills through these students with other nations. This is a massive financial problem, requiring a rapid and adaptive solution.

I propose that the tax credit concept, which I and others in Congress have frequently espoused as an aid to education over the last decade, be implemented so that the individual taxpayer and the many business corporations, particularly smaller firms, will have an opportunity to contribute their tax dollars directly to their local public or private school systems, their local community colleges, and State or private colleges and universities. In this way, the maximum effect is derived from these tax dollars, since the Federal bureaucracy is no longer directly involved as an expensive intermediary.

If the people of a community feel that their local school system vitally needs upgrading, but if their existing Federal, State, and local tax load is too heavy to permit further tax support, these citizens could turn some of their Federal income tax dollars directly over to their school system, should my bill be enacted. Passage of this measure should result in dramatic improvement in the financial status of all schools, and the quality and quantity of our youth's education should improve similarly.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

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

S. 1543

A bill to provide a tax credit for contributions made to educational institutions

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO EDUCATIONAL INSTITUTIONS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount (subject to the limitations of subsection (b)) equal to the amount of contributions by the taxpayer, payment of which is made within the taxable year, to or for the use of one or more educational institutions.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit under subsection (a) for any taxable year shall not exceed—

"(A) $100, in the case of an individual (other than a husband and wife filing a joint return);

"(B) $200, in the case of a married couple filing a joint return; or

"(C) $1,000, in the case of a corporation.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) EDUCATION INSTITUTION DEFINED.—For purposes of this section, the term 'educational institution' means a duly accredited institution offering instruction at the primary, secondary, or postsecondary level, contributions to or for the use of which constitute charitable contributions under section 170(c).

"(d) NONDEDUCTIBILITY OF CONTRIBUTIONS.—No deduction shall be allowed under section 170 for any contribution to or for the use of an educational institution to the extent that a credit is allowed (after the application of subsection (b)) for such contribution under subsection (a).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Contributions to educational institutions.

"Sec. 41. Overpayments of tax."

SEC. 2. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to contributions payment of which is made after such date.

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By Mr. PEARSON (for himself and Mr. DOLE):

S. 1544. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder. Referred to the Committee on Labor and Public Welfare.

SCHOOL CONSTRUCTION NEEDS

Mr. PEARSON. Mr. President, the bill I introduce today responds to a problem which grows each year and shows no sign of solving itself. I am referring to the need for new schoolbuildings at our military installations.

Because we are making some progress on the still-serious shortage of family housing on these bases, we are inadvertently creating a gap between the flow of school-age children on military reservations and the existing physical facilities for their education.

Fort Leavenworth, Kans., site of the U.S. Army Command and General Staff College, is an example of how this gap is widening. Since fiscal year 1966, 400 units of family housing have been constructed or are under construction at the fort, bringing some 868 children into Unified School District No. 207 there. This district covers a total of approximately 10 square miles, entirely comprised of Federal lands exempt from taxation. The tax base of the district is in fact so low it provides an annual income of only $9,000. The district has no source of funds for the construction of school facilities other than the Federal Government under the provisions of Public Law 81-815 for which, during the past 4 years, the Congress has appropriated only $15 million per year against an accumulated requirement of $264 million.

Contracts for 150 new housing units have been let in the past weeks, and contracts for an additional 150 units are being prepared. Both projects have received congressional appropriations. This new construction will bring into the school district an estimated 651 additional children next year. Yet even now classes are being held in cafeterias, on stages, and in World War II barracks buildings to which children are bused from hour to hour. No new school construction has taken place on the installation since 1965, and every new child brought into the schools there has since that time, unhappily, been a burden on the sheer physical space available.

The problem, Mr. President, is not one of neglect or lack of good intentions so much as it is simply one of imbalance. And the imbalance, this gap, is itself another reason why life in the military does not compare favorably with civilian life when young men and women are considering a choice of careers. If we want a voluntary army—and I do—then we will have to face the fact that salary incentives are only a beginning in the process of creating a decent quality of life for the families who make up the mobile, fluctuating population of our armed services.

The bill I am introducing would offer relief from this kind of problem where it is most intense, by amending Public Law 815 to provide that the highest priority under section 5 be given to those districts which suffer the highest increase, as measured by percentages, in the number of children brought by newly constructed military housing on the installation. In other words, the effect of the bill would be limited to so-called A category children—those whose parents both live and work on the base—but within that category the use of Public Law 815 construction funds would be related directly to the increase in new military housing. This would bring into balance the capability of these school districts to give a quality education to the children of the military families brought onto the installation. It would tend to equalize the quality of education in all its aspects as between military installations and other communities. And it would go some distance in carrying out the governmental responsibility here in a broader, more well-rounded manner than has been the case in the past. We are in danger of doing a good thing half way and I consider enactment of this bill part of the basic responsibility of Congress in meeting human needs not discovered, but rather created by the previous action of Government.

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By Mr. BEALL:

S.J. Res. 85. A joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day." Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, today marks the 250th birthday of John Hanson, the first President of the United States, and I am introducing a resolution asking the President to proclaim April 14 of each year as John Hanson Day. I also ask unanimous consent to have printed in the RECORD certain remarks that I am making during a public ceremony in the Capitol this morning commemorating this anniversary.

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

JOHN HANSON

There are those who would say that this ceremony, and the resolution I introduced into the Senate this morning are historically controversial. Some might say that we should not have acted on this matter because there are disputes as to the day and even the year of John Hanson's birth.

I would be the last to say that there are not bases for these disputes. But there is considerable evidence to substantiate April 14, 1721, as his birth date. A debate such as this often proves the old eliche, "you can't see the forest for the trees". The significance of John Hanson lies not in the date of his birth, but in the contributions he made to our nation during its early formative years.

Although other men had served as the presiding officer of the Continental Congress, John Hanson assumed office under rather unique circumstances:

1. He was "The First President elected under and according to our first Constitution"—The Articles of Confederation.

2. He became President just as America had won her struggle for independence.

3. He was charged with the responsibility of laying a foundation upon which a nation would be built. This nation would contain 13 semi-independent colony states with diverse interests and deep-seated rivalries.

4. He had to organize a civil government to conduct the affairs of our young republic.

5. He had to do all these things and he had to do them within the loose framework of the Articles of Confederation. The states, jealous of their own independence and still fearing the power of the King, granted very little authority to their national government.

Faced with what might appear to be insurmountable difficulties, the Continental Congress turned to this great son of Maryland to provide the leadership needed to build a nation. John Hanson was a man ideally suited, in terms of both intellect and temperament, for this task.

During his tenure as "President of the Congress of the Confederacy" Hanson laid the groundwork for our Cabinet, our Consular Service, and our postal system, and our National judiciary. Many of these accomplishments have been discussed by previous speakers. But, in addition to these achievements, John Hanson established many of the precedents from which our Presidency evolved. Remember that in 1781 only one European state had a Republican form of government (Switzerland).

President Hanson consciously and successfully sought to establish himself and his office as the Chief-of-State and head of the government of the U.S. His success is reflected in the following quotes:

1. George Washington in a letter dated November 30, 1781, said ". . . . I congratulate your excellency on your appointment to fill the most important seat in the United States."

2. In a document of the Continental Congress we read . . . "The President of the Congress being at the head of the Sovereignty of the United States takes precedence of all and every person in the United States";

Thus, our First Constitutionally elected Chief Executive was a strong man in a weak position. But his strength gave strength to the Confederation government and enabled it to guide us through the transitional period from revolutionary struggle to constitutional

federalism. The achievements of the confederation era are seldom discussed and rarely taught in our schools and colleges.

The Articles of Confederation (1781–1789)

1. brought the States together in spite of their difficulties.

2. provided continuity of leadership from the revolution era to confederacy to our present constitutional government.

3. unified foreign relations and established the U.S. of America as a "Nation-State".

4. Enacted the ordinances of 1785 and 1787 (1785-established policy for the distribution of western lands—1787 established procedures for admitting new states—still in use).

5. Provided the necessary machinery for the transition from revolution struggle to the Constitution of 1789.

So, in closing, let me say that our interest should not be limited to recognizing John Hanson simply because he was our first President, or because he was a Marylander. Instead we should revive interest in John Hanson because he was a truly great American patriot and political leader who should be recognized as one of the founders of our great republic.

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By Mr. BROOKE:

S.J. Res. 86. A joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished. Referred to the Committee on Finance.

Mr. BROOKE. Mr. President, midnight tomorrow marks the arrival of the annual deadline for Americans to have completed and filed their 1970 income tax returns. This assignment is one of the most perplexing and arduous tasks that we face all year. For many, income tax time is something to be both dreaded and postponed as long as possible. Some people become irrational at even the thought of uncertain wrestling with reams of figures and personal records.

In fact, some individuals find themselves divulging information to the Internal Revenue Service that they may not have been aware of themselves. Perhaps at no other time during the year does one bring together so much information bearing on his annual income.

The Internal Revenue Service has gone to great lengths and expense to facilitate the income tax preparation process. Considerable experiment and study is underway constantly at the IRS to develop and refine reporting methods, forms, and explanations. Moreover, the IRS checks and reviews the results of each year's filings, as well as queries CPA's, the American Bar Association, and other groups directly involved with the income tax process. This is done with the dual objectives of making the reporting process more efficient and easing the burden of preparation for the individual taxpayer. The changes that result are often not insignificant to the taxpayer. For example, the 1969 1040 form was significantly changed because it was consolidated with the 1040A—or short—form. This consolidation resulted in a 1040 form that was significantly different in format from its predecessor used in 1968. While this change in format and reporting procedure was praised by many, it was criticized by others. It should be noted that such changes are not without their effect on the taxpayer who very often uses his previous year's form as a guide to making out his present return. Constant changes in format and reporting procedures generate uncertainty and frustration for him.

Many Americans decide not to become involved in what appears to be a perplexing plethora of paperwork. Some experts estimate that approximately 50 percent of the 77 million tax returns filed last year were prepared, at least in part, by someone other than the taxpayer himself. A portion of this work was done on the basis of one friend or relative for another, as in the case of a father for his son or daughter, or a husband preparing separate returns for his spouse. Such assistance involved no payment for the service rendered. However, an increasing number of Federal taxpayers are turning to professional tax preparation firms to prepare tax returns required by Federal, State, and local governments. As our income tax system grows more and more complicated, a burgeoning tax preparation industry is growing along with it. The 1969 Washington "Yellow Pages" listed 113 such firms. The same listing for 1970 contained approximately 135 firms. By the same token, Boston commercial listings showed 44 such firms in 1969, and 65 in 1971. These firms vary from single practitioners to large firms utilizing several branch offices. Moreover, many department stores have found tax preparation to be a lucrative supplement to their normal sales. The results offered by these firms are as varied as the firms themselves. On the same tax return, their computations and fees can vary so greatly that one might never suspect that they were working from the same income figures. While admittedly even the Internal Revenue Service makes mistakes, the wide variations in tax computations made by these firms are cause for alarm and for closer scrutiny.

Mr. President, the Senate joint resolution that I offer today is designed to provide complete information on all segments of this industry and lay the groundwork for possible regulatory legislation. Specifically, it directs the Secretary of the Treasury to study the multiplicity of problems involved with these tax preparation firms and report to the Congress within 1 year concerning the necessity or desirability of Federal regulations of persons or firms engaged in the business of preparing tax returns, as well as methods by which such regulations can be accomplished. I anticipate that particular attention will be focused on the licensing or establishment of minimum standards governing the conduct or competence of otherwise uncertified tax preparers. It is my understanding that the Federal Trade Commission is presently conducting a study of tax preparation that is limited only to advertising and marketing claims by such firms and does not deal directly with such important areas as fee structures, computation procedures, and other practices related directly to accurate completion of an individual's return. However, I hope that the Secretary would utilize the findings of that study in the preparation of his more comprehensive report to the Congress. Finally, the study I propose could also include the problems of the further sale and distribution of income information obtained by tax preparation services in the process of preparing returns, as well as possible methods of regulating or proscribing such practices.

Mr. President, preparation of someone's income tax return is a highly complicated and personal responsibility even when it is not done for consideration. When such a service is provided for a fee, standards relating to that service become even more important. One may never know if he has overpaid or underpaid his income tax unless it happens to be one of those very few routinely audited by the IRS. Because their knowledge of tax preparation is admittedly limited, many of the people who utilize the services of professional tax preparers know nothing about the quality of the service offered.

Even though the Internal Revenue Service is continuing in its efforts to make our tax code easier to utilize, as long as we have a complicated system of tax laws such efforts will have only limited results. It is ironical that many of the income tax reforms brought about the Tax Reform Act of 1969 have actually resulted in many of our tax laws becoming more complicated rather than simpler. The result can only be to drive more taxpayers to tax preparation services in order to meet their obligation to file tax returns by April 15. Both Congress and the Treasury have an obligation to protect the taxpayer against frauds or incompetence in this area.

Mr. President, I offer this joint resolution concerning tax preparation firms, asking for its appropriate reference and that it be printed in the RECORD at the conclusion of these remarks.

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

S.J. RES. 86

Joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury shall make a thorough study of persons engaged, on a full-time or part-time basis, in the business of preparing Federal tax returns for the purpose of determining the necessity or desirability of Federal regulation or supervision of such business, and of the persons so engaged, in order to preserve and protect the Federal tax system. Such study shall include, but is not limited to, the necessity or desirability of Federal regulation or supervision—

(1) of specific categories of firms or individuals engaged in such business, and

(2) with respect to the preparation of specific categories of Federal tax returns.

SEC. 2. If the Secretary of the Treasury determines that Federal regulation or supervision of persons engaged in the business of preparing Federal tax returns (or of specific categories of such persons or of the preparation of specific categories of such returns) is necessary or desirable, he shall also determine

the method or methods by which, in his judgment, such regulation or supervision can be most effectively accomplished.

SEC. 3. The Secretary of the Treasury shall, within one year after the date of the enactment of this joint resolution, report to the House of Representatives and the Senate the results of the study conducted pursuant to this joint resolution together with the determinations made by him and his recommendations, if any, for legislation.

## ADDITIONAL COSPSONORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 41, a bill to establish a National Information and Resource Center for the Handicapped.

S. 869

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 869, a bill to extend to unmarried individuals the tax benefits of income splitting enjoyed by married individuals filing joint returns.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1082, a bill regulating the discharge of wastes in territorial and international waters.

S. 1111

At the request of Mr. RIBICOFF, the Senator from Colorado (Mr. DOMINICK) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 1111 to provide an income tax credit for certain higher education expenses.

S. 1116

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1116, to require the protection, management, and control of wild free-roaming horses and burros on public lands, the names of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), the Senator from Nevada (Mr. BIBLE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from North Carolina (Mr. JORDAN), the Senator from California (Mr. TUNNEY), and the Senator from Wyoming (Mr. MCGEE), be added as cosponsors.

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

S. 1374

At the request of Mr. THURMOND, the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1374, a bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia.

S. 1382

At the request of Mr. MUSKIE, the Senator from Illinois (Mr. STEVENSON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. BAYH), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1382, a bill authorizing appropriations for non-SST transportation work.

S. 1383

Mr. TOWER. Mr. President, I am pleased to join today in cosponsoring S. 1383, which is designed to insure that those who kill policemen and firemen while these officers are acting in their official capacity will be swiftly brought to justice. S. 1383, in effect, authorizes the Federal Bureau of Investigation to enter these homicide cases when it appears that the guilty party may have crossed a State line in order to avoid prosecution.

Mr. President, the incidence of murdering our local law and fire protective officers is growing at an alarming rate. Scarcely a day goes by when there is not some report of a policeman or fireman being killed while performing his duty. There is even evidence that some fringe groups have a policy of exterminating those people who risk so much to protect us and our country. We owe it to these men to give them this added protection, so that those who might consider such a heinous crime would know that the full weight of the Federal Government would be brought to bear against them until they were brought to justice.

This problem has recently been brought home to Texans in an all too graphic way. On February 15, gunmen executed three deputy sheriffs in Dallas. This incident truly shocked the citizens of my State, and they have been demanding action to prevent the recurrence of any such tragedy. While nothing can guarantee to prevent murder, if we subject would-be assassins to pursuit by the FBI as well as local and State authorities, hopefully they will consider the odds against them too great to even attempt any action. It is about time that we began to put the odds again on the side of the law-abiding citizens and the men who protect them, rather than giving the criminal undue protection and leniency.

S. 1401

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1401, to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), the Senator from Idaho (Mr. JORDAN), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors.

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

S. 1408

At the request of Mr. MUSKIE, the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1408, a bill making the tax laws more equitable for public interest law firms and some other organizations.

S. 1475

At the request of Mr. STENNIS, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 1475, the gunboat *Cairo* bill.

S. 1485

At the request of Mr. RIBICOFF, the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 1485, a bill to establish a Department of Education.

S. 1488

At the request of Mr. MUSKIE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1488, a bill to amend the Immigration and Nationality Act.

S. 1489

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1489, a bill for the relief of Park Jung Ok.

S. 1490

At the request of Mr. MCINTYRE, the Senator from Rhode Island (Mr. PASTORE), the Senator from Nebraska (Mr. HRUSKA) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1490, a bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes.

S. 1510

At the request of Mr. TOWER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1510, to amend the Military Medicare Act.

## SENATE CONCURRENT RESOLUTION 19—SUBMISSION OF A CONCURRENT RESOLUTION DESIGNATING "VOLUNTARY OVERSEAS AID WEEK"

Mr. PEARSON. Mr. President, since World War II and even before, overseas assistance by voluntary organizations in this country has helped carry forth the humanitarian concerns of the American people for their fellow men. This tradition of exporting, through private voluntary groups, the American penchant for meeting and solving problems has turned itself into a very professional and

often extremely effective channel for down-to-earth aid to the hungry and the sick. As this practice has matured, it has turned more and more toward cooperation with community leaders who seek to solve such problems themselves, and in their own way.

This year the Advisory Committee on Voluntary Foreign Aid completes 25 years of service as an intermediary between these voluntary agencies and the U.S. Government. Other organizations dedicated to the business of voluntary relief, such as CARE, are also coming to the end of a quarter century of service. While we are in a period when domestic priorities demand the energies of Government—and I believe properly so—still there is no denying that the resources of this Nation, and its people, should be available to provide relief from want caused by the disruption of wars and the devastation of natural disasters. And they should be available to meet the worldwide demand for talent and trained leadership in the development of communities large and small.

I do not pretend, Mr. President, that these needs can be met by any form of overseas assistance, whether it be private or public. But there is a desire to try in a human and cooperative fashion which reaches across national borders and brings people together for common goals out of a sense of common responsibility. This desire deserves the encouragement of Government.

Therefore, I submit today a concurrent resolution calling on the President to designate the week of May 10, 1971, as "Voluntary Overseas Aid Week," and urge its early adoption by the Senate as a means of commending the dedicated men and women whose contributions have made voluntary foreign aid welcome among the peoples of the world.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 19), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 19

Whereas on May 14 the Advisory Committee on Voluntary Foreign Aid will have completed twenty-five years of service as an intermediary between the United States Government and American voluntary agencies engaged in overseas relief and development assistance programs;

Whereas voluntary organizations have made significant contributions to social and economic development and to the relief of human suffering in nations throughout the world;

Whereas the people of the United States have, through their support of these voluntary agencies, demonstrated their deep feeling for the needs of peoples in foreign lands; and

Whereas both the Congress and the President have supported and encouraged the humanitarian work of the voluntary agencies: Now, therefore, be it

*Resolved by the Senate (the House concurring)*, That it is the sense of the Congress that the American voluntary foreign aid agencies are to be commended for their humanitarian efforts to help relieve distress and create a better life for less fortunate people in nations abroad.

It is further the sense of Congress that in recognition of the contributions of these agencies to mankind that the President should designate the week of May 10, 1971, as "Voluntary Overseas Aid Week."

## SENATE CONCURRENT RESOLUTION 20—SUBMISSION OF A CONCURRENT RESOLUTION TO AUTHORIZE THE LOAN OF THE FREEMAN THORPE PORTRAIT OF ABRAHAM LINCOLN TO THE CITY OF BRAINERD, MINN.

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues the centennial celebration which has been scheduled by Brainerd, Minn., for August of this year.

In celebrating its 100th anniversary year, Brainerd is planning to demonstrate its many ties with Minnesota's and the Nation's past, as well as its promise of progress for the future.

One of its more interesting ties centers around a portrait of Abraham Lincoln which presently hangs in this Capitol Building. Its painter, Freeman Thorpe, was a Civil War soldier who lived in Washington for several years after the war. His interest turned to painting pictures of many statesmen, including the one of Lincoln.

Mr. Thorpe eventually moved to the Brainerd area, in which some members of his family still reside. In honor of the role which he and his family have played in its history, Brainerd is anxious to include them in their centennial celebration. To this end, they are having an exhibit of the art works of Sarah Heald and her father, Freeman Thorpe.

In order to complete the exhibit, the centennial committee has requested that it be allowed to borrow the Thorpe painting of Lincoln to be displayed in the Brainerd Junior College Fine Arts Building during the celebration.

I would therefore like to submit a concurrent resolution which would permit the Thorpe portrait to be loaned to Brainerd for its centennial celebration. I am hopeful that my colleagues will give every consideration to this request.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 20), which reads as follows, was referred to the Committee on Rules and Administration:

S. CON. RES. 20

*Resolved by the Senate (the House of Representatives concurring)*, That, on behalf of the Congress, the Architect of the Capitol shall lend the Freeman Thorpe portrait of Abraham Lincoln, located in the Capitol, to the city of Brainerd, Minnesota, for display by that city in connection with its centennial celebration. Such loan shall be made (1) so that the portrait shall be available for display in that city not later than August 1, 1971, and (2) upon such terms and conditions as the Architect of the Capitol may prescribe to assure the proper transportation, handling, preservation, insurance, and display of such portrait, the return of such portrait to the Capitol as soon as practicable after August 15, 1971, and to assure that such city pays all costs related to such transportation, handling, preservation, insurance, display, and return.

## SENATE RESOLUTION 97—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF REPORT ENTITLED "REPORT OF THE JOINT ECONOMIC COMMITTEE ON THE FEBRUARY 1971 ECONOMIC REPORT OF THE PRESIDENT, TOGETHER WITH STATEMENT OF COMMITTEE AGREEMENT, MINORITY AND OTHER VIEWS"

Mr. PROXMIRE submitted a resolution (S. Res. 97) authorizing the printing of additional copies of the "Report of the Joint Economic Committee," which reads as follows, and was referred to the Committee on Rules and Administration:

*Resolved*, That there be printed for the use of the Joint Economic Committee two thousand additional copies of its report to the Ninety-second Congress, first session (Senate Report No. 92-49), entitled "Report of the Joint Economic Committee on the February 1971 Economic Report of the President, Together With Statement of Committee Agreement, Minority and Other Views," pursuant to section 5(b)(3) of Public Law 304, Seventy-ninth Congress, as amended.

## SENATE RESOLUTION 98—SUBMISSION OF A RESOLUTION RELATING TO PROPOSED ASSET DEPRECIATION RANGE SYSTEM

Mr. BAYH (for himself and Mr. MCGOVERN, and Mr. MUSKIE); submitted a resolution (S. Res. 98) declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific congressional authorization, which was referred to the Committee on Finance.

(Mr. BAYH'S remarks and the text of the resolution, appear under the heading "Statements on Bills and Joint Resolutions.")

## ADDITIONAL COSPONSORS OF RESOLUTIONS AND CONCURRENT RESOLUTIONS

S. RES. 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) may be added as a cosponsor of Senate Resolution 73, a resolution amending rule XVI of the Standing Rules of the Senate.

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

S. RES. 87

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of Senate Resolution 87, Relating to Armaments Limitations: Senators HUGHES, MCGOVERN, MONDALE, and STEVENSON.

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

Mr. HUMPHREY. Mr. President, when I introduced this resolution I stressed the urgency of halting the arms race. I was not speaking poetically of a year or even 6 months from now. I meant today—immediately. Until I am satisfied that the United States is doing everything for its part to reach either tacit or formal agreements which would stop

the arms spiral, I shall not hesitate to reiterate my proposals and dramatize the bleak alternative to agreement.

While the SALT talks should address themselves to several categories of offensive weapons, weapons of prime concern should be the antiballistic missile, the multiple independent targeted reentry vehicle and Soviet land-based missiles. I have proposed that the United States accept the Soviet Union's offer to negotiate an ABM agreement with the express condition that it lead to a future agreement on offensive weapons. In the interim I called for the two countries to enter into a mutual freeze on both offensive and defensive weapons, including ABM and MIRV, for the duration of the SALT negotiations.

My reasons for making these proposals should be perfectly clear. To emphasize what I have already said in this regard, I ask unanimous consent that the highly relevant articles of Herbert Scoville on "The Problem of MIRV: I and II," and of G. B. Kistiakowsky and G. W. Rathjens on "A Chance to Freeze ABM's" be inserted at this point in the RECORD.

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

[From the New York Times, Feb. 8, 1971]

THE PROBLEM OF MIRV: I

(By Herbert Scoville)

WASHINGTON.—In developing national security policy it is always necessary to estimate the capabilities and intentions of potential hostile nations and then evaluate the risks to national security from alternate decisions on force levels.

This weighing of risks is too often neglected in arms limitation agreements. Frequently the risk from possible violation of the agreement is determined without consideration of the dangers if an unrestrained arms race went on.

A classic example of this situation exists regarding MIRVs or Multiple Independently Targetable Re-entry Vehicles. MIRVs present a very serious risk to national security because of their potential as counterforce weapons, particularly because of the incentive that they might provide for carrying out a first strike.

The major potential strategic threat posed by the Soviet Union is the deployment of MIRVs on its large SS-9 missile. Secretary Laird has said that such a threat would be unacceptable when the Soviets have 420 SS-9s each with three MIRVs (the number of multiple re-entry vehicles tested on the SS-9 so far), or a total of about 1,300 warheads. He has recently reported "some preliminary indications that the Soviet Union may have recently started slowing somewhat the level of activity associated with SS-9 missile construction." Therefore, since they now have less than 300 built, they may never deploy as many as 420. However, even a smaller number of SS-9s would provide an equivalent threat if each missile had more than three accurate MIRVs. There is no technological reason why the Soviet SS-9 MIRV system might not include 10 or more warheads.

Because of this larger payload capacity of the Soviet SS-9 missile, MIRVs present in the long run a greater security risk to the U.S. than they do to the Soviet Union. The U.S. is now ahead in MIRV technology. Only in November did Defense spokesmen announce that the Soviets may have tested for the first time a MIRV system for their SS-9. It will be more than a year or two before the Soviets could have a reliably tested accurate system which could, when deployed, threaten the Minuteman.

The MIRV problem is quite different for the Soviet Union. Instead of a long-term risk, the current U.S. MIRV deployment provides a more immediate threat to Soviet security. The U.S. has attempted to make clear that the present Poseidon and Minuteman III missiles do not have a first-strike counterforce potential and that the U.S. has unilaterally decided not to attempt to acquire such a capability. However, such statements as the Sept. 22 remarks by General Ryan, Air Force Chief of Staff, that the "Minuteman III with MIRVs will be our best means of destroying time urgent targets like the long range weapons of the enemy" are not likely to reassure the Soviets.

Therefore, the Russians should have a strong interest in an early halt to the deployment of Poseidon and Minuteman even though in the long term MIRVs might provide them with a military advantage.

U.S. verification of a ban on Soviet MIRV deployment by "national" means, i.e., those under U.S. control and not requiring agreed inspection within the Soviet Union, is not possible. External observation of the missile will not tell whether it contains one, three, ten or twenty warheads. Instead, it is reported that the Administration has proposed "onsite" inspections of the deployed missiles. Unfortunately, even this cannot be expected to provide more than illusory confidence that MIRVs are not deployed. The best "onsite" technique would involve a simple "screwdriver" to open the reentry vehicle to see whether more than one warhead were present. X-ray or other similar scientific methods might be substituted, but such inspection would involve the disclosure of what, at the present time, even the U.S. would consider sensitive security information. Admiral Rickover is not likely to look with favor on the Soviet inspection of U.S. nuclear submarines which he considers superior to the Russian ones.

However, even such intrusive inspection would not by itself provide proof that MIRVs were not being deployed. A few hours' advance notice of an inspection would be too long, for it would be a relatively simple matter to substitute, before the inspector's arrival, a single warhead for the MIRV stage of an appropriately designed missile. Even more difficult than for land-based ICBMs would be the verification for non-deployment of MIRVs on submarine missiles. No further analysis is needed to demonstrate that onsite inspection is not a practical or negotiable method of providing confidence that U.S. security is being protected under a MIRV deployment ban.

Does this means a MIRV limitation is not feasible? No, other means of controlling MIRVs are possible. This analysis of MIRVs will be continued in my second article tomorrow.

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[From the New York Times, Feb. 9, 1971]

THE PROBLEM OF MIRV: II

(By Herbert Scoville)

WASHINGTON.—The control of MIRV's, which would provide such great security and economic benefits for both the United States and the Soviet Union, can be achieved by imposing a ban on MIRV testing and production as well as deployment.

Fortunately, adequate verification of a ban on MIRV testing is easier than one on deployment since it can be achieved by "national" means alone. Some tests leading toward development of MIRV—Multiple Independently Targetable Re-entry Vehicles—capability could be carried out by the Soviet Union under the guise of other weapons development or even a space program. However, any MIRV system that is not flight-tested at essentially full range could never be deployed with confidence that it had high reliability and accuracy.

The United States has been able to observe Soviet ICBM firings ever since the program was initiated in 1957 and it would undoubtedly be able to observe multiple warheads were these tested at full range. Test firings of the SS-9 with MIRV's in space without re-entry or with only a single warhead reentering the atmosphere would not provide the Russians with a system that they could deploy with confidence.

In the case of submarine missiles, the verification might be a little less certain. However, even in this case, the chance of detecting a multiple re-entry vehicle firing would be good.

A ban on production of MIRV's would be extremely difficult for the United States to verify since the MIRV stage of the missile could be manufactured in relatively small facilities. It would be necessary to have a right to carry out large numbers of onsite inspections. Such inspection would almost certainly be unacceptable to the Soviets; probably also to United States industry.

Thus, only in the testing phase would the United States be able to verify an agreement limiting MIRV's. Fortunately, the Soviets have only just begun MIRV testing and would require a year or more before a deployable system could be available. Therefore, the United States could protect its security under a comprehensive ban on MIRV production, testing and deployment through verification of the testing phase. It could be confident that as long as the Soviets had not extensively tested their MIRV's, they would not carry out any widespread production or deployment. The risks to United States security would be extremely low—certainly less than if the Soviets were allowed to develop freely an optimal MIRV system for their SS-9.

The risks to the security of either the United States or the Soviet Union would be much greater from an unrestrained MIRV race than from a ban on the production, testing and deployment of such weapons.

Why then do both countries appear so reluctant to negotiate seriously such a ban? Despite repeated urgings from the Congress, the Administration has refused to halt its MIRV testing and deployment programs even though a Soviet ABM that would require their existence could not be operational for many years and even though the halt were made contingent on similar Soviet restraint in the MIRV and ABM areas. In place of such a bilateral limitation, the Government has opted for a unilateral United States ban on MIRV accuracy improvements which is not likely to reassure any Soviet planner.

There seems to have been little or no serious discussion of MIRV's at the Strategic Arms Limitation Talks by either side, and the United States appears to be seeking onsite inspection to verify a deployment ban, a move probably considered by the Soviets as a signal of lack of serious United States interest.

Why has the Soviet Union not raised the issue of MIRV's earlier on at the strategic arms talks? While it is understandable that they do not wish to be frozen in a position of inferiority, it is quite likely that had serious negotiations been undertaken at an earlier stage, United States MIRV deployment might have been forestalled. An early MIRV ban would have been clearly in their interest. Unfortunately, the Russian leaders seem reluctant to make a proposal that would be controversial to some segments of their society without some assurance that it would be accepted by the United States.

New weapons development programs seem to possess momentum to outstrip the plodding pace of arms control negotiations, is this not the time for the United States to provide the necessary leadership to obtain limitations on MIRV's before it is really too

late? If the Soviets are really slowing their SS–9 deployment and have already begun testing MIRV's, the United States should use his new situation as a trigger to re-examine its policies. The risks from an unlimited MIRV race far outweigh those from possible violations of a MIRV ban.

[From the New York Times]

A CHANCE TO FREEZE ABM'S

(By G. B. Kistiakowsky and G. W. Rathjens)

The Nixon Administration has obviously been concerned about possible Soviet strategic arms development of two kinds: the growth of a capability to destroy a very large fraction of our ICBM's by pre-emptive attack; and the possibility that a sufficiently effective Soviet ABM system might be deployed so that neither we nor they would believe in the retaliatory capabilities of our strategic forces.

Understandably, the Administration, in its approach to the SALT talks has sought to spike both possibilities. Regrettably, there appear to be nearly insurmountable obstacles to an early agreement achieving these objectives.

Nevertheless, if, as reported, the Soviet Union has an interest in an early agreement to limit the deployment of ABM systems, SALT could still accomplish something very important. Properly worded, an agreement on ABM alone could be advantageous to both sides.

To many Americans, and to Russians as well, it would seem strange indeed if the first serious initiative to control strategic arms applied only to the defensive systems. Yet, such a move may be the key to bringing the arms race to a halt. Much of the incentive for growth in offensive forces has its basis (at least ostensibly) in concern about adversary's defenses, and if the defenses are limited by agreement one can at least hope that the offensive forces will be limited to unilateral restraint.

If the right kind of an ABM agreement could be reached it would make any significant upgrading by the Soviet Union of its ABM defenses an easily observable breach of a treaty, hence a major international issue. With such a treaty it would be entirely reasonable for us to suspend our programs to deploy MIRV's (multiple independently targeted warheads) on our missiles since their primary rationale is for penetration of ABM defenses. Our confidence in the capability of our Polaris force alone to serve as an effective deterrent would be enhanced; thus there would be less reason to go ahead with such new program as the Navy's undersea long-range missile system or the Air Force's new bomber, the B–1. Such restraint would save tens of billions of dollars without loss of our security.

If an agreement did lead us to restrain our MIRV programs, there is at least the possibility that the Soviet Union might do likewise—perhaps a remote possibility but greater now than a year ago since the deployment of Soviet SS–9 missiles appears to be tapering off, according to Secretary Laird. Thus, an ABM agreement could lead not only to the achievement of the second of the aforementioned objectives of SALT but also indirectly of the first, that is to an alleviation of concerns about a possible "first strike" against us.

From an American point of view, the *sine qua non* of any ABM agreement would be assurance that the Soviet Union could not upgrade its ABM by clandestinely incorporating into it large numbers of new interceptor missiles, or, as some fear, its many thousands of presently deployed air defense missiles. Because large radars, which are essential to ABM systems, take longer to construct and are much more visible than the other components of the system, the key to such an agreement will be limitation on radars. Ideally, an agreement ought to require the dismantling of those now deployed, but failing that, an agreement that would freeze the very limited Soviet ABM system in its present form would be almost as good. We could have high confidence that such a system could be easily overwhelmed, and we would know about any dramatic improvements in sufficient time to take appropriate action.

The advantages of such an agreement would be great enough that we ought to be willing to accept severe limits on our own ABM—perhaps only phase I of the Safeguard defense of our missile sites, perhaps only a very limited defense of the Washington area, or even a total freeze on U.S. ABM deployment, which of course would leave us with no ABM at all.

Above all, we ought not to insist, as some have reported we have, on linking limitations on offensive systems to any ABM agreement. To do so could well mean missing the greatest opportunity in years for real progress in arms control.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MUSKIE, the Senator from Massachusetts (Mr. KENENDY) was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution commemorating the 450th anniversary of the founding of San Juan, Puerto Rico.

## EXTENSION OF THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 32

OPPOSING A 2-YEAR DRAFT EXTENSION

Mr. BAYH. Mr. President, I am opposed to the President's request for a 2-year extension of the draft. If our national security needs demand an extension of the President's authority to conscript men into the Armed Forces then, I respectfully submit, a 1-year extension is a more appropriate measure. I also urge that Congress be authorized to establish a ceiling on the number of draftees that could be inducted in the next fiscal year.

Congress has the constitutional authority to raise and maintain armies. Translated into legislative functions, this means it has the power both to establish the size of the Armed Forces and to determine the manner in which our young men are asked to serve. Congress should—indeed it must—exercise this vital constitutional prerogative annually.

The power to conscript men into the Armed Forces is an awesome responsibility. Congress should not lightly grant this authority to the President—nor for too long a period of time. When it does, moreover, it should continue to exercise its full constitutional powers to determine the number of draftees required to meet our national defense needs. That is a determination that should not be left to the President.

As a result of my amendment to the Military Procurement Act of 1970, Congress is specifically charged with the responsibility for annually authorizing the average active-duty force levels of the component services. By requiring annual authorizations, Congress struck at the visible structure of the military manpower issue. Since active duty strength is, in part, a function of annual induction levels, Congress should likewise have the power to determine the proper mix of draftees and volunteers.

For a Congress concerned about its proper role in the formulation of foreign and national security policy, to simply extend the President's authority to draft—without imposing any restraints—is an abdication of its proper role in our scheme of government. The size and nature of our military manpower, after all, is a major index of our national security posture and our treaty obligations. In terms of the total costs of the defense budget, moreover, manpower is the single most expensive item. Most importantly, manpower is our most precious resource.

Mr. President, in looking back over the post World War II years at previous congressional actions in extending the draft, I was shocked by the apparent willingness of Congress to grant the President long-term authority to conscript men. In 1951, 1954, 1958, 1963, and again in 1967 the President's authority to draft—an authority that established no limits on the number of such draftees—was extended with only little debate. It simply sufficed for the Department of Defense to say in its 1967 request for a 4-year extension, for example, that it was "in accordance with the procedures followed by the Congress in the previous extensions."

I submit, Mr. President, that such explanations are no longer adequate—if indeed they ever were.

We are now being told that as long as the war in Vietnam continues, there is need for the flexibility in force strength afforded by the present draft system—a system that imposes no limit on the number of young men to be drafted. In light of the current military situation in Southeast Asia, this could easily be interpreted to mean that the President would like to retain the power to increase draft calls in the event he escalated the American combat role in Indochina—without congressional interference. I, for one, am not prepared to grant him that kind of unfettered authority.

Mr. President, a decision to extend the Selective Service Act must necessarily involve a consideration of the desirability—and feasibility—of replacing the draft with an all-volunteer force. I welcome the national debate now underway on this question. Hopefully, it will focus attention not only on the many administrative shortcomings of the present draft but will force us to face up to the basic meaning of conscription. To draft young men to fight—and, for many, to die—is to impose a limitation on human freedom. Such a limitation should not be imposed for any but the most compelling reasons of national defense.

I strongly favor an announced American withdrawal from Vietnam within 1 year from the date of announcement. I had hoped that this goal could be reached by the end of 1971. But I believe that as long as young Americans are forced to fight in Southeast Asia, they should be chosen under the draft system rather than through a voluntary army. The draft should be retained, on the basic of an annual congressional authorization, but not for the generally accepted reason about manpower needs.

There is a much more fundamental reason, Mr. President. An elementary sense of justice, it seems to me, requires that the tragic burdens of wartime military service should be distributed as evenly as possible across all groups in American society.

I personally abhor the situation which now finds our young men fighting and dying in Southeast Asia. In my judgment, this is a bad war. It will not become a good war by merely changing the names and faces of those who fight it. If a certain foreign policy is bad we should change it—not just change the way it is implemented.

To move directly to a volunteer army today, Mr. President, would be a mistake. There are some still unresolved problems associated with raising an all-volunteer force that must be answered convincingly. I am not yet convinced, for example, that we could avoid the kind of discrimination based on race and income that would perpetuate—possibly increase—division and injustice in our society. More importantly, the process of controlling military adventurism is strengthened by the leavening influence of civilians spread throughout the military.

An all-volunteer army might well be comprised of young men from the lower end of the economic spectrum—those who cannot find similarly lucrative employment in the private economy. And at this time, it should be noted, we are experiencing a 6-percent unemployment rate and youth unemployment rates of double that. This is no way for a democratic government to implement its foreign policy or sustain its military during a war.

A number of proposals have been made concerning the first steps we should take this year in moving toward a volunteer army. A 1-year extension of the draft, it seems to me, would be perfectly consistent with these efforts. A 1-year extension would present Congress with another opportunity next year to review the impact of these proposed changes, particularly the pay increases voted by the House, and to evaluate the likelihood of their eventually producing an all-volunteer military.

Any extension of the draft, moreover, must include a major overhaul of the present administrative machinery to insure that those who must serve have been selected by as fair and just a process as we can devise.

At a time when the complexion of the war in Indochina and our strategic needs can change dramatically within a few months time, Congress should exercise an annual check on both the level of troop strength and the method of induction. The need to determine both of these questions, in line with changing strategic goals, is based on a constitutional grant of authority that Congress cannot now afford to neglect.

The essential precondition for abolishing the draft, Mr. President, is the ending of our tragic involvement in Vietnam.

I ask unanimous consent that the complete text of my amendment be printed in the RECORD.

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

On page 11, line 20, (1) strike out "July 1, 1973", and insert in lieu thereof "July 1, 1972", and (2) strike out the period at the end of such line and insert in lieu thereof a comma and the following: "and no person shall be inducted for training and service in the Armed Forces in any fiscal year, beginning with the fiscal year which begins July 1, 1971, unless the maximum number of persons that may be inducted for training and service in the Armed Forces in such fiscal year has been prescribed by law enacted after January 1, 1971."

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment will be received and printed, and appropriately referred.

The amendment (No. 32) was referred to the Committee on Armed Services.

AMENDMENT NO. 34

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that I be permitted to submit a statement by him, together with an amendment to H.R. 6531, a bill to amend the Selective Service Act of 1967.

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

AN AMENDMENT TO PROVIDE FOR A 1-YEAR EXTENSION OF THE INDUCTION AUTHORITY

Mr. WILLIAMS. Mr. President, today I am submitting an amendment to H.R. 6531 (a bill to amend the Selective Service Act of 1967), that would extend the induction authority of the President for 1 year, to June 1, 1972.

This amendment is similar to the bi-partisan measure introduced on the House side during floor action on H.R. 6531 by Representatives Whalen, Aspin and Hicks of Washington. It was defeated by the extremely narrow margin of two votes, 198 to 200.

By providing for a 1-year extension of the induction authority, rather than the 2 year extension sought by the Administration, my amendment would accomplish two things.

First, it would bring the bill closer to the recommendations of the Gates Commission, appointed by the President in March 1969. The Commission had estimated that an all-volunteer force could be established within 1 year, advised that the draft authority be allowed to expire on June 30, 1971, and suggested that pay increases be used to attract sufficient volunteers to maintain necessary manpower levels.

Many objections have been raised to such a rapid termination of the induction authority before there was sufficient time to determine whether or not enough volunteers could be attracted to fill the approximately 75,000 additional places which the Gates Commission estimated would be needed. My amendment would provide a period of at least 12 months for assessing whether the pay increases and other benefits provided by H.R. 6531 are sufficient to produce an all-volunteer force. If, during that time, the Administration found that projections of enlistment rates were unrealistic, alternative proposals could then be made.

Secondly, the 1-year extension, as opposed to the two-year extension, gives the Congress as well as the President, an opportunity to again assess the manpower needs of the armed forces in early 1972, when the extent of the U.S. disengagement from Southeast Asia will be more clearly evident than can be surmised at the present time. If, at that time, there is still a need to maintain sizable contingents of U.S. troops in Southeast Asia, then the administration and the Congress will share the joint responsibility for requesting another extension of the induction authority. This would, in effect, provide the Congress with an opportunity to exercise its constitutionally-guaranteed right to participate in the war-making function, and it would provide it next year, rather than in 1973, as the administration proposal would stipulate.

Mr. President, I can understand, although I may not entirely agree with, the reasoning of those who wish to extend the induction authority beyond June, 1971, in order to test the validity of the assumptions upon which the all-volunteer army is based. And for this reason, I offer this amendment as a compromise position between those who wish to inaugurate the all-volunteer system in June, 1971, and those who feel the need for a 2-year transition period. I do not believe, given the continued rate of troop withdrawals announced by the President, that the Congress would be reluctant to grant an additional 1-year extension of induction authority in 1972 if the administration clearly states that it is necessary for the purpose of completing the transition to the all-volunteer force.

However, if it becomes clear that the induction authority is valued not for this purpose, but for its utility in maintaining a sizable commitment of troops in Southeast Asia, then it is only proper that it should be reviewed very closely, and frequently, by the Congress.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment will be received and printed, and appropriately referred.

The amendment (No. 34) was referred to the Committee on Armed Services.

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## PEACETIME TRANSITION ACT—AMENDMENT

AMENDMENT NO. 33

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent to submit a statement by him, together with an amendment with respect to the Peacetime Transition Act (S. 1191), introduced on March 11, 1971, by the Senator from South Dakota (Mr. McGOVERN) and the Senator from Maryland (Mr. MATHIAS).

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

AMENDMENT TO THE PEACETIME TRANSITION ACT

Mr. President, I am submitting today an amendment to the Peacetime Transition Act S. 1191 introduced on March 11, 1971 by the Senator from South Dakota (Mr. McGOVERN) and the Senator from Maryland (Mr. MATHIAS).

I feel that the Peacetime Transition Act, which I joined in cosponsoring, is an excellent example of the type of commitment which private industry and the U.S. Government, working hand-in-hand, should make to the welfare of those workingmen and women who will be affected by the sweeping industrial and economic changes that are to be expected as large sections of our economy move from an orientation to military production to one geared to peacetime production, and from an emphasis on space exploration to one of concentration on research and development in ecology and consumer goods. However the workers in the industries involved, whether scientists and technicians or

maintenance and clerical workers, are too frequently bearing the brunt of technological changes or policy decisions beyond their control.

In any situation where the U.S. Government itself has been primarily responsible for changes that jeopardize the jobs or livelihood of its employees or those in the private sector, it has traditionally extended a helping hand. Now that a sizable conversion of our economy is inevitably and swiftly approaching, it is only proper and entirely consistent with our national tradition of assistance to the working man, that we prepare for the eventuality.

I personally feel that S. 1181 represents a commendable approach to the problem, although I recognize that several proposals are before the Congress, and I stand ready to lend my support to any reasonable measures which would provide a measure of protection or relief to those who are suddenly deprived of an income. However, there is an amendment which I would like to propose today to the Peacetime Transition Act which would broaden the coverage slightly to include those workers who may be affected by the termination of the U.S. supersonic transport program.

At present S. 1191 would extend benefits to those workers who are unemployed as the result of cut-backs in the Government defense or space program, but does not include those who may soon be subject to layoffs in the SST program, since this is a program which does not fall, strictly speaking, into either category. However, this program was initiated by the U.S. Government, and the research and development which has already been done under its auspices has made a definite contribution to the existing technology of aviation, thus making an input to both our defense and aerospace industries.

I therefore feel that this amendment will add the short-term objective of easing the transition for the estimated 10,000 to 13,000 employees who may be affected by the termination of the SST to the long-term objective of easing this transition for the far larger numbers of employees involved in defense and space programs that may also be converted in the near future.

Both of these objectives are admirable because of their contribution to the individual welfare and dignity of those involved. They are also necessary to the continued economic health and vitality of our Nation's scientific and technical community.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment will be received and printed, and appropriately referred.

The amendment (No. 33) was referred to the Committee on Commerce.

## NOTICE OF HEARINGS ON AMENDMENTS TO SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs will hold hearings on the bills S. 71, S. 1260, and S. 1355, to amend the Small Business Act, and the bill S. 1224, to amend the Small Business Act and the Small Business Investment Act.

The hearings will be held on Wednesday, April 21, 1971, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Alan S. Novins, Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225–7391.

## NOTICE OF HEARINGS ON CLASS ACTION BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I announce that the Subcommittee for Consumers of the Committee on Commerce has scheduled public hearings on consumer class action bills (S. 984, S. 1222, and S. 1378) on Tuesday, April 27, in room 1318, New Senate Office Building, and Thursday, April 29, in room 5110, New Senate Office Building. Hearings will commence at 9:30 a.m.

Persons interested in appearing at the hearing should notify John Cary, staff counsel, at 225–6627.

## NOTICE OF HEARING ON CERTAIN WATER RESOURCE PROJECTS UNDER JURISDICTION OF THE CORPS OF ENGINEERS AND THE SOIL CONSERVATION SERVICE

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works, of which I am chairman, will hold public hearings relating to authorization of several pending water resource matters.

On Tuesday, April 27, 1971, the subcommittee will receive testimony from the Corps of Engineers on the following projects that have been recommended by that agency:

First. City of San Leandro Marina, Alameda County, Calif., House Document No. 91–428;

Second. University Wash and Spring Brook, Riverside, Calif., Senate Document No. 91–116;

Third. Dunkirk Harbor, N.Y., House Document No. 91–423.

On the same day, following the testimony of the Corps of Engineers, the subcommittee will hear the recommendations of representatives of the Soil Conservation Service on the following favorable projects:

First. Ecleto Creek, Tex., Senate Committee Print No. 92–5;

Second. Ni River, Va., Senate Committee Print No. 92–8;

Third. Pond Creek, Tex., Senate Committee Print No. 92–6;

Fourth. Sanderson Canyon, Tex., Senate Committee Print No. 92–7; and

Fifth. Tallaseehatchie Creek, Ala., Senate Committee Print No. 92–4.

The following day, Wednesday, April 28, 1971, the subcommittee will hear from all other witnesses who may have an interest in these proposed projects. In this connection, anyone who wishes to testify or file a statement for the record should contact Mr. Joseph F. Van Vladricken, professional staff member, Subcommittee on Flood Control—Rivers and Harbors, Committee on Public Works, room 4206, New Senate Office Building, Washington, D.C. Telephone: Area Code 202—225–6176. The subcommittee will meet on both days at 10 a.m. in room 4200, New Senate Office Building.

The subcommittee consists of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. TUNNEY), the Senator from Texas (Mr. BENTSEN), the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. COOPER), the Senator from Maryland (Mr. BEALL), the Senator from Connecticut (Mr. WEICKER), and myself.

## NOTICES OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to submit, on behalf of the distinguished senior Senator from Mississippi (Mr. EASTLAND), notices of a public hearing on nominations.

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

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 21, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

James E. Barrett, of Wyoming, to be U.S. Circuit Judge, 10th Circuit, vice John J. Hickey, deceased.

Raymond J. Broderick, of Pennsylvania, to be U.S. District Judge, Eastern District of Pennsylvania, vice a new position created by Public Law 91–272, approved June 2, 1970.

Herbert Y. C. Choy, of Hawaii, to be U.S. Circuit Judge, 9th Circuit, vice Stanley N. Barnes, retired.

William E. Doyle, of Colorado, to be U.S. Circuit Judge, 10th Circuit, vice Alfred P. Murrah, retired.

Walter T. McGovern, of Washington, to be U.S. District Judge for the Western District of Washington, vice William J. Lindberg, retired.

Thomas R. McMillen, of Illinois, to be U.S. District Judge for the Northern District of Illinois, vice William J. Campbell, retired.

Robert A. Sprecher, of Illinois, to be U.S. Circiut Judge, 7th Circuit, vice Latham Castle, retired.

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

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND) as Chairman; the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Nebraska (Mr. HRUSKA).

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

G. Kent Edwards, of Alaska, to be U.S. Attorney for the District of Alaska for the term of 4 years, vice Douglas B. Baily.

Donald P. Mackay, of Illinois, to be U.S. Attorney for the Southern District of Illinois for the term of 4 years, vice Richard E. Eagleton, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, April 21, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the Additional Protocol to the Latin America nuclear free zone treaty.

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

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## ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Mr. MANSFIELD. Mr. President, this is not to be considered as a precedent for violating the rule of germaneness, but because of the situation that has developed today, I hope Senators will recognize the fact that this is being done only to place in the RECORD an explanation of the treaty and that a vote on the treaty, the Senate concurring, will take place at 1 o'clock on Monday next.

Mr. President, I ask unanimous consent that the Chair lay before the Senate executive H, 91st Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider executive H, 91st Congress, second session, the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, which was read the second time as follows:

TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

*Preamble*

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

*Recalling* that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

*Recalling* that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

*Recalling* United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

*Recalling* United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

*Recalling* that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the homisphere,

*Convinced:*

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement or disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of military denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin American would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples.

*Convinced finally:*

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of university, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

*Have agreed as follow:*

*Obligations*

ARTICLE 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

*Definition of the Contracting Parties*

ARTICLE 2

For the purposes of this Treaty the Contracting Parties are those for whom the Treaty is in force.

*Definition of territory*

ARTICLE 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

*Zone of application*

ARTICLE 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

*Definition of nuclear weapons*

ARTICLE 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

*Meeting of signatories*

ARTICLE 6

At the request of any of the signatory States or if the Agency established by article

7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

*Organization*

ARTICLE 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

*Organs*

ARTICLE 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

*The General Conference*

ARTICLE 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.

(c) Shall elect the Members of the Council and the General Secretary.

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires.

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

*The Council*

ARTICLE 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

*The Secretariat*

ARTICLE 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from nongovernmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

*Control system*

ARTICLE 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13–18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons.

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

*IAEA safeguards*

ARTICLE 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

*Reports of the Parties*

ARTICLE 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

*Special reports requested by the General Secretary*

ARTICLE 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the

Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

*Special inspections*

ARTICLE 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, subparagraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similiarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

*Use of nuclear energy for peaceful purposes*

ARTICLE 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

*Explosions for peaceful purposes*

ARTICLE 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purposes, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained,

(b) The place and purpose of the planned explosion,

(c) The procedures which will be followed in order to comply with paragraph 3 of this article,

(d) The expected force of the device, and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity and the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

*Relations with other international organizations*

ARTICLE 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

*Measures in the event of violation of the Treaty*

ARTICLE 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

*United Nations and Organization of American States*

ARTICLE 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

*Privileges and immunities*

ARTICLE 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

*Notification of other agreements*

ARTICLE 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

*Settlement of disputes*

ARTICLE 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

*Signature*

ARTICLE 25

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American Republics, and

(b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signatures of a disptue or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

*Ratification and deposit*

ARTICLE 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

*Reservations*

ARTICLE 27

This Treaty shall not be subject to reservations.

*Entry into force*

ARTICLE 28

1. Subject to the provisions of paragraph 2 of this article this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension: the Treaty shall remain suspended until the new power, on its own intiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

*Amendments*

ARTICLE 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

*Duration and denunciation*

ARTICLE 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

*Authentic texts and registration*

ARTICLE 31

This Treaty, of which the Spanish, Chinese, English, French, Portugese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

TRANSITIONAL ARTICLE

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

For the Argentine Republic:
For the Republic of Bolivia:
REINALDO DEL CARPIO JÁUREGUI
For Brazil:
For the Republic of Colombia:
ALVARO HERRÁN MEDINA
TULIO MARULANDA
For the Republic of Costa Rica:
RAFAEL ANGEL CALDERÓN GUARDIA
For the Republic of Chile:
ARMANDO URIBE ARCE
For the Republic of Ecuador:
LEOPOLDO BENITES VINUEZA
For the Republic of El Salvador:
RAFAEL EGUIZÁBAL TOBÍAS
For the Republic of Guatemala:
CARLOS LEÓNIDAS ACEVEDO
CARLOS HALL LLOREDA
JUAN CARLOS DELPRÉE CRESPO
For the Republic of Haiti:
JULIO JEAN PIERRE-AUDAIN
For the Republic of Honduras:
ARMANDO VELÁZQUEZ CERRATO
For Jamaica:
For the Mexican United States:
ALFONSO GARCÍA ROBLES
JORGE CASTANEDA
For the Republic of Nicaragua:
For the Republic of Panama:
JOSÉ B. CÁRDENAS
SIMÓN QUIRÓS GUARDIA
JOSÉ B. CALVO
For the Republic of Paraguay:
For the Republic of Peru:
EDUARDO VALDEZ PÉREZ DEL CASTILLO
For the Dominican Republic:
For Trinidad and Tobago:
For the Eastern Republic of Uruguay:
MANUEL SÁNCHEZ MORALES
For the Republic of Venezuela:
ROLLANDO SALCEDO DELIMA

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

*Convinced* that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

*Aware* that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

*Have agreed as follows:*

*Article* 1. To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

*Article* 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

*Article* 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

Mr. MANSFIELD. Mr. President, the protocol and the treaty to which it pertains, the Treaty for the Prohibition of Nuclear Weapons in Latin America—described briefly in the last paragraph of this section, are the result of the work of the Preparatory Commission for the Denuclearization of Latin America which met in Mexico City between March 1965 and February 1967. The United States was not a member of the Commission but sent observers to all but one of its sessions. On February 14, 1967, the treaty and its two protocols were opened for signature. The United States signed Additional Protocol II with an accompanying statement on April 1, 1968, at Mexico City. The United States has not signed and does not presently plan to sign Protocol I. More than 2 years later, on August 13, 1970, it was submitted to

the Senate for advice and consent to ratification.

According to the executive branch, the delay in signature and submission of the protocol to the Senate was occasioned by a desire to see whether the treaty would be "widely accepted by the parties" and by a desire to test the United States interpretation of the treaty and the protocol in actual practice with the parties over an extended period. An initial hearing on the protocol was held by the Committee on September 22, 1970, and a second, and final, hearing on February 23, 1971.

PURPOSE

Protocol II was designed expressly for signature by states possessing nuclear weapons and wishing to associate themselves with the objectives of the treaty. By adhering to this protocol the United States commits itself, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute to its violation, and not to use or threaten to use nuclear weapons against the Latin American states for which the treaty is in force.

The treaty itself, which only Latin American nations may sign, commits the contracting parties to use nuclear materials and facilities under their jurisdiction only for peaceful purposes. It prohibits contracting parties from producing, testing, or possessing nuclear weapons in their territories. In addition it forbids the receipt, deployment or installation of any nuclear weapons in the territories of the parties. Compliance with the treaty is to be assured through the International Atomic Energy Agency safeguards system and by special inspections conducted by the Agency for the Prohibition of Nuclear Weapons in Latin America, an international body established under the provisions of the treaty.

Mr. President, this treaty is the result of an initiative on the part of the Republic of Mexico. It was reported out of the committee, as I recall, unanimously. I ask unanimous consent that the main provisions of the protocol, understandings and declarations, and committee action and recommendations be printed in the RECORD.

There being no objection, the information requested—an excerpt from Executive Report No. 92–5—was ordered to be printed in the RECORD, as follows:

MAIN PROVISIONS OF PROTOCOL

Articles 1 and 2 of Additional Protocol II obligate the United States to respect the express aims and provisions of the treaty, and not to contribute in any way to the performance of acts involving a violation of the obligations of Article I of the treaty in the territories to which the treaty applies in accordance with Article 4 thereof.

Article 3 contains an undertaking "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty." The treaty defines contracting parties as "those for whom the Treaty is in force" and thus the term does not include parties to either of the protocols.

Article 4 of the protocol incorporates a number of the provisions of the treaty by reference. It provides that the duration of the protocol shall be the same as that of the treaty, and that the provisions of Article 30 on denunciation shall be applicable to the protocol. Article 30 of the treaty provides that it may be denounced "if, in the opinion of the denouncing state, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties," and goes on to provide that denunciation shall take effect 3 months after notification. Article 4 of the protocol also provides that the definitions of "territory" and "nuclear weapons" as set forth in Articles 3 and 5 of the treaty shall be applicable to this protocol. In addition, Article 4 of the protocol states that the "provisions regarding ratification, reservations, * * * authentic texts and registration contained in * * * the treaty" should be applicable to the protocol.

Article 5 of Protocol II provides that the protocol shall enter into force for each adherent on the date it deposits its instrument of ratification.

UNDERSTANDINGS AND DECLARATIONS

In his letter of transmittal the President requested that the Senate give its advice and consent to ratification, subject to certain understanding set forth in a statement accompanying the report of the Secretary of State. This statement was similar to that which accompanied the United States signature of the protocol but contained revised language reflecting the entry in force of the Nuclear Non-Proliferation Treaty which occurred subsequent to U.S. signature of the protocol. In the course of the Committee's hearings executive branch witnesses proposed another modification of the statement to present a more explicit formulation of the U.S. understanding of the basis for territorial claims. The principal provisions of the revised statement, which is incorporated in the form of a declaration in the resolution of advice and consent, are as follows:

(1) U.S. ratification cannot be construed as an acceptance by the United States of the unilaterally asserted territorial boundary claims of the parties to the treaty (e.g., territorial seas).

(2) U.S. military transit and transport privileges will not be affected by ratification.

(3) The pledge not to use nuclear weapons against a contracting party would not prohibit a U.S. nuclear response in the event of an armed attack by a party with the assistance of a nuclear weapon state.

(4) Contracting parties are prohibited from acquiring nuclear explosives for peaceful purposes, but the United States could carry out nuclear explosions for peaceful purposes on their behalf and reaffirms its willingness to do so on the same terms as under the Nuclear Non-Proliferation Treaty.

(5) The United States will act with respect to Latin American territories of Protocol I adherents just as Protocol II would require us to act with regard to contracting parties.

COMMITTEE ACTION AND RECOMMENDATIONS

The Committee on Foreign Relations held public hearings on the protocol on September 22, 1970. At that time testimony was heard from Mr. Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs, Mr. James F. Leonard, Assistant Director, U.S. Arms Control and Disarmament Agency, Mr. Charles Van Doren, Deputy General Counsel, U.S. Arms Control and Disarmament Agency, and Rear Admiral William E. Lemos, Director, Policy Plans, Office of the Assistant Secretary of Defense. Completion of the hearings was then delayed pending the appearance before the Committee of Admiral Thomas E. Moorer, Chairman of the Joint Chiefs of Staff. On February 23, 1971, Admiral Moorer testified in support of the protocol. The record of these two hearings has been published as a separate document for the information of the Senate. On March 30, 1971, the Committee, by a vote of 13–0, ordered the protocol reported favorably to the Senate subject to the understandings discussed above. Those members voting in the affirmative were Senators Fulbright, Sparkman, Church, Symington, Pell, McGee, Muskie, Spong, Aiken, Cooper, Javits, Scott and Pearson.

The Committee is not aware of any opposition to the protocol.

The PRESIDING OFFICER (Mr. BAYH). If there be no objection, executive H, 91st Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Mexico City on April 1, 1968 (Ex. H. 91–2), with the following understandings and declarations:

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transist and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty.

II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have a common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a

policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes that Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending protocol occur at 1 p.m. on Monday next.

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

Mr. MANSFIELD. For the information of the Senate, it will, of course, in accordance with the practice in the Senate be a yea-and-nay vote.

The unanimous consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT,
APRIL 14, 1971

*Ordered*, That the Senate proceed to vote on the resolution of ratification to Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Ex. H, 91st Cong., 2d sess.) at 1 p.m. on Monday, April 19, 1971.

## LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournament until 11 a.m. tomorrow.

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

## ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY, APRIL 19, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 a.m. on Monday morning next.

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

## ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 15 minutes.

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

## ORDER FOR RECOGNITION OF SENATORS CASE AND MATHIAS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, at the conclusion of the remarks of the Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from New Jersey (Mr. CASE) be recognized for not to exceed 15 minutes, and that immediately thereafter the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes.

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

## ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of Senators under orders previously granted tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR BAYH TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of morning business today—there being no business on the legislative calendar—the distinguished Senator from Indiana (Mr. BAYH) be recognized for not to exceed 15 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR JACKSON TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. BAYH) today, the able Senator from Washington (Mr. JACKSON) be recognized for not to exceed 20 minutes.

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

## ORDER FOR FURTHER RECOGNITION OF SENATOR STENNIS TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the Senator from Washington (Mr. JACKSON) today, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 1 hour.

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

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Mississippi (Mr. STENNIS) today, there again be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

## MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

## REPORT ON THE NATIONAL CREDIT UNION ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

In accordance with Title I, Section 3 (e) of the Federal Credit Union Act, as amended, I am pleased to transmit the Annual Report of the Administrator, National Credit Union Administration for calendar year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *April 14, 1971.*

## REPORT ON NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

In recent years, the arts have come to play an increasingly important role in American life—and not as the exclusive province of a few great art centers, but in the daily lives of thousands of communities, both large and small, throughout the country.

This heightened appreciation of the arts and of America's artists has been an immensely enriching experience for us all, both individually and as a Nation. For the arts are more than a form of entertainment, or a way of filling up leisure hours. They provide an indispensable means through which the imagination can be freed, and through which we can

gain new perceptions and heightened understanding. They contribute beauty and grace to our lives. They inspire us to see things in new ways. They help us to a fuller appreciation of the infinite wonder of man and his world.

The extent to which America's artistic heritage is being enriched and extended should be a source of great pride to this Nation and its people. And the extent to which its enjoyment is becoming more broadly available should be a source of great satisfaction.

Throughout the United States, poets, painters and sculptors are now at work in our schools; symphony orchestras are reaching new and larger audiences; touring companies are bringing theatre, opera and dance to communities which, until now, have not experienced these art forms at first hand. All this is being accomplished through programs funded by the Congress, and carried out by the National Endowment for the Arts and the fifty-five councils that are now at work in every State and Territorial Jurisdiction.

I therefore take particular pleasure in transmitting to the Congress the Fifth Annual Report of the National Endowment for the Arts.

RICHARD NIXON.

THE WHITE HOUSE, *April 14, 1971.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

## ADDITIONAL STATEMENTS

### REMINDER OF REPORTS REQUIRED BY SENATE RULES OF CONDUCT

Mr. STENNIS. Mr. President, several Senators have requested that I make an announcement along these lines to remind Members and staff members of the requirements for filing certain financial disclosure and other reports under the Senate rules of conduct. Rule 44 requires each Senator, candidate for Senator, and certain senior employees who are paid by the Senate to file both public and confidential personal financial disclosures before May 15. In addition, employees who provide any personal service for compensation in connection with outside business or professional activity or employment must report the nature of this activity on May 15 in accordance with rule 41.

The Select Committee on Standards and Conduct has prepared its annual printed instruction explaining who must file these reports, what must be reported, where the reports can be filed, and other information on disclosure and outside employment reports. I sent each Senator, each chairman, and other officials of the Senate a copy of this instruction in January, but if anyone needs any additional help in making these reports, the staff of our committee is available.

For those persons who desire to utilize a form in making these reports, the staff will be pleased to furnish copies of the forms upon receipt of a telephoned request.

### ADDRESSES BY SENATOR FULBRIGHT AT YALE UNIVERSITY

Mr. MANSFIELD. Mr. President, the Chairman of the Foreign Relations Committee (Mr. FULBRIGHT) delivered two very significant addresses at Yale University last weekend.

On April 3, Senator FULBRIGHT made a speech entitled "The Decline—and Possible Fall—of Constitutional Democracy in America," before the Yale Law Journal's annual banquet, commemorating the 80th year of publication of the journal.

The following evening, April 4, Senator FULBRIGHT spoke to the Yale Political Union on the "New Internationalism," outlining his concept of a new foreign policy based on reliance on the United Nations rather than on power politics.

On that occasion, the Yale Political Union presented Senator FULBRIGHT the A. Whitney Griswold Award for statesmanship and public service.

Mr. President, these two speeches by Senator FULBRIGHT merit widespread and serious attention. I ask unanimous consent that they be printed in the RECORD.

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

THE DECLINE—AND POSSIBLE FALL—OF CONSTITUTIONAL DEMOCRACY IN AMERICA

(By Senator J. W. FULBRIGHT)

There is no better measure of a country's belief in its own professed values than the ease or difficulty with which it betrays them. America is having an exceedingly difficult time in repudiating the ideals of Jefferson, Lincoln and Wilson in favor of the new militarism which our leaders say is our destiny and responsibility. This shows the authenticity of our attachment to democracy, but it does not guarantee democracy's survival. The outcome of the present crisis in our affairs—whether we are to remain a constitutional democracy or degenerate into an imperial dictatorship—is beyond our present range of vision. All that we know for certain is that, if we do give up on democracy, if we do turn our backs on the humane, rationalist values of our tradition, we will not have done it easily, or gladly—or, most ironically, with any real knowledge of what we were doing.

I. THE JURISPRUDENCE OF CRISIS

Perspective is easily lost in time of crisis: you do what you think you have to do to meet a threat or seize an opportunity—with little regard for procedure or precedent. Ends give way to means, law is subordinated to policy, in an atmosphere of urgency, real or contrived. In 1940 President Roosevelt usurped the treaty power of the Senate by his "destroyer deal" with Great Britain, and then, in 1941, he circumvented the war power of the Congress—by engaging in an undeclared naval war on the Atlantic—not because he wished to set himself up as a dictator but because he judged the nation to be endangered by Germany and Japan—as indeed it was—and he needed to act in a hurry. In 1950 President Truman committed the country, for its first time in history, to a full scale war without the benefit of Congresssional authorization; he did not do that because he wished to usurp the authority of Congress but because he perceived a clear and present danger in Korea and he needed to act in a hurry. In 1964 President Johnson subverted the Congress by persuading it, on the basis of erroneous information, to adopt the Gulf of Tonkin Resolution, which he invoked later to justify his massive intervention in Vietnam. President Johnson too was in a hurry; he said that he needed an immediate and overwhelming expression of Congressional support and, to our own subsequent regret, we gave it to him.

These occurrences—and others I could cite—have one common attribute: the subordination of constitutional process to political expediency in an atmosphere of urgency and seeming danger, resulting in each case in an expansion of Presidential power at the expense of Congress. The fact that Roosevelt and Truman were substantially right in their assessment of the national interest in no way diminishes the banefulness of the precedents they set. FDR's deviousness in a good cause made it much easier for LBJ to practice the same kind of deviousness in a bad cause.

The favored euphemisms for executive usurpation is "flexibility." Mr. Katzenbach, as Under Secretary of State, argued for an "essentially political approach to the conduct of our foreign affairs," leaving controversies over the division of authority between the executive and legislative branches of government to be resolved by "the instinct of the nation and its leaders for political responsibility."[1] If the rule of law must depend on a President's "instinct for political responsibility"—especially when he goes into his vainglorious role as Commander-in-Chief—then we are all about as secure as gazelles in a tiger cage; our only hope is that the tiger may not be hungry at the moment. Secretary of State Acheson pretty well summed up the "jurisprudence" of crisis when he told the Senate in 1951 that it ought not to quibble over "who has the power to do this, that, or the other thing," in this "very critical hour."

" 'Not only has the president the authority to use the Armed Forces in carrying out the Broad foreign policy of the United States and implementing treaties,' [Acheson contended], but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Congress in the exercise of powers which it has under the Constitution."[2]

Twenty years—and many a critical hour—have passed since President Truman sent the troops to Europe, and arguments about "who has the power to do this, that or the other thing" still arouse intense distaste in the executive branch of our government. It is best—so we are still told—to leave matters of decision making in foreign policy to be resolved according to the requirements of the moment, and who can doubt what the requirements of any given moment are going to be: the President is to be left unencumbered to make war or commitments abroad essentially as he sees fit, drawing Congress into the decision making insofar as he finds it useful and convenient. Besides, in this time of crisis—permanent, institutionalized crisis as it has developed—appeasing Congress would surely be interpreted as a dangerous sign of Presidential "weakness," which could only lead to further demands for power and participation. Is this after all not the lesson of Munich? Burdened as he is with weighty responsibilities in a dangerous world, a President simply cannot afford to appear as a "pitiful, helpless giant"—no more to the Senate than to the North Vietnamese themselves.

Footnotes at end of article.

Only if one subscribes to the cult of the "strong" presidency which mesmerized American political science in the fifties and early sixties can one look with complacency on the growth of presidential dictatorship in foreign affairs. In those days, when the magic glow of FDR still flickered in our memories, when Eisenhower reigned with paternal benignancy, and the Kennedys appeared on white chargers with promises of Camelot, it was possible to forget the wisdom of the Founding Fathers who had taught us to mistrust power, to check it and balance it, and never to yield up the means of thwarting it. Now, after bitter experience, we are having to learn all over again that no single man or institution can ever be counted upon as a reliable or predictable repository of wisdom and benevolence; that the possession of great power can impair a man's judgment and cloud his perception of reality; and that our only protection against the misuse of power is the institutionalized interaction of a diversity of independent opinions. In this Constitutional frame of reference, a good Executive is not one who strengthens his own office by exercising his powers to the legal utmost and beyond, but one who, by respecting the limits of his own authority, contributes to the vitality of the constitutional system as a whole.

When, as in recent years, the conduct of foreign policy is thought to necessitate the steady attrition of established constitutional processes, that foreign policy has become subversive of the very ends it is meant to serve. Why after all do we engage in foreign relations if not for the purpose of securing certain values, including the preservation of our constitutional democracy? The values of democracy are in large part the *processes* of democracy—the *way* in which we pass laws, the *way* in which we administer justice, the *way* in which government deals with individuals. When the exigencies of foreign policy are thought to necessitate the suspension of these processes, repeatedly and over a long period of time, such a foreign policy is not only inefficient but utterly irrational and self-defeating. I am willing to predict with reasonable confidence that, if democracy is destroyed in America in the lifetime of the present university generation, it will not be the work of the Russians, or of the Chinese, and certainly not of the Vietnamese Communists; the totalitarianism toward which we are heading will be a home grown product. Like the American major in Vienam who found it necessary to "destroy Ben Tre in order to save it," we may find some day, without quite knowing when or how or why it happened, that we have destroyed our own constitutional domocracy—in order to save it.

I used to puzzle over the question of how American democracy could be adapted to the kind of role we have come to play in the world. I think I now know the answer; it cannot be done. Congress can adopt palliative measures such as the Cooper-Church amendment or any of a number of possible bills designed to regulate the President's use of the armed forces, and these are all to the good. But they will not of themselves either stop the war, restore the Constitutional authority of Congress, or arrest the long term trend toward authoritarian government. That trend, I am now convinced, is irreversible as long as we continue to play the kind of role we are now playing in the world, as long as our course remains one of great power militarism. The real question is not whether we can adapt democracy to the kind of role we are now playing in the world—I am sure that we cannot—but whether we can devise a new foreign policy which will be compatible with our traditional values, a foreign policy which will give us security in our foreign relations without subverting democracy at home.

Tomorrow evening, in my talk to the Political Union, I will attempt to suggest some broad outlines for a new American foreign policy. In the remainder of my remarks tonight I would like to comment further on the decline of Congressional authority and the trend toward executive dictatorship in our foreign relations.

### II. THE DECLINE OF CONGRESS

The distinguishing virtue of legislative bodies is neither wisdom nor virtue nor prescience. Individual members may sometimes possess these qualities, but no legislative body as such has ever been endowed with evangelical or inspirational qualities; no Congress has ever been thought to possess "charisma." The American Congress is indeed a slow-moving and sometimes inefficient body, widely criticized for procedures which are said to be antiquated and undemocratic. There is no doubt in the world that our Congress is less efficient than the legislatures of certain parliamentary democracies, and far less efficient than the sham legislatures of totalitarian states.

If efficiency were the sole criterion of a good legislature, there would be everything to be said for dismantling the Congress, or at least for revamping its procedures and introducing a system of strict party discipline. That is what many reformers say they want to do, in the apparent belief that decision is always better than delay and action better than inaction—a dubious assumption indeed, rooted in a utopian view of human nature. To those of us who have developed an appreciation of the capacity of people in high places for doing stupid things, there is much to be said for institutional processes which compel people to think things over before plunging into action. The SST is a case in point; the decision of both houses of Congress last week to lay that costly white elephant to rest would not have been possible if Senator Proxmire had not led a group of us in a salutary filibuster last December. But for that extended debate, the SST would now be a going concern.

I for one am not much distressed by the charge that Congress is not an up-to-date institution. In this age of the SST, the ABM, the MIRV, and the Indochina war, being "behind the times" may indeed be a mark of wisdom. And "efficiency," as that term is applied to legislatures, sounds very much to my ear like a euphemism for obedience to an Executive. I cannot emphasize too strongly my belief, that a legislative body's accomplishments consist as much in what it prevents as in what it enacts. As Justice Brandeis pointed out: "The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy." [3]

Executive incursions upon Congress's foreign policy powers have had three main results: First, the authority to initiate war, which the Constitution vested solely in Congress, has passed into the hands of the Executive. Second, the treaty power, which was meant to give the Senate final authority over significant foreign commitments, has been reduced to a near nullity, sometimes by resort to executive agreements and simple declarations, sometimes by the simple device of reinterpreting treaties in such a way as to impute to them meanings which were wholly unintended, if not explicitly disavowed, at the time they were contracted. Third, the "advise and consent" function has been so diminished that little or no cognizance is now taken of the Senate's counsel, while "consultation" is commonly used to refer to ceremonial briefings which are provided from time to time in order to acquaint Senators with decisions which have already been made. In the words of one distinguished historian, with refernce both to public and Congressional opinion, "Presidents Johnson and Nixon have made almost a virtue of unresponsiveness." [4]

The gradual takeover by the Executive of the war and treaty powers of Congress is part of a broader process of expanding Presidential authority which is by no means confined to foreign relations. Indeed, the trend toward militarized, authoritarian government has already penetrated broad areas of our domestic life. The Justice Department and the Army itself have engaged in spying and surveillance to anyone and everyone, including Senators, who, according to the peculiar lights of these agencies, may be considered "subversive." Our economy has been distorted by the development of a permeating military-industrial-labor union-academic complex, built around the fact that violence has become our country's leading industry. I particularly regret the unhealthy relationship which has grown up between many academic institutions and the Department of Defense and other government agencies.

Even when these arrangements are entirely without strings or prior conditions—as I am inclined to believe they are for the most part—they are intellectually disruptive and their thrust is anti-democratic. Lacking a use for poetry and philosophy, the Department of Defense and the CIA offer no funds for these disciplines; the Government is a patron only of the more lethal arts.

The only reliable cure for these evils is a basic change in our national outlook, including the adoption of a new foreign policy which will be compatible with rather than antithetical to our traditional democratic values. Until that change can be accomplished—if it can—our best defense against creeping authoritarianism is an assertive, independent legislature, supported as it must be by a responsible educated electorate. The virtues of Congress are inseparable from its faults; slow and unwieldy as it may be in accomplishing desirable reforms, Congress is equally unsuited to the task of depriving people of their liberties. If war and crisis should someday give rise to an aggressive, anti-libertarian Congressional majority, that majority would likely find itself hobbled by the Senate filibuster and the tortuous workings of the committee system.

The greatest single virtue of a strong legislature is not what it can do but what it can prevent. Incapable by reason of its size and diversity of imposing an authoritarianism of its own, the American Congress, with all its irrationalities, remains the strongest institutional barrier to Presidential dictatorship. But it can perform this vital service only as long as it is willing to exercise its legislative authority in foreign as well as domestic affairs, and only if it is willing to accept the responsibility for thwarting the Commander-in-Chief when it seems necessary, bearing in mind the words of Justice Holmes, that "We do not lose our right to condemn either measures or men because the country is at war." [5]

### III. THE CULT OF THE PRESIDENT

As long as the President's capacity to dominate foreign policy remained an unrealized potentiality, as was the case until the twentieth century, and as long as that power, once it did begin to take form, was exercised in a way that won the approval of progressive-minded scholars and politicians, criticism of the Presidential office was confined to a handful of conservative Senators and academics who were dismissed as reactionary mossbacks. Hardly anyone, for example, took serious notice in 1950 when Senator Watkins of Utah questioned the authority of President Truman to commit the country to war in Korea without consulting Congress, and said that, if he were President,

Footnotes at end of table.

he ". . . would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation."[6] In retrospect, the so-called mossbacks seem like prescient constitutionalists.

With all due respect for the failures of judgment of recent Presidents, some rather fundamental defects seem to be inherent in the office itself, and in the electoral process as it has evolved in recent decades. Building on Madison's premise that "all men having power ought to be mistrusted," we are probably justified in extending our mistrust—or at least a certain wariness—toward any man who desires power so much as to be willing to do all the arduous things a man has to do to become President of the United States.

The qualities of a good candidate are not identical with those of a good leader. Indeed, an individual of perspective and sensitivity who might make an excellent President is hardly likely to have the taste for political rough and tumble that a successful candidate requires. The packaging, the image-making, the fraud, the huckstering, the extravagant, thorough-going irrationality of modern political campaigns, cannot fail to be distasteful to individuals of judgment and sensitivity. At the outset of our history as an independent republic, with a population of hardly more than five million, we were governed by men of distinction. Surely among a population of 200 million there must be individuals of the caliber of Washington, Adams, Jefferson and Madison. Wherever else they are, few indeeed seem to have chosen politics as their profession.

Among the shortcomings of the Presidential office, the most important appears to be the unique capacity of the office to isolate and deceive its occupant. So, at least, writes George Reedy, who served as President Johnson's press secretary and special assistant, in one of the most thoughtful and disturbing books on the Presidency of recent years. Encased from the day he takes office in an atmosphere of privilege and deference that amounts to royalty, the President is steadily divested of a politician's primary requirement, the maintenance of contact with reality, so much so, in fact, that, in Reedy's view, ". . . the White House is an institution which dulls the sensitivity of political men and ultimately reduces them to bungling amateurs in their basic craft—the art of politics."[7]

The essential cause of the difficulty is the isolation of the President at the apex of power. No one speaks to him unless spoken to; no one, as Reedy points out, ever invites him to "go soak his head;" no one in his presence ever addresses himself to anyone except the President, and always interms of reverential respect. No one is his peer, certainly not his White House assistants, nor the Cabinet members who are his political servants, nor even Senators and Congressmen when they meet the President on his home ground. Even the most independent-minded Senator, says Reedy, ". . . enters cautiously, dressed in his Sunday best and with a respectful, almost pious, look on his face," because "The aura of reverence that surrounds the President when he is in the Mansion is so universal that the slightest hint of criticism automatically labels a man as a colossal lout."[8]

Perhaps the single most important difference between an American President and a British Prime Minister is that the latter is compelled to meet his critics face to face, giving him a lever on reality that the American President is denied. "Under the American system" as one political scientist, Professor Alexander Groth, points out, "the Executive is virtually prevented from engaging in public debate on policy by the institutional setting of his office; under the British system he is expected and, in fact, *compelled* to engage continually in it."[9] Every Thursday afternoon the Prime Minister is obliged to descend into the arena of the House of Commons where he has to answer questions, respond to criticisms, and endure whatever barbs and insults the Opposition chooses to throw at him. His appearance in the House is not a state occasion like the President's infrequent visits to the Congress, which are steeped in pomp and ceremony but usually quite lacking in political substance. The Prime Minister cannot barricade himself behind a phalanx of assistants and advisers; he is obliged to think and speak for himself. As Professor Groth points out, it is not the power to vote no confidence and compel the Prime Minister's resignation which gives the House of Commons its decisive influence, but rather its ability to compel the Prime Minister and his Cabinet colleagues continually to explain and justify their policies to an informed and critical body of colleagues. It is not "confidence" in its technical sense that a British Prime Minister must retain but confidence in its ordinary sense—confidence in his judgment, competence and responsibility.

The President, by contrast, is more nearly in the position of the British Monarch, except for the crucial fact that he has power and she does not. When the President speaks, it is always from a pedestal. His annual State of the Union message is seldom a serious analysis of the nation's problems and prospects; more commonly, it is a self-serving catalogue of the Administration's alleged triumphs, interlarded with a lot of vacuous eloquence about "driving dreams," or a "second American revolution" which turns out to be a plan for some bureaucratic reshuffling. On other occasions—notably when his standing in the polls sinks alarmingly low—the President is likely to use his near-monopoly of the television to speak "directly" to the American people; on these occasions, it is usually not a new policy that the President wishes to convey but a new "image"—an image of honesty or strength or sincerity, or even an image of indifference to "images." The total effect of all this indirect and inauthentic sham "communication" is to defraud the people of one of their most basic rights and the President of one of his most basic needs: the knowledge of each other's thinking.

Many promising correctives have been proposed of late; they range from a number of excellent bills designed to regulate the President's use of the armed forces to my own proposal for restrictions on secrecy in the name of "executive privilege." But in the long run, even the most energetic and ingenious means of reasserting Congressional prerogative will of themselves prove insufficient for the preservation of constitutional government. As Tocqueville pointed out, war breeds dictatorship. I for one am fairly well convinced that neither constitutional government nor democratic freedoms can survive indefinitely in a country chronically at war as America has been for the last three decades. Sooner or later, war will lead to dictatorship. Important though it is for Congress to assert its prerogatives and to devise new means of enforcing them, the issue ultimately will turn on questions outside of the legislative process, on questions of the allocation of resources between domestic needs and foreign involvements, questions of our willingness, whenever possible, to rely on the United Nations rather than our own military power, questions having to do with the kind of country we want America to be and the kind of role we wish it to play in the world.

The worst single consequence for our society of this long era of crisis and war has been the steady undermining of the rule of law. From the White House to the university campuses legal inhibitions have been giving way to faith and fervor, to that terrible irrational certainty of one's own rightness which leads men to break through the barriers of civilized restraint. Outraged as they have had every right to be by dishonesty, deviousness, and lack of restraint on the part of people in high office, many of our young people have seen fit, most regrettably, to imitate rather than repudiate the example. Supposing that they, in their purity of motive and intent, could right the injustices wrought by unworthy leaders, they seem unwilling to recognize that it has not been conscious malice or greed or hunger for power that has led the leaders of this country to make the terrible mistakes that have been made in these unhappy times, but that very same quality of mind which many young people themselves exhibit—a supreme, arrogant confidence in the rightness of their own opinions.

That has been the worst of it: the breakdown of law—really not of law itself but the state of mind in which people value and respect law. We seem to be moving into an era of uninhibited conscience, casting aside the insights of Freud, and of the framers of the American Constitution: that nothing can more surely deceive a man than his own uninhibited conscience; that the human mind is limited and imperfect in its perceptions of morality; that law is the closest approximation of institutionalized morality of which a human community is capable.

The founders of our country understood these things, and that is why they mistrusted power. "Confidence," said Jefferson, "is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions, to bind down those we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. . . ."[10]

To arrest and reverse the decline of democratic government in America, we are going to have to recover our mistrust of power—in the Presidency and wherever else it is found.

FOOTNOTES

[1] "United States Commitments to Foreign Powers," *Hearings Before the Committee on Foreign Relations*, U.S. Senate, 90th Cong., 1st sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), pp. 72–73.

[2] "Assignment of Ground Forces of the United States to Duty in the European Area," Hearing by *Committees on Foreign Relations and Armed Services*, U.S. Senate, 82d Cong., 1st sess., on S. Con. Res. 8, February 1–28, 1951 (Washington: U.S. Government Printing Office, 1951), pp. 92–93.

[3] *Myers* v. *United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

[4] Professor Alpheus T. Mason in a statement before the Senate Foreign Relations Committee, March 25, 1971, "Constitutional Crisis in 1971: The Uncertain Continuance of Reason."

[5] *Frohwerk* v. *U.S.*, 249 U.S. 204, 208 (1919).

[6] *Congressional Record*, 81st Cong., 2nd Sess., vol. 96, pt. 7, Senate, June 27, 1950, pp. 9229–9233.

[7] George E. Reedy, *The Twilight of the Presidency*, p. 14.

[8] *Ibid.*, p. 80.

[9] Alexander J. Groth, "Britain and America: Some Requisites of Executive Leadership Compared," *Political Science* Quarterly, June 1970, p. 218.

[10] Quoted in A. T. Mason, *Free Government in the Making* (1965), p. 371.

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## A New Internationalism

(By Senator J. W. Fulbright)

In one of his many recent interviews President Nixon said that he doubted we would ever have another war, that Vietnam "is

probably the very last one." Unless the President meant that he expected the present war to finish us off once and for all—which I doubt was his meaning—I see little basis indeed for his hopeful prediction. My pessimism arises from the absence of convincing evidence that we, or any other major nation, are willing to do the things we would have to do to make lasting peace a real possibility.

We would need, for a start, to reconsider our most basic assumptions about international relations. In the same interview the President showed that he himself has not the slightest inclination to engage in such an exercise, that, indeed, he perceives no alternative to the foreign policy of power politics which has always led to war in the past. Mr. Nixon said, for instance, that "for the next twenty-five years the United States is destined to play this superpower role as both an economic and a nuclear giant. We just have to do this. We cannot dodge our responsibilities." [1]

This outlook is illustrative of what Professor Marcuse described as the "totalitarian dictatorship of the established fact." Lost to view is the real possibility that things may be as they are not because they *have* to be but because they *happen* to be.[2] We *"have to"* play this superpower role, says the President—as if the matter were patently beyond the range of human choice, as if some heavenly force had decreed it. With minds locked into this kind of certitude, we cannot even grasp the notion of other possibilities. We are compelled to do things in the disastrous, self-defeating way we have done them in the past because we have locked all other possibilities out of our minds. "Realism" is reduced to the blind repetition of behavior patterns that have been *proven* to be disastrous. Anything else is "unreal"—not because it has to be but because our minds are in thrall to a bleak and fragmented conception of "reality."

### I. INTERNATIONALISM, OLD AND NEW

Drawn as it is from long experience, the conception of international politics as an endless, mindless, purposeless struggle for power is by no means a false or fanciful one. It is after all a fairly accurate description of the normal behavior of nations, especially big nations. The very fact that, in international relations, nations refer to themselves as "powers"—not as countries or communities—is itself indicative of the nature of international politics. Behind the grandiose euphemisms about somebody's "place in the sun," or the more current "responsibilities of power," is the simple assumption that nations engage in international relations in order to acquire power, and the more you get of it, the more it is your duty or destiny to use it. It can never be permitted to go unused; if you *can* be a bully, then you must be—on pain of being thought a "pitiful, helpless giant."

This conception is false not in the sense of misrepresenting human experience but in the more important sense of its dangerous obsoleteness, and its utter irrelevance to valid human needs. Even the most dazzling success in the game of power politics does nothing to make life more meaningful or gratifying for anybody except the tiny handful of strategists and empire builders who have the exhilarating experience of manipulating whole societies like pawns on a chessboard. It is rather less fun for ordinary citizens, whose sons are sent to useless wars, and whose earnings are diverted from their real needs, like schools and homes and community services. And, if you happen to be an American GI, or a Vietnamese peasant, the "responsibilities of power" do very little indeed to make life interesting or gratifying—even if you succeed in staying alive.

In his book *Six Crisis* President Nixon refers to his hesitation as a young man to enter the *"warfare of politics."* [3] The conception of politics as warfare seems to have shaped the outlook not only of Mr. Nixon's Administration but, as far as international relations is concerned, of every Administration since World War II. It is assumed, *a priori*, that the natural and inevitable condition of the world is one of basic antagonism. Generalizing from the monstrously atypical experience of Hitler and Nazi Germany, we have assumed that China is determined to conquer and communize Asia, that the Russians have an unshakeable ambition to overrun Western Europe and destroy the United States, and that the only thing that stops the Communist countries from executing their evil designs is the intimidating effect of American military power. I do not contend that this assessment of Russian and Chinese ambitions is untrue, but only that it is not *necessarily* true, that, as Mark Twain would have said, we may have derived from the experience of World War II more wisdom than was in it. My own belief is that Russian and Chinese behavior is as much influenced by suspicion of our intentions as ours is by suspicion of theirs. This would mean that we have great influence on their behavior, that, by treating them as hostile, we assure their hostility. If indeed politics is warfare, it is not because the Lord decreed it but because nations, including our own, have made it so.

In the same interview which I quoted earlier President Nixon expressed dismay at what he perceives as the conversion of "former internationalists" into "neo-isolationists." This raises the question of what an authentic internationalist is. It is true that many of us who supported the United Nations Charter, the Marshall Plan and the NATO treaty have become critical of our worldwide military involvements and of bilateral foreign aid. Nonetheless, I still consider myself as an internationalist. I believe that we should honor all of our duly contracted treaties, both in their requirements of military support as in the case of NATO, and in their requirements of non-intervention as in the case of the Charter of the Organization of American States. I further believe that, even at this late date, we should be doing everything in our power—and that there is a great deal we can do—toward building the United Nations into a genuine world security organization.

There has been in this century one great new idea in the field of international relations, one great break in the "totalitarian dictatorship of the established fact:" the idea of an international organization with permanent processes for the peaceful settlement of international disputes, the idea of an international legal instrument through which someday we might hope to replace the "warfare of politics" with something more civilized and humane.

That is the conception of internationalism which was held by Presidents Wilson and Franklin Roosevelt and the entire generation who led the United States out of its nineteenth century isolation. It arose not only out of the obsoleteness of isolationism but, far more importantly, out of an active repudiation of the power politics which had culminated in two world wars. Both might go under the name of "internationalism," but they are radically different conceptions: the one represents the outlook of Wilson and Roosevelt; the other reverts to Bismarck and Metternich. Having participated in the hopeful initiation of the United Nations Charter and then in the bitter disillusion of hot and cold wars, the people who are now being called "neo-isolationists" are by and large those who make a distinction between the new internationalism and the old, who regret the reversion to the old power politics, and who retain some faith in the validity and viability of the United Nations idea.

### II. INDOCHINA: THE OLD POLITICS AND WORSE

Like a virulent organism in an otherwise healthy body, the war in Vietnam has drained our society of confidence and hope. This war cannot adequately be characterized as a reversion to the old power politics; Metternich and Bismarck were at least rational in their amorality; it is hard to conceive of them persisting in anything so stupid and self-defeating. I do not really feel adequate to the task of gauging the meaning of Vietnam in the context of American history and world politics, but if I had to try to sum it up, I would judge that it represents a grotesquely miscarried effort to apply traditional American values of self-determination and collective security. Americans will be debating for many years how and why the involvement in Southeast Asia became so great a disaster. The obvious factors include the simple fact of our inexperience in world affairs; our obsessive fear of communism and the obscure causes of that fear; the bitterness of our disillusion with the United Nations and the supposition that we could substitute ourselves for it; the infatuation with science which caused us to suppose that we could make foreign policy—and wars—with computers; and, perhaps most important, that self righteous certitude of a nation at the peak of its power which I have called the arrogance of power.

Although different tactics have been employed, the objective of the Nixon Administration in Indochina is by all available evidence the same as that of the Johnson Administration: to win the war in the sense of establishing viable anti-Communist regimes in South Vietnam, Cambodia and probably Laos. A compromise political settlement, which could only mean a sharing of power between Communists and noncommunists, or an arrangement leaving all the indigenous forces some opportunity for power, has been effectively ruled out. That is why the Paris negotiations have failed—because there has been nothing to negotiate from the standpoint of the North Vietnamese and the Vietcong, except the terms of their surrender.

It insults the intelligence of the American people to tell them that we had to invade Cambodia and Laos simply in order to cover our withdrawal; I do not think the North Vietnamese and the Vietcong would be so stupid as to try to interfere with an authentic, total American withdrawal. Indeed, it is only in a political atmosphere dense with obfuscation and mendacity that it becomes necessary to deal with this argument at all. The real meaning of "Vietnamization," and of the expansion of the war into Cambodia and Laos, is that, for President Nixon as for President Johnson, the objective is military victory.

Once again, with the military disaster in Laos, the mirage of victory has receded from our grasp. When the "incursion" began, President Nixon suggested that decisive battles might be at hand, and he predicted that the North Vietnamese will "have to fight here or give up the struggle to conquer South Vietnam. . . ." [4] Now that the operation has ended in a "mobile maneuver"—which is Pentagonese for "headlong retreat"—it appears that the North Vietnamese will *not* have to give up the struggle, that indeed it will go on for as long as the South Vietnamese Army can continue—in Mr. Nixon's felicitous term—to "hack it," for as long, perhaps, as the tortured peoples of Indochina have blood to shed.

The American troop withdrawals will no doubt continue—they are, at the very least a political necessity here at home. It is also true, no doubt, that, to one degree or another, the invasion of Laos delayed and disrupted the flow of North Vietnamese supplies along the Ho Chi Minh Trail. Time, however, is on the enemy's side. As American strength is

Footnotes at end of article.

reduced toward whatever residual force the President contemplates, an improved but still shaky South Vietnamese Army—all the more so since the defeat in Laos—will face an undefeated North Vietnamese Army in firm control of its supply lines. At best, from the standpoint of Presidents Nixon and Thieu, the prospect is for a war of indefinite duration, with Asians doing the fighting on the ground while Americans provide air power, supplies and money. At worst, if the South Vietnamese Army falters, they and the residual American force will be confronted with military disaster—the very specter of "humiliation and defeat" that has so preoccupied the President for the last two years.

What would we then do—hastily pull out our remaining forces or raise the stakes by launching an all-out attack on North Vietnam? The President has repudiated any intention of using nuclear weapons—and for that we must be grateful—but it must also be remembered that people are least likely to behave rationally when their backs are to the wall, and President Nixon himself has not always responded prudently in conditions of adversity.

Never to be forgotten either—for people who wish to preserve the United States as a humane democratic society—is that the morals of this war are as twisted as its strategy. Our leaders point with pride, when they can, to reduced American casualties, but they have little to say about the million or more South Vietnamese civilian casualties since the war began, of whom at least 300,000 have died; these in the cruel military phrase, are the "wasted" people—some killed by Vietcong terror, many times more by American fragmentation bombs, gunships, and napalm. Indochinese peasants never actually see a B–52 because it flies so high, but they know well what it can do. "We hear nothing, nothing at all," a South Vietnamese farmer told an American reporter recently. "Then a thunder louder than the loudest rainstorm strikes, the earth shakes . . . and we wait to see who dies." [5]

Nor have we heard very much from the White House or the Pentagon about enormous South Vietnamese losses in Laos, where casualties ran to at least 25 percent and perhaps 50 percent, where large numbers of wounded were left behind, begging their friends to shoot them or to leave them hand grenades so that they could commit suicide before they were blown to bits by B–52 bombs.[6]

Having done damage beyond calculation to ourselves and to the people of Indochina, we compound the self-deception by talking about this war as if its objectives were to be compared with those for which we fought in two world wars. For all the reasons I have offered and many others, this war is not a war for self-determination, or for the prevention of future wars, much less of *all* future wars as President Nixon has suggested. This war is a tragic mistake—that is all it is or ever was—and the only rational objective for our policy is to stop the war and begin to repair the damage, at home and abroad.

### III. THE MIDDLE EAST: A CHANCE FOR THE NEW POLITICS

In the Middle East there is a chance—though probably only a small one—that Americans, Russians and others may actually come together to facilitate a settlement through the procedures of the United Nations. It need not be an "imposed" settlement—although I myself am not as shocked by that term as are some of my Senate colleagues, inasmuch as the United Nations Charter, to which we are a party by act of the Senate in 1945, provides quite explicitly for certain kinds of "imposed" settlements.

Footnotes at end of article.

Be that as it may, Secretary Rogers, it seems to me, is pursuing an intelligent policy of encouraging a voluntary agreement between Arabs and Israelis, which he would then have enforced by a United Nations peace force in which both Russians and Americans before the North Vietnamese got to them or might participate.

For reasons which may warrant our sympathy, but not our support, Israel pursues a policy of antiquated—and to a great degree delusional—self-reliance. As Foreign Minister Eban expressed it, "a nation must be capable of tenacious solitude." [7] In fact, neither Israel nor any other nation is capable of so profound an isolationism in our time. Israel is heavily dependent on the United States for both arms and economic assistance. Only last December Congress appropriated a half billion dollars for military assistance to Israel. Since 1948 the United States Government has provided $1.4 billion in direct economic assistance to Israel; this does not include military aid. Since 1948 private American citizens have provided another $3 billion in tax-deductible contributions and regularly purchase between $3 and $400 million a year in Israeli bonds. Included in the massive American military aid, which has increased greatly since the 1967 war, have been aircraft, missiles and electronic systems more advanced than those provided to the countries with whom we are allied in NATO or SEATO. I do not see how this can be reconciled with a policy on Israel's part of "tenacious solitude."

Even more important than Israel's dependency upon us is the fact that we ourselves have a crucial stake in the Middle East—the avoidance of conflict with the Soviet Union. It takes no great feat of imagination to conjure up some new Arab-Israeli crisis in which the two sides managed to draw their respective patrons into a head-on conflict. Premier Meir says that we ought not to press for Israeli withdrawal from the conquered Arab territories because, as she puts it, "This is not the border of the USA. . . ." [8] If indeed that were the whole of the matter, if Israel, as the Premier says, really were prepared to "stand up for itself" without involving others, it might make sense to let the Arabs and Israelis work out their differences, or fight them out, and come to their own solution. We all know, however, that that is not the case, that American interests of the most crucial nature are involved, that another war in the Middle East might well set us against the Russians, and that, therefore, we have not only the right, but a positive responsibility, to bring an influence to bear.

Israel has a different conception of American interests in the Middle East, an essentially cold war conception. Picturing herself as the bastion of democracy in the Middle East, Israel professes to be defending *American* interests by holding the line against a surging tide of Communist imperialism. Indeed, I recall a television interview last fall in which Foreign Minister Eban professed to believe that the Russians were not interested in destroying Israel but were motivated by a desire to expel American power and influence from the Middle East.

Recent visitors to the Middle East assure me that the Israelis are quite sincere in their fear of being "thrown into the sea" and in their conception of the Soviet Union as an insatiable imperialist power, bent, presumably, upon the conquest and communization of the Middle East. Nonetheless, I perceive in this some of the same old Communist-baiting humbuggery that certain other small countries have used to manipulate the United States for their own purposes. When it comes to anti-communism, as we have noted in Vietnam and elsewhere, the United States is highly susceptible, rather like a drug addict, and the world is full of ideological "pushers." It is a fine thing to respect a small country's independence and to abstain from interference in its internal affairs. It is quite another matter when, in the name of these worthy principles—but really because of our continuing obsession with communism—we permit client states like Israel and South Vietnam to manipulate American policy toward purposes contrary to our interests, and probably to theirs as well.

This is not to suggest that the Russians are lacking in ambitions in the Middle East. There is no doubt that they desire to maximize their "influence" in the Arab world and that they derive gratification from sailing their warships around the Mediterranean. This, however, is normal behavior for a great power; it is quite similar to our own. We too keep a fleet in the Mediterranean, which is a good deal farther from our shores than it is from the Soviet Union; and our main objection to Soviet "influence" in the Arab countries is that it detracts from our own. Were it not for the fact that they are Communists—and therefore "bad" people—while we are Americans—and therefore "good" people—our policies would be nearly indistinguishable.

Despite the inflexibility of the Israelis and the great power rivalry of the Russians and Americans, it appears to me that the situation in the Middle East provides as promising an opportunity as ever we have had to resolve a major international controversy through the procedures of the United Nations and, in so doing, to create a valuable precedent for the future.

The primary, essential factor is the apparent recognition by both the Soviet Union and the United States that they have a surpassing interest in the avoidance of a major confrontation with each other. The Russians, for their part, have consistently counselled their Arab associates against reckless action; they are reported, for instance, to have warned the Egyptians that they would not support a military operation across the Suez Canal. Nor have the Russians ever indicated any expectation of, or desire for, the destruction of Israel; they were indeed among the first to recognize the state of Israel when it came into existence in 1948. The Soviet position now is that Israel should return to the borders of 1967; that is substantially our position as well, and it is consistent with the Security Council Resolution of November 1967, which calls among other things for the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area."

Another promising factor has been the remarkable evolution of Arab attitudes. The Jordanians have long been known to be willing to come to terms with Israel—to end the state of war and recognize Israel's existence as a state in return for the restoration of occupied territory. The United Arab Republic, in its reply of February 16, 1971, to questions put by Ambassador Jarring, stated unequivocally that, if Israel would withdraw from occupied Egyptian territory, Egypt would be prepared to end the state of belligerency, ensure freedom of navigation through the Suez Canal and the Strait of Tiran, establish demilitarized zones, agree to the establishment of a United Nations peace-keeping force, and "enter into a peace agreement with Israel. . . ."

The Egyptian reply concedes to Israel all that she once desired, all that she claimed to be struggling for in three wars. Nonetheless, in its own reply to Ambassador Jarring of February 26, 1971, the Israeli Government stated bluntly that "Israel will not withdraw to the pre-June 5, 1967 lines." Israel, Mrs. Meir subsequently explained, insists upon the retention with her own forces of Sharm el Sheikh; the Gaza Strip; the Golan Heights—because, as the Premier explained.

"We paid for it"—; Jerusalem of course; and certain undefined parts of the west bank. In addition, said the Premier, Sinai must be demilitarized, and the demilitarization must be guaranteed by a mixed force including Israelis. The Egyptians too might participate in this force on their own territory. All this, Mrs. Meir conceded, would be painful for President Sadat of Egypt, but people must pay for their deeds.[9]

A different view is taken by Israel's wise elder statesman and first Prime Minister, David Ben-Gurion. "Peace," he said recently, "real peace, is now the great necessity for us. It is worth almost any sacrifice. To get it, we must return to the borders before 1967." "As for security," Mr. Ben-Gurion continued, "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." [10]

Mr. Ben-Gurion's outlook is substantially that of Secretary Rogers, whose basic position, reiterated many times since, was expressed in a speech in December 1969 in which he stated, as to the Arab-Israeli borders in the wake of the 1967 war, that ". . . any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security." [11] Secretary Rogers has also been a consistent supporter of the Security Council Resolution of November 1967, which emphasizes "the inadmissibility of the acquisition of territory by war. . . ." In recent weeks the Secretary has spelled out a position calling as well for American participation in a United Nations peacekeeping force, which could not be removed by anybody's unilateral decision.

The principles—and opportunities—involved in this Middle East situation go beyond the fears and ambitions of Israel and the Arab states and their great power mentors. I perceive here an opportunity to breathe life and force into the United Nations by putting it to effective use for the purposes for which it was founded. We have an opportunity to take a single substantive step in the direction of a new kind of politics in the world, toward the purposes spelled out in the Charter itself, "to save succeeding generations from the scourge of war. . . ."

To accomplish this purpose, I would not shrink from applying certain sanctions as a last resort for the preservation of peace. The United Nations Charter, to which every nation involved in the Middle East has voluntarily subscribed, spells out a graduated series of sanctions, from economic to military, for the enforcement of peace. It makes no sense at all for us to shrink in horror at the very notion of an "imposed" solution, not only because we are legally bound by the Charter to accept certain kinds of "imposed" solutions, but because the absolute sovereignty of nations is an outmoded principle; it is indeed a principle of international anarchy. No community can function without some capacity for coercion; as President Wilson said of the Covenant of the League of Nations, "Armed force is in the background . . . if the moral force of the world will not suffice, the physical force of the world shall." [12] The crucial distinction is not between coercion and voluntarism, but between duly constituted force, applied through law and as a last resort, and the arbitrary coercion of the weak by the strong.

The Middle East may provide us with the best opportunity since World War II to make use of the peacekeeping procedures of the United Nations in approximately the manner envisioned by the framers and, in so doing, to create a valuable precedent for the future. I regret that no such prospect is in sight for Indochina, but I would not pass up the opportunity in the Middle East for the sake of a baneful consistency. Perhaps, if the war in Indochina ever does end, as presumably it will, we will have the wisdom in any future "Vietnams" to make it clear at the outset that we will readily act in cooperation with other nations to implement decisions of the United Nations, but that we will not again attempt to substitute ourselves for it. Through positive acts of *abstention* we shall have to make it clear that we are no longer interested in the imperial dream of a *Pax Americana*, that indeed we are neither isolationists nor imperialists, but *internationalists* in the *only* sense in which that term makes either moral or political sense.

FOOTNOTES

[1] C. L. Sulzberger, "Nixon, in Interview, Says This Is Probably Last War," *New York Times*, March 10, 1971, pp. 1, 14.

[2] Herbert Marcuse, "The Problem of Social Change in the Technological Society," in *Le Developpement Social*, UNESCO Symposium (Paris: Mouton and Co. 1965), p. 158.

[3] Richard Nixon, *Six Crisis*, (New York: 1968), p. 317.

[4] Press Conference of February 17, 1971.

[5] Quoted by Tom Fox in *New York Times*, March 21, 1971, p. 2E.

[6] Gloria Emerson, "Spirit of Saigon's Army Shaken in Laos," *New York Times*, March 28, 1971, pp. 1, 14.

[7] Quoted by Peter Grose in "Israel and U.S. in a Game of 'Diplomatic Chicken,'" *New York Times*, March 21, 1971, p. 4E.

[8] *Ibid.*

[9] Interview with a correspondent of the *London Times*, in "Mrs. Meir Cites Border Changes Sought by Israel," *New York Times*, March 13, 1971, pp. 1, 6.

[10] Interview with John McCook Roots, quoted in "Ben-Gurion Quoted in Article as Favoring Major Pullback," the *Evening Star*, Washington, D.C., p. A-3.

[11] "A Lasting Peace in the Middle East: An American View," December 1969.

[12] Quoted in Seth Tillman, *Anglo-American Relations at the Paris Peace Conference of 1919* (Princeton University Press, 1961, p. 132).

## THE CALLEY CASE

Mr. MATHIAS. Mr. President, My Lai is one of those rare instances in American history for which there seems to be no satisfactory answer and no happy ending. Every American shares both concern and sadness for that truly tragic episode and for its sequel in the court martial of Lt. William Calley.

President Nixon spoke for the Nation when, a year ago, he said My Lai was "certainly a massacre. Under no circumstances would it be justified." Vice President AGNEW at the same time called it "contrary to American values." These judgments have been confirmed by the finding of facts by a jury of Lieutenant Calley's peers, including Vietnam combat veterans, which determined that the killing of 22 unarmed men, women, and children occurred at a time when no battle or enemy action was in progress and no resistance was being offered.

American concern is heightened by the fact that 1,500 Americans are now prisoners of war or missing in action. The standard of treatment accorded prisoners is critical, therefore, because it reflects not only the way we treat those in our custody, but the way we want to see Americans treated in Communist prisoner of war camps. We do not wish to condone a My Lai for Vietnamese which might suggest another for Americans.

The national problem is how to set these facts in the context of the war, the personal limitations of a young, unseasoned officer, and the violence that always accompanies armed conflict.

The President and the American people are all aware that an event like My Lai imperils our basic effort to help establish a government of law and a respect for human life and individual liberty. The sacrifice of 50,000 American lives for these goals would be meaningless if we ignore such a tragedy.

These are all matters of high policy and intense personal concern. They touch the most sensitive national issues and they rouse deep compassion. As strongly as we may feel, we must not lose sight of the fact that they are not central to the Calley case, and, while they may be closely related or even directly consequential, they must not be allowed to obscure Lieutenant Calley's right to a judgment on his case alone determined on the facts of that case.

The central issue presented by the Calley case is, therefore, whether justice has been done to Lieutenant Calley. It is for this problem that Congress has provided a system of military justice with several appeals culminating in Presidential review. I believe that we must let this system of justice have an opportunity to work without interference and that its end product will be justice for Lieutenant Calley.

When we have done justice to Lieutenant Calley we shall have also done justice for the two and a half million Americans who have served honorably in Vietnam and for the 50,000 who died there expressly so that such respect for life and law might exist in that troubled nation.

## SALUTE TO THE FUTURE BUSINESS LEADERS OF AMERICA

Mr. TALMADGE. Mr. President, it is always a pleasure for me to recognize our educational system as we know it today—the academic training as well as the vocational training. The Future Business Leaders of America is a national organization for the youth of our country, dedicated to developing leaders for the business world of tomorrow.

Georgia is the FBLA State in that it has more active chapters with a larger membership than any other State in the Union. Georgia also proudly displays its first National FBLA President, Mr. Jones Hooks of Metter, Ga. Jones, an 18-year-old senior at Metter High School, is also the Georgia State President of FBLA.

In addition to being the home chapter for the State and National President, the Metter, Ga., chapter of FBLA has conducted many service projects for its city and community, among which, a county-wide campaign for support for American-held prisoners of war, a county-wide Environmental Clean-up Campaign, various fund-raising drives for the March of Dimes and the Heart Fund, and many projects for the businessmen of the community.

I feel that the Metter Chapter of the Future Business Leaders of America organization, Chapter 2552, should be

commended for its outstanding leadership and community service. Mr. President, I salute the Future Business Leaders of America and its National President, Jones Hooks.

## EAST PAKISTAN

Mr. MUSKIE. Mr. President, I have been reading with growing concern and apprehension the daily press reports on the tragic events now taking place in East Pakistan. This is the second major loss of life in recent months in that unhappy region. While the picture is not absolutely clear, I believe that there is enough information on the dimensions of the tragedy to make it clear that concerned Americans should speak out.

The relation between our economic aid and the recent political and military developments in Pakistan is a matter of concern to me. Last week, in this connection, I joined the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Oregon (Mr. HATFIELD) in sending a letter to the Secretary of State. In that letter we requested a clarification of the extent of American involvement, direct and indirect, in the civil strife and bloodshed in Pakistan. We are now awaiting a reply.

I also support the resolution regarding U.S. military assistance to Pakistan proposed by the distinguished senior Senator from New Jersey (Mr. CASE).

The U.S. Government has been the principal supplier of arms to Pakistan since the middle of the 1950's. There are reports that American-supplied planes, tanks, weapons, and other materials are being used by the central government forces in both the cities and the countryside of East Pakistan.

Mr. President, the time has arrived for America unequivocally and immediately to cancel any plan which would supply weapons of destruction to the Government of Pakistan under these circumstances—weapons which can only further exacerbate the tensions and bloodshed. There should be an immediate suspension of all military assistance to the Pakistani Government. The "one-time exception" to our 1965 embargo on the sale of lethal end items to India and Pakistan, agreed to in October 1970, proposed the supply of armored personnel carriers, Starfire jets, and B–57 bombers. These deliveries should not be carried out.

We have a responsibility to do all we can to reduce tensions and conflict in the world. As we seek to disengage ourselves from the conflicts of Indochina, can we allow our military support to be used to magnify tensions in South Asia?

I say we should not. I urge support of the Case resolution and I am proud to join in cosponsoring it.

## TROUBLED AEROSPACE

Mr. MATHIAS. Mr. President, since World War II, the aerospace industry of America has been the subject of a phenomenal, if spasmodic, success story of high economic growth and large financial profits. Sectors of that industry, however, are at present experiencing a difficult period of recession which may result in a fundamental reevaluation of past corporate philosophies and governmental procurement practices. The challenges of such a readjustment and transition are not easy, especially as they are set against a backdrop of already changing national priorities and Federal spending policies.

On Tuesday, April 6, the Washington Post completed a three-part analysis of the aerospace industry and the problems confronting it today. The study is comprehensive and timely. I ask unanimous consent that the three articles, written by Robert J. Samuelson, Leroy F. Aarons, and Philip D. Carter, be printed in the RECORD.

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

AILING AEROSPACE—ONCE-FAT INDUSTRY STRUGGLES TO PULL OUT OF DEPRESSION

(By Robert J. Samuelson)

(NOTE.—"At that time (1965), it was pretty obvious that we were going to land on the moon . . . I had postulated a Mars landing in 1985. We were looking at a NASA budget that would grow to $10 billion by 1975.")

The NASA budget is not going to be $10 billion by 1975. It's expected to be less than $5 billion. A 1985 manned landing on Mars is no longer in the cards. An American will be lucky to get to Mars in the 1990's.

Today the nation's aerospace industry, which lived on such visions, is struggling to master the severest depression in its short but phenomenal history.

If the industry accurately foresaw the moon landing, it failed to anticipate the simultaneous cooling of its three hottest customers: the Pentagon, the National Aeronautics and Space Administration, and the commercial airlines. Together, the three accounted for nearly 90 percent of the industry's 1968 record sales of $29 billion.

"We went through a period of fast growth, and we got a little bit fat and complacent," says one top aerospace executive.

Viewed from 1966, the reversal is even more astonishing.

Five years ago, every omen seemed to favor the industry's future. Military spending was climbing at a spectacular rate—$20 billion between 1965 and 1967. The Apollo program was progressing smoothly, and NASA expenditures, a trifling $700 million in 1961, were approaching $6 billion.

The economy seemed tiptop; unemployment declined to 3.8 percent, and a confident public was doing everything slightly in excess, including flying. To accommodate the long lines of passengers, the airlines embarked on an unprecedented buying spree for new jet aircraft.

The industry relaxed in the benign political atmosphere of a Congress and public that venerated technology. Military spending was rarely seriously challenged.

As former Defense Secretary Robert S. McNamara acidly remarked after he had left the Pentagon:

"The Congress, you see, has bought defense the way women buy perfume. If it costs more, they conclude it must be better."

Since then, Congress has soured on aerospace. Nothing symbolized the shift in mood so well as the recent rejection of funding for the Supersonic Transport (SST), after years of regular and overwhelming approval.

The cumulative loss of public favor and business has had a staggering impact on aerospace firms. For example:

Since 1968, when the industry's size reached its zenith with more than 1.4 million workers, employment has dropped by almost 400,000.

Engineers and scientists, perpetually in demand for nearly 10 years, have been thrown out of work by the hundreds. At last count, the Labor Department reported that there were 50,000 to 60,000 jobless among these highly-educated workers (including technicians), and, though the unemployment rate for all engineers was still only 2.5 per cent (against less than 1 per cent in Nov. 1969), it was more than 10 per cent for aerospace engineers.

The nation's largest defense contractor, Lockheed Aircraft Corp., which received more than $1.8 billion in prime contracts last year and produces the Poseidon missile and C–5A transport, is living dangerously close to bankruptcy.

Population patterns within the United States have probably been affected. One study, for example, showed the net migration to California—the state with the highest concentration of aerospace firms—slowed to a trickle of about 27,000 last year against an annual average of more than 200,000 during the rest of the decade. (California's unemployment rate is now almost 8 per cent, and other areas dependent on aerospace work also show the high joblessness—Long Island's unemployment rate is 6.9 per cent, Seattle's is 12.7 per cent, and Wichita, Kansas' is 10.3 per cent.)

OUTLOOK BRIGHTER

Despite these setbacks, the industry is not pointed toward its imminent demise. Lockheed's present precariousness aside, the outlook for most aerospace firms may soon improve. The 1972 budget plans a halt in the decline of space and defense spending, with the Administration requesting $76 billion defense budget, the first increase in three years.

More revealing is the military budget's composition. Aerospace firms are now straddling the gap between the awesome procurement of Vietnam—which primarily benefited manufacturers of existing hardware—and the funds generated by large new weapons programs. A number of such programs, including three new fighters and an Air Force bomber, have already reached the development stage. When and if the Congress authorizes production, millions in development funds will grow to billions.

Whatever happens, the last two years have been a chastening experience for aerospace men and companies. The Labor Department holds out little hope that most displaced scientists and engineers will soon be reemployed in technical jobs. Although Labor forecasts a need for 1.5 million engineers by 1980 (against the current 1 million), it also reports that many of the industry's unemployed are now holding down jobs that range from "store clerks . . . (to) science and math instructors . . . (to) gardeners and gas station attendants."

Like their workers, aerospace companies are attempting to accommodate the national mood for "reordering priorities." Just as oil firms have sought to shed the stigma of being polluters, many aerospace firms want to dispel the notion that they're only good for making sophisticated weapons.

One of the industry's biggest manufacturers, LTV, recently placed a magazine ad showing Uncle Sam making the peace sign, proclaiming that LTV is "looking ahead to peace" and expanding its operations into prefabricated housing and mass transit.

But these other lines of business are not likely to replace lost defense and space sales, at least in the near future. Government spending on technically-oriented domestic programs such as pollution and mass transit is still tiny compared to the military budget.

In Fiscal 1972, for example, the water pollution control budget is less than $2 billion, and proposed outlays for mass transit are less than $500 million. Moreover, aerospace firms—accustomed to years of work on titanic federal projects and insulated from the regular busi-

ness world—have so far encountered serious problems in diversifying.

As the nation's largest customer for goods and services, the government is only beginning to rediscover the harmful impact that these erratic swings can have on localities that grow quickly on an outpouring of federal spending, then suddenly find themselves deprived of the government backstop.

Not all the industry's troubles, however, can be blamed on or cured by the government. Less appreciated is the airlines role in the current decline. From about $2 billion in 1960, commercial jet sales rose sharply to more than $5 billion by 1968. One major firm, Boeing, derives 80 per cent of its business from commercial planes.

A no less extraordinary fact explains this expansion: world-wide air travel during the last decade nearly quadrupled. The airlines' buying splurge for new planes began in 1965 when aircraft manufacturers (primarily Boeing and McDonnell Douglas) delivered 233 new commercial jets and reached its peak in 1968 when the total reached 702.

That cornucopia has now vanished. In 1969 domestic air travel, already affected by incipient signs of an economic downturn, grew only 10 per cent, and, in 1970, there was no growth at all. Seven of the 12 major U.S. airlines reported losses last year, and most of them also lost their passion to purchase more planes.

Unfortunately, the twin pressures of declining government and airline spending don't adequately explain the sickness of the industry's most prominent invalid: Lockheed. Despite the economic downturn, many of the large aerospace firms have managed to remain profitable. Last year, Boeing made $22.1 million, Grumman made $20.2 million, and McDonnell Douglas recorded a $92.5 million profit.

COST OVERRUNS

The dwindling volume of government business simply isn't the real germ that infected Lockheed; though the company's total defense awards dropped 9.4 per cent in fiscal 1970, the industry-wide decline was 15 per cent.

More accurately, the company's ill-health reflects the after-effects of large cost overruns on many defense projects; on the C–5A alone, the government will now pay an estimated $4.5 billion for 81 planes against an original estimate of $3.4 billion for 115. The $480 million in total losses that the Pentagon forced Lockheed to absorb effectively drained the company of reserves to withstand unforeseen troubles on other projects.

And encounter troubles it did. When Britain's Rolls Royce declared bankruptcy in February, Lockheed temporarily lost the engine supplier for the company's new L–1011 jumbo jet.

Lockheed may yet survive the Rolls debacle; a tentative agreement with the British government may provide for continued production of the Rolls engine. Whatever happens, the company's flirtation with bankruptcy illustrates the fragility of even the industry's largest firms; in the mid-60's—when aerospace was enjoying the lushiest period of propriety—several major companies (including Douglas aircraft, which had to be merged into McDonnell) threatened to collapse.

This susceptibility to insolvency, which affects no other major manufacturing sector so strongly, reflects aerospace industry's unusual and unique place in the American economy—irrevocably tied to the government, yet not part of it.

The federal treasury buys two-thirds of aerospace's output and finances 80 per cent of its annual research and development ($5 to $6 billion); firms can rise or fall on the award of several multi-billion-dollar contracts. And the winner of a major contract is usually glued to the sponsoring government agency in an intimate collaboration for years: the Apollo project has lasted since 1963, and the B–52 stretched 16 years from early development to final production.

"Once you get locked into a program like Apollo, you've got 10 or so solid years of work. . . . You don't have to be lean and mean," says the president of one medium-sized aerospace firm. "A project like the C–5A has got to be inefficient."

LORD AND VASSAL

Despite the preponderance of federal money, the relationship between government buyer and private seller rarely approaches what might be expected from such a lopsided arrangement: lord and vassal. Depending on which set of experts you prefer to believe, there may or may not be genuine competition in the initial selection of prime contractors for major projects, but once the government chooses a supplier, it becomes commited to that producer—as much dependent on it as the firm is on the government. By itself, that fact helps explain many of the well-publicized overruns.

Until recently, this close relationship was viewed not only as proper, but also as necessary and desirable, solidly anchored in the need to maintain the world's most modern armed forces. That required, according to prevailing view, ongoing research and development far too costly and risky for private industry alone.

After the hasty mobilization of the Korean war (military spending doubled in the first year of the war against only 16 per cent in 1966 for the war in Vietnam), many officials vowed to maintain an adequate "mobilization base" for the future.

Promoting the industry's strength was also viewed as a way to stimulate a fast-growing economy and maintain international technological preemience; the industry today shelters nearly one-quarter of the 380,000 scientists and engineers in industry engaged in research and development. Backstopped by military experience and projects, America's plane manufacturers dominate the world civil aircraft market; in 1968 nearly three-quarters of the 4000 planes flown by the world's airlines were made in the United States.

Abroad, industry and government officials bemoaned their own technological backwardness and envied the informal U.S. industry-government partnership. "In the western hemisphere," says one British aerospace executive, "the U.S. is god of technology."

Despite the overseas admirers, the notion of an informal government-industry alliance to maintain the nation's technological superiority now inspires increasing cynicism here. Skeptics see industry and government agencies (primarily the Pentagon) instinctively working hand-in-hand to devise new projects of dubious worth whose only real purpose is to occupy each other.

In late 1968 and early 1969, disenchantment began to crystallize around two major military projects: the Air Force's C–5A transport and the anti-ballistic missile. The erratic and unpredicated course of the war in Vietnam had already undermined the Cold War reputation of civilian and military defense planners. The prolonged Senate investigation of the TFX swing-wing fighter-bomber had the same effect by publicizing and dramaticizing what experts had long known: not all big defense projects performed according to specifications, cost what they were supposed to and arrived on time.

The C–5A added more embarrassment. Sen. William Proxmire (D-Wis.) not only disclosed the cost overruns but also the Air Force-Lockheed repricing agreement, dubbed the "golden handshake." Under this part of the contract, the government's price for a second run of aircraft (planes 59 to 115) rose in relation to Lockheed's extra costs on the first 58 jets.

SIMPLE LESSON

The C–5A hearings attempted to demonstrate a simple lesson: the military indulged its contractors and, consciously or not, fostered inefficiency and cost overruns. Those overruns did not originate with the C–5A.

A recent study of 61 major weapons systems by the General Accounting Office found that expected costs had exceeded original estimates by $33 billion, with initial underestimates representing about a third of the difference and the rest attributable to engineering changes or quantity changes ordered by the government.

Not surprisingly, the industry also regarded the C–5A episode as something of a landmark. Most of Proxmire's charges were well-publicized.

"I see the C–5A as a case in which many people—including reporters on your newspaper—were highly motivated to get 'priorities shifted' and inflict a damaging blow on the industry," says one Washington aerospace executive. Lockheed officials argued that the C–5A had been unfairly singled out when many other less publicized military items had achieved higher overruns and lower performance.

Aerospace firms say they are increasingly misunderstood and attribute cost overruns and delivery delays to "inherent technical uncertainties in the development of major weapons systems of high technical content."

The most mystifying and unpredictable elements, says the Aerospace Industries Association, are uncertainties known to insiders as "unk-unks" or "unknown-unknow" which "cannot be anticipated and therefore cannot be taken into account in preparing a bid on a system."

With or without unk-unks, other characteristics distinguish government procurement from the normal business work—and, according to the critics, encourage companies to deemphasize cost controls and hoard valuable engineering teams. The government provides most of the cash for its ongoing projects.

On the C–5A, for example, Lockheed originally invested only $100 million of its own money, with the rest coming in a continuing flow of "progress payments" from the Department of Defense. By contrast, on the L–1011 commercial jet, the company has had to commit an estimated minimum of $400 to $500 million of its own funds—money only to be recovered when, and if, the planes are sold. Moreover, the government actually provides a substantial amount of the plant and equipment used for defense work, estimated in 1968 at $13.3 billion.

The unusual characteristics of government procurement may help explain why the industry has not diversified into civilian markets.

"Their (aerospace firms') lack of knowledge of non-defense industries is pervasive," says Murray Weidenbaum, assistant Secretary of the Treasury and an economist who has studied the industry in depth.

"It often includes ignorance of products, production methods, advertising and distribution, financial arrangements, funding of research and development, contracting forms and the very nature of the civil customer's needs."

For the last five years, the industry's sales of non-aerospace products have remained virtually stable between $2.6-$2.7 billion annually, about 10 per cent of the total.

There are, to be sure, firms that have successfully broadened their bases. The Rohr Corp., a medium-sized California company that was (and is) a preeminent producer of jet engine pods, now manufactures subway cars for San Francisco's Bay Area Rapid Transit (BART). United Aircraft, which owns Pratt & Whitney Engine (engines for Boeing jets, including the 747) and Sikorsky helicopters, also has nurtured a growing gas turbine division and hopes to capitalize on its Turbo train.

But industry analysts like to point out establishing even a $100 million non-aerospace subsidiary—producing housing, consumer goods, anti-pollution devices, or almost anything—won't do much immediately to sustain either the employment or volume of companies the size of Boeing (1970 sales: $2.8 billion), or General Dynamics ($2.2 billion) or Lockheed. Boeing predicts it will take at least a decade to diversify 33 per cent of its volume into nonaerospace lines.

The impermanence of previous declines, say the critics, underlines the main reason that the industry didn't embark years ago on a long-range diversification program: lack of motivation—it was easier to continue feeding from the federal trough.

That brings the story back to Washington. The list of potentially-large new space and military programs is a long one. It includes at least three new jet fighters (the F–14 for the Navy, the F–15 for the Air Force, and the AX, a close combat support jet), one long-range bomber (the B–1), a fleet of airborne radar detection planes (called AWACS), a high-speed helicopter for the Army (Cheyenne), a new underwater missile for the Navy, and a "space shuttle" for NASA that is supposed to reduce the cost of individual orbital flights, making space stations and continued exploration of the heavens an economic possibility. On the B–1 bomber alone, total program costs are estimated to reach $11 billion.

HILL'S DISENCHANTMENT

It is not the size of these projects that is in doubt, but the depth of Congress' disenchantment with military and space spending. Three years ago, says Richard Kaufman, aide to Sen. Proxmire who did staff work on C–5A hearings, most Congressmen still abided by longstanding assumption "that it was virtual political suicide to question military establishment in any sustained way."

Those days are now gone. Although Congress voted in 1969 to continue ABM, a 50–50 vote in the Senate that had to be broken by Vice President Agnew. On the 1971 budget, Congress cut $2 billion from defense appropriation over protests of the Pentagon.

This rising congressional animosity undoubtedly influenced administration decisions to drop the Air Force's Manned Orbiting Laboratory in 1969, cut back production of the C–5A, and suspending production of the Cheyenne helicopter. The recent deaths of Sen. Richard Russell (D–Ga.) and Rep. L. Mendel Rivers (D–S.C.), chairmen of the armed service committees in both houses, deprived defense programs of their most powerful congressional spokesmen.

Even so, many industry men sense that their moment of greatest danger is past. "I think the anti-military (critics) had their heyday last year and the year before that," says Burtom E. English of the Aerospace Industries Association. "Too many people are getting worried that we have not done very much to modernize our forces for the last six years or so."

The aerospace industry will, of course, survive. The industry's immediate future lies with military and space programs. Recovery from its present slump depends on how many new weapons systems are adopted. That, in turn, depends on the mood of Congress and the American public, and neither is entirely predictable. Most analysts believe that the industry's direction from now on is upward, but how far up and how quickly is anybody's guess.

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LOCKHEED: THROES OF AN AEROSPACE DINOSAUR

(By Leroy F. Aarons)

BURBANK, CALIF.—Of all the troubled aerospace giants, none has lumbered to its knees so hard and fast as the Lockheed Aircraft Corp.

Just five years ago, shortly after it won the $5 billion Air Force contract for the mammoth C–5A military transport, everything was rosy. Lockheed was enjoying the best year in its history, with net earnings of $58.9 million. Its stock was at a record high of 72. It was the nation's top defense contractor, with rising employment that would reach a peak of nearly 100,000 by 1969.

Today, Lockheed is teetering on the edge of bankruptcy. It lost $42.9 million in 1969. Its stock has slumped to 10. Employment has fallen off by 22,000 in about 18 months. It owes $550 million to the banks, and just took a loss of $480 million in a negotiated settlement over four disputed government contracts—including the C–5.

Its big entry into the commercial aviation field—the L–1011 TriStar jet—was dealt a staggering blow when the engine maker—Rolls Royce—went bankrupt last February.

The decline of Lockheed is part of the mosaic of a changing era, an unpredictable economy and a fickle political climate. It has also been alleged that it is the product of mismanagement, miscalculation and downright deceit—all of which its critics say is standard operating procedure in the military industrial complex. The difference, they say, is that Lockheed got caught.

Whichever version one believes, there is one explanation that permits the government to share the blame. The mammoth C–5 contract between Lockheed and the Department of Defense was the first major contract to be let under a new plan—total procurement plan—that was supposed to save the government money and produce more predictable results, but which turned out to do the opposite and has since been abandoned.

Lockheed's relationship with the government matured in World War II when it geared up to enormous proportions to provide much of the firepower of that conflict—typified by the heralded Lockheed P–38 fighter plane. Over the years, Lockheed developed a reputation for aggressive, risk-taking policies, ever since it was reformed after depression-wrought bankruptcy in 1932.

There was a postwar slump, but soon the cold war made for a bullish market for defense contractors, Lockheed won lucrative contracts to build B–29s and B–47s at the government-owned plant in Marietta, Ga., which later became the construction site of Lockheed's big air cargo planes—the C–130 and the C–141.

By the 1960s, Lockheed's military and space programs accounted for more than 50 per cent of its business. Its one major plunge into commercial airplane building prior to the L–1011 was the ill-fated Electra turbo-prop around 1960. Poorly timed to compete with Boeing's more attractive full-jet airplane, and involved in several crashes, the Electra cost Lockheed $60 million in losses. (The debugged military version is now being used successfully as an anti-submarine plane.)

It was with this background that Lockheed bid in 1965 for the giant C–5A contract, along with Douglas and Boeing.

The history of the C–5A—the key to Lockheed's decline—is fraught with charges and countercharges, of cover-ups, and buy-ins, suppression of facts and sheer incompetence. How much of the blame lies with Lockheed, how much with the government and how much unavoidable circumstance is still the subject of debate.

The C–5 was to be the world's largest cargo plane, able to airlift gigantic amounts of equipment for fast deployment to any trouble spot in the world. Lockheed's winning bid was $2.2 billion, around $400 million lower than Boeing and $100 million below Douglas. The charge has since been made that Lockheed deliberately underbid to grab the contract—known in the trade as "buying in."

The Securities and Exchange Commission, which launched an investigation after the C–5 controversy blew open, found that top management had ordered a 10 per cent cut in its staff's cost proposal "in order to give Lockheed a better chance of getting the contract."

"Lockheed has a well-established reputation in the industry of buying in," said a source at a rival firm. "They became notorious for it. They've done it on every airplane. They come in with an obviously lower bid and then subsequently by artful contract manipulation scale the price way up."

Lockheed has always denied "buying in." Its bid, it says, "was based on the company's past experience in building turbine-powered transports for the Air Force, and it represented the best judgment of our ability to perform over the life of the anticipated program."

As early as November 1966, two months after the contract was let, the Air Force began to become concerned over increased costs, according to the SEC and sent a letter to Lockheed saying so. The history of the next two years was one of mushrooming costs, optimistic forecasts by Lockheed and increasing concern by the Air Force—almost all of the drama being played out without knowledge of Lockheed's stockholders, or the taxpayers.

By late 1967, it was becoming obvious internally that Lockheed was heading for a disastrous overrun.

"We did not predict the runaway inflation that followed the Vietnam war starting in 1965," management now explains. "We did not predict the explosive increase in defense and commerical aircraft contracting. . . . We did not anticipate the huge change in lead times to obtain parts . . . We also estimated our costs upon normal cost-to-size projections and based upon our experience in building the C–130 Hercules and C–141 StarLifter transports, and these predictions proved faulty. We did not expect under the contract to be foreclosed in our recommendations for increasing the thrust of the engine to accommodate additional weight, and we did not anticipate the huge impact this restriction would have on our costs."

Put together, it was clear that for whatever reasons, Lockheed had made a massive miscalculation. Certain critics add to that charges of gross inefficiency at the Marietta plant where C–5 was being built, as well as elsewhere. A New Republic article of August 1970 quotes a Jack W. Tooley, a former civilian adviser to Lockheed, as saying, "I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable."

The crucial factor in the C–5 issue, and the subject of greatest debate, was the nature of the contract. The Pentagon, reeling under the huge cost overruns of the F–111 (TFX) episode, decided under the goading of then-Defense Secretary Robert S. McNamara to do away with the old cost-plus system of reimbursement (which permitted virtually open-end costs, yet assured contractors a profit).

In its place, they devised the "total procurement package" a system by which one firm would bid for the entire life of the product, from design to production, on the basis of a fixed price and fixed profit. Theoretically, the contractor, not the government, would be penalized for all costs over the contract ceiling.

The C–5 was the first major contract to be let under the total procurement plan. Lockheed board chairman Daniel J. Haughton and several other executives have assailed the TPP system—since abandoned by the Pentagon—as the crux of its difficulties. There is much truth to what they say.

The TPP concept did not reform the contract system, it merely shifted the enormous risk involving highly technical defense items from the government—which traditionally had absorbed overruns—to the contractor. By

combining both development and construction in one package, it also forced bidders to project costs over an extremely long period, sometimes as much as 10 years.

But there was an "escape clause" in the C–5 contract that complicated matters. The now-famous "recycling formula," or "golden handshake," as it came to be called, would have enabled Lockheed to recover losses from the first "run" of 58 planes by increasing the prices on the second run of 57 planes. Thus, the higher the costs on the first batch, the higher the price on the second. But the golden handshake was more of a crunch than a clasp. For it to become operative two things had to happen: (1) The overrun on the first lot had to be at least 30 per cent more than the target price and (2) the Air Force had to exercise its option on the second run.

It was a risky business at best. A company that was showing heavy overruns in the first run of such a contract would have to realize that to recover its money later, the costs must go even higher. Secondly, such a company would want to keep things as quiet as possible so the Air Force would not renege on the second run, leaving it with mammoth losses.

Ordinarily, in the tradition of the close relationship between defense contractor and government client, the whole thing would have been quietly resolved. The public would know nothing about it. Lockheed's stockholders would know only that the Air Force had demanded some important changes in the C–5 contract, with which the company was complying.

(Asked why Lockheed remained so silent about skyrocketing costs, the company has said it believed it was protected from loss by the repricing formula. "We had every reason to believe that the option would be exercised, and we therefore in good faith could not have reported a potential loss—to have done so would have been misleading.")

But, the times were changing. The Vietnam war had disenchanted many in the Congress and the public with open-end defense spending. Horror stories of waste and inefficiency—with overruns of 600 and 700 per cent—began to leak out. In that context, Sen. William Proxmire (D-Wis.) held his Joint Economic subcommittee hearings in November 1968 and January 1969.

There, an Air Force cost expert, A. E. Fitzgerald, revealed for the first time the extent of Lockheed's fumble, which Fitzgerald put at $2 billion. Fitzgerald was at first silenced. Ultimately he was fired by the Air Force for his troubles. But the story became known of the Air Force's attempts to squelch news of the overrun because of "adverse publicity and stock market implications." Other testimony revealed that McNamara himself had known of the overruns since 1967, yet had told the Congress early in 1968 that everything was going well.

The affair tainted both Lockheed and the Air Force, which decided to exercise its option for only 23 additional C–5s beyond the original 58. At the same time, Lockheed was running into severe contract and overrun troubles on three other defense projects: the Cheyenne helicopter, the Short Range Attack Missile (SRAM) and various shipbuilding contracts. (The SRAM deal was another example of eager beaver bidding. Lockheed agreed to a last-minute contract change imposed by the Air Force on the assumption that the additional technology would be rather simple. As it turned out, the change cost an additional $50 million, beyond longer any doubt that Lockheed was in danger. In a letter to Deputy Secretary of Defense David Packard, Haughton for the first time acknowledged publicly that Lockheed could go broke. ". . . the cumulative impact of the disagreements on four programs creates a critical financial problem which cannot be supported out of our current and projected assets and income," Haughton said.

Haughton asked for $640 million in bailout money from Congress, a request which Rep. William S. Moorhead (D-Pa.) characterized as being like "an 80-ton dinosaur who come to your door and says, 'If you don't feed me I will die and what are you going to do with 80 tons of dead, stinking dinosaur in your yard?' "

Congress, in a recession climate, did not respond favorably. Finally, a limping Lockheed agreed to settle with the government, accepting losses totalling $480 million ($200 million on C–5; $120 million on Cheyenne; $130 million on ship contracts, and $30 million on SRAM).

That was on Feb. 1, 1971 (actually the SRAM agreement had been reached earlier). Three days later, on Feb. 4, Rolls Royce, Ltd., announced that it had gone into receivership.

The blow, which apparently (and oddly) took Lockheed totally by surprise, threatened to destroy the major commercial project on which the firm had pinned its hopes for the 1970s—the L–1011 TriStar jetliner.

Just two years earlier, in April 1968, rebounding from its 1966 loss of the SST contract to Boeing, Lockheed had announced the first orders for its L–1011. The announced sales, announced long before its competitor McDonnell-Douglas landed its first orders, was a sensation. It looked as if Lockheed was going to capture the market. Its stock jumped some 20 points. A consortium of 24 banks agreed to lend Lockheed $320 million to finance the project.

But, again, changing times were to foil Lockheed's hopes. The market for air travel dropped drastically in the last three years. McDonnell-Douglas, with a long history of commercial jet marketing behind it, began to pull ahead in orders (240 to Lockheed's 178). Moreover, publication of the C–5 scandal and its subsequent consequences damaged Lockheed's sales position in the commercial field.

The failure of Rolls Royce was the crowning blow. (It has come out that Rolls Royce was forced under because it could not meet the growing costs on a fixed-price contract on the Tri-Star engine for which it bid low and then encountered unanticipated technical problems—an ironic echo of Lockheed's own problem with the C–5).

Some say, with the benefit of hindsight that Lockheed should have stayed out of the airbus field altogether. "It was the biggest mistake they ever made," said an aviation analyst for a large stockbroker firm. "Boeing and Douglas were traditional producers, Lockheed was an outsider. Even if Rolls had delivered on schedule, it was still questionable whether the program would ever make money."

Whatever the miscalculations might have been, the present fact is that Lockheed's management has presided over an almost unprecedented series of disasters. The firm's net worth, after adjustment for the defense losses, stands at around $240 million. Should the L–1011 program be abandoned, the estimated write-off of $250 million after taxes would put Lockheed in a "negative net worth position." Translated: that means busted.

It hardly seemed likely that the banks or the government would be willing to let the Lockheed dinosaur expire in their yards. Lockheed owes the banks $350 million. The government still has billions in on-going vital projects going with Lockheed (the C–5 Poseidon, Agena, to mention only a few).

A Lockheed failure would also have widespread fallout. Its L–1011 customers (TWA, Eastern, Pacific Southwest Airlines and Delta) have invested $206 million in advance payments, although Delta has placed orders for five DC–10 planes as a precaution. A vast array of L–1011 subcontracts would also be badly hurt, such as Menasco Manufacturing Co., which has three-fifths of its backlog involved with nose and landing gears for the TriStar.

The possibility of a negotiated settlement among Lockheed, Rolls Royce in receivership and the British government was strengthened recently. But even should a settlement come, and the engine construction be resumed, whether Lockheed could recover its competitive position is still in doubt, as is the entire course of Lockheed's future.

Through it all, Lockheed's tenacious management has hung on. Haughton, 59, a farm boy from Alabama who started as an accountant and rose to Lockheed's chairmanship in 1967, recently told a British reporter: "If heads must roll, maybe mine ought to be first." The reporter said he said it with a smile.

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AIRCRAFT EMPLOYEES: ENGINEERING TO METER READING . . .

(By Philip D. Carter)

MARIETTA, GA.—A recent "Help Wanted" notice for a $2.60-an-hour water meter reader and repairman attracted 70 applicants to this Atlanta suburb's city hall. Most of the job-seekers were highly skilled aircraft workers laid off by the Lockheed-Georgia Company—machinists, lay-out planners and engineers accustomed to earning $5 an hour and up.

They were not the only Lockheed employees looking for jobs. In the past year and a half, Lockheed's sprawling Marietta plant, 20 miles north of Atlanta, has laid off more than 12,000 workers, down from a peak of 33,000 in August, 1969.

By the end of this year, plant officials say, only 17,000 workers will remain, and—assuming the troubled plant stays open—the figure could go as low as 10,000 by 1973.

DIVERSIFIED ECONOMY

In other aerospace communities around the country, statistics like that spell gloom, doom and recession. But thanks to the diversity of the regional economy, the Atlanta area and even Marietta itself are enjoying something of a boom.

The shock of sudden large-scale layoffs in the aerospace industry are real. There are engineers in Seattle and Los Angeles who are working at lunch counters and selling used cars. Families of unemployed aerospace workers are on relief.

Is this the inevitable consequence of shrinking defense budgets and the shifting of national priorities? The Marietta phenomenon demonstrates one answer: there will always be personal shocks, but if the national economy, and the one surrounding the closed plant, are on the upswing, the unemployed can be absorbed.

One of the bitter consequences of the present decline in aerospace activity is that it comes at the same time as a national decline in the whole economy. Precisely when defense workers are losing jobs, a lot of other people are too. At the same time that the aerospace economy goes into recession, the national economy does too.

If the national economy can be strengthened, perhaps the change in aerospace could be managed in some other cities the way it has been in Marietta.

BANK DEPOSITS HIGH

In Marietta, for example, despite the massive Lockheed layoffs, bank deposits are at an all-time high. Demand for residential contruction money is at a three-year peak. The town's automobile dealers, always a sensitive indicator of local prosperity, say that their trade is thriving.

And throughout the five-county metropolitan Atlanta area, in which the bulk of the laid-off Lockheed workers live, the figures are equally rosy. With unemployment rates running over 11 per cent in aerospace centers like Seattle and Wichita, unemployment in

Atlanta last year averaged little over 3 per cent.

The difference, as an Atlanta Chamber of Commerce spokesman puts it, is that "ours is a balanced, diversified economy" which owes relatively little to federal defense spending for its strength.

"Whatever happens to Lockheed," says the Chamber spokesman, "we can absorb the blow."

D.C. Hester, executive vice president of Marietta's First National Bank, declares, "We'd hate like the devil for anything drastic to happen to Lockheed, and we don't think it will. But even if the company went bankrupt, it wouldn't be the catastrophe that it would have been a few years ago."

Marietta—a community of about 30,000—knows from harsh experience that federal defense spending can be a sometime thing. Just 30 years ago, this was a peaceful county seat of 8,000, largely dependent on the annual Cobb County cotton crop.

1ST BOMBER PLANT

Then World War II erupted, the Air Force built a bomber plant just outside Marietta's city limits, and by 1945 nearly 30,000 men and women from all over north Georgia were at work at Air Force Plant Number Six, building B–25s for Bell Aircraft.

The town's transformation was profound. Just building the main assembly building—a structure which still lays claim to the title of "World's Largest Enclosed Space"—required removal of a small mountain.

New housing tracts, drug stores, restaurants and theaters were built in a matter of months, and local merchants were soon making more money than they ever had before.

But the day after V-J day, the plant was ordered closed, and Marietta's first defense boom came to an end.

PLANT REOPENED

Six years later, in 1951, the Air Force asked Lockheed to reopen the plant to modify B–29s for use in the Korean War—and, soon thereafter, to construct the new B–47 jet bomber. Marietta came back to life.

Behind the B–47 came the C–130 Hercules cargo plane, then the JetStar business jet, and then the C–141 Starlifter. The burgeoning plant attracted highly skilled workers from all over the country. Even so, there were periods of sharp reductions in work force.

In 1960, for instance, Lockheed was caught between contracts: It's B–47 work was over, and the company had not yet won the contract for the C–141. Employment fell to 10,000—down from a high, in 1956, of over 19,000.

Then in September of 1965, Lockheed was picked to build the C–5A jet cargo plane, the world's largest airplane. Lockheed's prosperity—and Marietta's—seemed assured.

Although Lockheed officials insist the corporation won the C–5 contract strictly on the merits of the company's design and bid, local community leaders have been quick to credit former Sen. Richard B. Russell (D-Ga.), who died this year, with helping snare the bonanza.

"The people in the South have had the good sense to perpetuate their people in office so they can be effective," Marietta's Mayor Dick Hunter, observes. "If it hadn't been for people like Sen. George (former Georgia Sen. Walter George) and Congressman Carl Vinson (retired chairman of the House Armed Forces Committee) we wouldn't have anything in the South."

AWESOME COMPLEX

What Marietta had, by the late 1960s, was one of the most awesome defense complexes in the United States, most of it owned by the Air Force and operated, under a lease agreement, by Lockheed.

The economic mass of the C–5 project was staggering. Lockheed's 1969 version of the total contract price—$3.195 billion—was three times Georgia's annual state budget. Employees came from 85 Georgia counties, and at the end of each week they took home paychecks totalling $6 million.

But most impressive of all was the C–5 itself. Nearly as long as a football field, standing nearly six stories high, it had a fuselage cavernous enough to hold 14 jet fighters or 50 automobiles, and its engines developed as much horsepower as 800 cars. It is assembled in a building that covers 75 acres.

Although outside the city limits of Marietta, and thus exempt from city taxes, the plant pays more than $1 million in property taxes to Cobb County annually. Like Mayor Hunter, who is on leave from Lockheed's planning department, two members of the present city council are "Lockheedians," as are two members of the state legislature.

Lockheed officials have held office in an imposing array of civic organizations, booster clubs and fund-raising drives.

MODEL EMPLOYER

And after weathering sharp allegations of discriminatory hiring practices in the early '60's, Lockheed-Georgia has become by Southern standards, a model equal opportunities employer, the first of the nation's major corporations to agree to the Kennedy administration's guidelines for the hiring and upgrading of black employees.

When employment was at its peak level of 33,000, for example, 10 per cent of the company's work force was black and 2.5 per cent of its salaried managers were black. Today after the layoffs, the management figure has slipped to 1.8 per cent, while total black employment is 8.8 per cent. Even with the slippage, the figures are considered high for the region and the aerospace industry as a whole.

With that kind of record to point to, Lockheed officials today sound almost petulant as they review the corporation's recent bad press.

"The C-5 has the lowest overrun of any major program since World War II" declared a plant official, who asked not to be quoted by name. "Under a different climate nobody would have ever had a thing to say about the C-5. Lockheed is the only company that's meeting its specifications, and it's the one that's taking the penalty.

"Look at the F-111 fighters. They're not meeting specifications, but that contract is not being forced to take a loss. Ever since Sputnik, the country has encouraged people to get into engineering, and now we're turning them off. This thing," he concludes, "just came along when everybody was tired of the military."

But, the project's multi-million dollar overruns aside, there have been numerous embarrassment.

The first C-5 delivered to the Air Force lost a landing wheel while touching down in Charleston, S.C., in full view of Defense officials, military brass and press.

Discovery of a cracked wing on one of the giant craft led congressional critics to cast doubt on the C-5's airworthiness: Lockheed denied that the problem was major, but ordered reinforcement of all the aircrafts' wings.

One of the planes caught fire and was completely destroyed while being drained of fuel at Marietta's Dobbins Air Force Base, and a Lockheed worker died in the mishap.

The plane's innovative radar has been plagued wtih troubles. And on and on.

But all these difficulties, plant officials assert, are evidence of no more than the usual problems attending the development of any vast new technological project. What has changed, they feel, is the mood of Congress and the public.

Today, with company employment off and falling, with the weekly payroll down to $4 million from its earlier $6 million high, Lockheed officials at times sound as though they fear they may be running out of friends even in Georgia. And maybe they are.

Such gestures as the Georgia legislature's recent passage of a resolution commending Lockheed are offset by the fact that political supporters of Lockheed like Democratic Rep. John W. Davis, whose district encompasses Marietta, and Democratic Sen. David Gambrell, Russell's successor, are growing demonstrably disenchanted with the nation's aerospace industry. Last month Davis and Gambrell broke ranks with their Georgia colleagues and voted against further appropriations for the Boeing SST.

"After 10 years (in Congress)," Davis declared, "I decided to try to see what I could do with my job rather than just cling to the honor of having it." Of the 20 letters Davis said he received from constituents, only one—from a Lockheed employee—was critical, he said.

Like Davis, Sen. Gambrell explained his vote in terms of relative national priorities. The Nixon administration, he pointed out, has cut back nearly $10 billion which Congress had appropriated for "urgent programs."

"This is money in hand," he said "earmarked for . . . water and sewage, housing, highways, rapid transit and pollution control, and much of it in the state of Georgia."

Although neither man is likely to turn against Lockheed itself, that kind of logic is catching, even in Marietta.

"Don't quote me on this," says a local business executive dependent on Lockheed employees for much of his income, "but I've often wondered whether that plant over the long haul has really done Marietta all the good we say it has.

"Five years ago I wouldn't have even whispered such a thing. But today," he said, "today, I just don't know."

In Marietta, as elsewhere in the county, the word "defense" had lost its automatic magic.

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## MANAGEMENT PRACTICES ON THE PUBLIC LANDS

Mr. TALMADGE. Mr. President, this week the Senate Subcommittee on Public Lands has opened hearings on management practices on the public lands. In part, these hearings stem from allegations on mismanagement of the national forests, particularly from the practice of "clearcutting." The 187 million acres of national forest system lands throughout the country are managed by the Forest Service of the U.S. Department of Agriculture.

Many of the people who might accept unchallenged these allegations of mismanagement are in reality unaware of the actual management policy of the Forest Service or of the problems faced in managing the national forests. Moreover, many are unaware that forest management as practiced by the Forest Service is not a static policy. It is, rather, capable of changing to meet new challenges while constantly meeting its obligations to the forests and people of the Nation.

It has recently come to my attention that the Journal of Soil and Water Conservation, in its January–February 1971 issue, published an article by M. M. Nelson, Deputy Chief of the Forest Service, which responds to criticism of national forest management and lays out the policy direction such management will follow in the decade ahead. Although this management direction will un-

doubtedly be spotlighted in the hearings this week, I believe it is appropriate for me at this time to ask unanimous consent that the article be printed in the RECORD.

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

THE FOREST SERVICE IN THE SEVENTIES

(By M. M. Nelson)

The current decade offers heretofore unheard of challenges and opportunities to the managers of America's forests, both public and private. For this reason, the Forest Service, U.S. Department of Agriculture, is now extensively reorienting its programs to take advantage of these challenges and opportunities. How the agency meets these challenges and opportunities will be the key to achieving a maximum contribution to the social and economic well-being of the American people.

The Forest Service has long assured the public that "these are your national forests." Small wonder, then, that an ever-increasing number of people are concerned about how the nearly 187 million acres of national forest land are being managed!

The reasons for this concern are obvious. The National forests contain some of the world's finest forest and range properties, spectacular scenery, and places to recreate. The public's "discovery" of these assets has burgeoned demands for all uses. Although 187 million acres sounds like a large amount of land—and it is—this great expanse of land has become a finite commodity in the light of today's mounting needs and demands.

Consider the mounting requirements for water: for power generation, agriculture, wild and scenic rivers, recreation, domestic use. National forests yield more than half the water used in the 11 western states. In the East, national forests are located to influence water quality.

Consider the demands for solitude being sought by more people. Even some wilderness areas now are heavily used.

Consider the demands for outdoor recreation facilities: roads, trails, camping locations, picnic areas, etc.

Consider the demands for food. Per capita consumption of meat has increased slowly and steadily for several years. Beef production on national forest rangelands is practically insignificant relative to total production, but it contributes to the need for creating and maintaining stable production and living opportunities in the rural environment.

Consider also the demands for hunting opportunities, places to fish, and the production of lumber and other wood products.

These examples are drawn only from those demands made on national forest lands. In the case of "many uses," particularly timber supply, all public and private forest lands must play a role in meeting the resource needs of this decade and beyond. The other major implication of these demands, of course, is that increasing and more intensive use, both on public and private forest lands, will create environmental impacts.

FOCUS OF GOALS

Management of the national forests in the public interest as well as leadership in promoting sound forestry practices on private forested lands, has been the dedicated concern of the Forest Service for more than half a century. I will not review this record, because we are looking forward to a new decade, with new needs, new challenges, and a new orientation.

The Multiple Use and Sustained Yield Act of 1960 represented a restatement of Forest Service goals. Now, this basic legislation is further augmented by new and firmer direction.

The Forest Service has summed up its future objectives and policy direction in a pamphlet titled "Framework for the Future." This is the first major stride toward keeping the Forest Service in step with the changing world. The direction outlined is designed to guide a forward-looking program with flexibility to meet national needs.

"Framework for the Future" focuses all three major programs of the Forest Service—research, state and private forestry, and national forest system management—directly on meeting the social and economic needs of the American people during the coming decade. Maintenance of the environment is strongly emphasized both on national forests and private forest lands as well as in urban areas and areas outside the national forests which are affected by Forest Service programs.

The Forest Service's immediate job is to translate these "Framework" goals into a dynamic program on the ground. The goals must be fashioned into a program that is responsive continuously to people's needs.

A Forest Service environmental program for the future is now in preparation. Specifically, it will offer the American people balanced management of their forests.

Environmental quality legislation of the late sixties, climaxed by the National Environmental Policy Act of 1969 (Public Law 91–190), provided new direction for this program. This legislation pointedly emphasized the public's interest in environmental quality. This interest is being built into the Forest Service program.

Actually, the Forest Service has been deeply involved in environmental questions throughout its 64 years of service. Today, two-thirds of the agency's research effort relates directly to the environment.

Nevertheless, the Forest Service is expanding its efforts in an extensive program to implement environmental legislation both nationally and regionally. This intensification of effort encompasses every facet of the Forest Service program, from a restatement of some basic principles to a review of standards for maintaining the quality of air, water, scenery, appearance of land-disturbing operations, debris disposal, road location, and use of pesticides. Research needs, scientific capability, organizational arrangements, and program balance as they relate to environmental quality are also being examined.

I sense that Forest Service professionals have rediscovered the relevance of ecological principles to the complex environmental management problems posed by increasing demands for all kinds of goods and services from the national forests and private forest lands as well. Of course, ecology and ecologic thinking are not new to forestry or any other aspect of resource management. The Forest Service has some excellent ecologists in both research and management, but a refocus of principles by the entire professional organization is now appropriate.

The agency currently has plans underway in this direction. For example, regional foresters and most Washington office division directors recently took a concentrated, week-long refresher course in basic ecology. This short course was aimed at reinforcing the kind of ecologic thinking that will be expected of land managers and researchers in the future.

AESTHETICS AS A MULTIPLE USE

Another key consideration in the Forest Service's reorientation involves aesthetics. Some people have suggested aesthetics be added as a legitimate multiple use. Whether or not this is done formally is not important. Consideration of the natural landscape as a visual resource has become standard practice in planning Forest Service operations on the land.

Actually, the Forest Service employs more landscape architects (almost 160) than any other agency. Their full influence is still developing, but already they are making important contributions.

An important corollary to the consideration of aesthetics in planning management programs is debris cleanup. High standards for this cleanup from any kind of forest or range operation are the order of the day. A number of the nine Forest Service regions in the United States have reset stricter standards for roadside and logging debris cleanup.

"Framework for the Future" emphasizes quality in Forest Service programs. In all of the agency's operations on the land, environmental quality considerations have first priority. This applies in planning, design, and the execution of operations on the land. Ecological principles, aesthetics, appearance of the finished product, and adherence to quality standards are all basic considerations.

A LOOK AT MULTIPLE-USE PLANNING

How are these basic considerations applied? Planning represents a logical place to start.

The Forest Service currently is restudying its multiple-use planning process to assure that this type of planning meets today's needs. For those not familiar with multiple-use planning, it is customarily designed to set broad land management direction. Thus such plans are not action plans.

A Forest Service task force has just finished a review of the multiple-use planning process.

Forest Service planning procedures have evolved over the past few years into what might be called a second generation of multiple-use planning. As an aid to planning, a number of Forest Service regions recently have set up multifunctional, interdisciplinary teams to analyze areas where management prescriptions for the land are in the developmental stage. Some Forest Service regions have organized teams of different specialists to aid in planning for well-defined management areas. The Pacific Northwest Region (Oregon and Washington) has attacked transportation-logging planning for parts of ranger districts in this way. Teams of engineers, foresters, soil and water scientists, and landscape architects—working together—have developed alternative plans and proposals on which to base decisions. This same region has trained similar planning teams for several of its forests and for other regions. The California Region is also moving to set up teams.

The implications of this type of planning are so favorable that the agency is incorporating it in pilot organizational studies on two national forests in each of four regions. The first study, now approved, is in California's Eldorado National Forest. Incorporated into this study is an organizational arrangement that may stimulate the continued evolution of this second generation multiple-use planning.

In a typical national forest the supervisor's principal staff conducts the functional activities: timber, range, recreation, fire, etc. Specialists, such as wildlife biologists, soil scientists, silviculturists, range ecologists, and others, may each report to separate functional staff officers.

In contrast, the pilot study reorganization in the Eldorado National Forest is set up this way: The supervisor's principal staff consists of four individuals heading up (1) administrative management, (2) engineering, (3) resource management, and (4) planning. In this arrangement, all planning specialists, including engineers, are grouped into a planning section.

This exemplifies Forest Service efforts to design new forest organizations that will improve efficiency in attacking modern resource management problems. Meshing with such new approaches to management is the changing profile of staffing which has been taking place gradually in the agency over the years.

Specific scientific skills in the physical sciences have been acquired as the complexity of the agency's resource management mission has increased. People in all major disciplines have been added the last few years, particularly in the biological sciences (other than foresters). This trend is expected to continue and is indicative of other expected changes as the Forest Service balances skills within the organization.

APPLICATION OF TECHNOLOGY

In addition to scientific skills, a planning team needs other tools to meet the highly complex demands of environmental planning. The Forest Service, therefore, plans to use computer technology to the fullest degree practicable. The agency now has more than 50 computer-based simulation and linear programs in process. Some are partly operational, some are being pilot-tested.

One system that should be operational in 1971 is the Resource Capability System (RCS). This system enables a decision maker to consider, by simulation and linear programs, the effects on soil and water brought about by different intensities of management programs for timber, range, recreation, and wildlife habitat.

Another system, Resource Allocation Model (RAM), presently is used to display to a decision maker the implications of a wide variety of timber-harvesting activities. A great number of computerized engineering road location and design aids are also being perfected.

THE DATA GAP

Given the scientific skills and technological tools available to it, the Forest Service must strengthen one other extremely important component of planning and decision making. That is data acquisition.

There exists a "data gap" in some in-place physical resource information. For instance, information on timber-stand conditions, ecology, soils, and geology is not uniformly available. In addition, demand factors applicable to forest or district resource analysis problems are needed. Closing this data gap will receive priority early in the decade.

An overall Forest Service data bank, christened INFORM, is being pilot-tested in California. It is able to use data from most of the earlier systems developed by research or management.

THE LAND MANAGER A KEY

The key role in managing the national forests is played by the land manager (forest supervisor and ranger). Planning can only provide alternatives which, in the final analysis, the land manager must weigh.

It is his responsibility to decide to lengthen a road because the landscape is better served. He is required to make the judgment to require a more costly logging system, logging layout, or silvicultural system to protect soil or emphasize landscape aesthetics. He must bring into the planning process the social and economic inputs that are requisite to a balanced solution.

Perhaps most important of all, he must bring the public into the planning process. "Framework for the Future" calls for the solicitation of public opinion in Forest Service activities at the planning or policy formulation stage. This solicitation is facilitated to a considerable degree by the availability of a plan for a given geographic area or an ecosystem to be used as a basis for meaningful public participation. Such public review as a regular part of the planning process is in the developmental stage and building rapidly.

At present, the foregoing planning processes are not fully operative, but many of them should be early in this decade. Planning, however, is just the first job.

Maintenance of environmental quality must continue on through the "action" part of a project or undertaking. To provide assurances of this, the Forest Service has given priority to surveillance systems, such as those for water quality. Some 50 intermittent monitoring stations are currently operating. Sampling at irregular intervals is done at more than 400 locations. However, surveillance is needed on about 4,000 watersheds.

REORIENTATION OF RESEARCH

Tied to these environmental planning steps and approaches to future management of the national forests is the Forest Service's research effort. It too is being reoriented. A considerable problem today is the consolidation of present knowledge so it can be brought to bear on new problems and so new research can be initiated to fill the gaps.

Forest Service research in the future will focus more fully on understanding the total forest-related environment. In the last two years, 43 percent of the agency's research has been redirected toward new problem areas. This involves multifunctional research on whole ecosystems rather than on individual parts. It requires the interaction of teams of scientists as they study all physical, biological, and human-related factors.

The new Pinchot Institute of Environmental Forestry Research is an example of this approach. The institute, administered by the Northeastern Forest Experiment Station, will consist of coordinated and integrated research by the Forest Service and at least a dozen cooperating northeastern universities.

Many people are concerned about some phase of environment. Various public and private agencies are studying bits and pieces of the complex ecology of man's environment. However, there is still need for a central point of focus where significant portions of the problem can be put together in an integrated whole. Initial emphasis will be given to four problems:

1. Improving the well-being of urban people through forest recreation and aesthetics.
2. Increasing the amenities derived from trees and forested land in an urban environment.
3. Improving the management of municipal forested watersheds for water and other uses.
4. Improving wildlife habitat in forested urban areas with emphasis on nongame species.

Research will surely encompass urban and suburban problems. It will be needed to improve the planting and culture of trees to resist smog, abate noise, and enhance the social and physical well-being of people locked in urban settings.

STATE AND PRIVATE FORESTRY

Private citizens and industry own about 70 percent of the nation's forest lands—ownerships representing more than 80 percent of the productive forest potential. The location of these private forests at lower altitudes than many public forests, in more favorable climatic zones, and closer to urban areas make them of prime concern in meeting future product and social demands of people.

With these lands in mind, the Forest Service's state and private action program for the seventies, operating through the U.S. Department of Agriculture and state cooperators, will aim to enhance the American environment and to help meet the country's natural resource needs as forecast for the year 2000 and beyond. Another program will be to reverse the decline in rural employment in forestry and forest-based industries.

State and private forestry also relates to the open space needs of urban areas. Several forward-looking state forestry organizations already are working actively in the field of urban forestry, but more efforts are needed nationwide.

The Forest Service has been given no legislative directive to create an urban forestry program. Until such direction is given, the state and private arm of the Forest Service will continue to look for ways to help with research and technical assistance.

It will take these and efforts by many other groups and organizations to transform the urban environment. But when the interest of the public is sufficiently stimulated, tremendous forces of individual involvement and concern can develop.

I must emphasize again that the Forest Service has been working with the environment throughout its history. Consequently, our research and management efforts have borne directly on the protection and enhancement of environmental quality.

The Forest Service's aim now is to achieve an even more systematic, interdisciplinary, research-based approach to the development of a dynamic multiple-use program for all of America's forests. It is in the public interest to seek a reasoned balance among the conflicting and competing uses of our forests.

Some of the innovations and realignments the Forest Service has launched will contribute significantly to the goal to which the Forest Service is committed—the highest order of forest land management and environmental protection.

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## RACINE, WIS., DECLARES AMERICA'S PRISONER OF WAR DAY

Mr. PROXMIRE. Mr. President, one of the greatest tragedies of the current conflict in Southeast Asia is that of the American prisoners of war in North Vietnam, and their families here at home. On March 26, 1964, Capt. Floyd J. Thompson became the first American to be captured in South Vietnam. Today, after more than 7 years, Captain Thompson is still being held and has been joined by more than 1,500 other Americans who are prisoners of war or missing in action. These men must not and will not be forgotten. Earlier in this session Congress passed and the President signed an act designating the week of March 21–27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." In view of the continuing need to keep the plight of these men before the eyes of the Nation and the world, I was very pleased to learn that Mayor Kenneth L. Huck of Racine, Wis., has proclaimed April 28, 1971, as "America's Prisoner of War Day" in his city.

Mr. President, I ask unanimous consent that the proclamation be printed in the RECORD.

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

OFFICIAL PROCLAMATION: OFFICE OF THE MAYOR, CITY OF RACINE, WIS.

Whereas: Recent events have given us reason to believe that a concerted world-wide expression of concern over impending indiscreet action on the part of another nation will serve as a deterrent to such proposed action; and

Whereas, the plight of American Prisoners of War in the hands of the North Vietnamese has become another inhumane event that is deserving of recognition and reaction by all mankind;

Now, therefore, I, Kenneth L. Huck, Mayor of the City of Racine, do hereby proclaim April 28, 1971, as "America's Prisoner of War Day" and I urgently request that all Citizens of Racine join with all Americans and nations of the world in petitioning North Vietnam to recognize the terms of the Geneva Convention, or to consider the out-and-out release of American Prisoners of War.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Racine to be affixed.

## VIABILITY OF THE U.S. TEXTILE INDUSTRY

Mr. HOLLINGS. Mr. President, on March 17, 1971, a concurrent resolution was passed by the General Assembly of South Carolina "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."

As the Senate knows, I have, along with many other Senators, worked to establish some comprehensive program to insure the viability of our textile industry, which is not only important to the economic structure of my State, but to the economic stability of many areas of our Nation. I shall continue to work on this matter and pledge my efforts to accomplish a satisfactory solution to this problem. I believe that it can be solved, more important, it must be solved.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

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

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 tht 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, with 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 Representative 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 texile 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.

## THE PRESIDENT'S MESSAGE ON THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I was pleased that the President, in his message to Congress on the District of Columbia, last week, reaffirmed his commitment to the betterment of conditions in the District and for greater self-government for its citizens. To use his words:

My administration will continue to work to strengthen the city government's hand in managing its own affairs more effectively . . . and will continue to work receptively and cooperatively in this area with the Congress and with all interested groups in the District of Columbia.

The President's overall tone and concern that the District's problems be viewed in terms of the total metropolitan area is reassuring. His support of federally guaranteed bonds for the Metro, coordinated efforts in metropolitan crime reduction, and proposals for federally guaranteed bonds for the Blue Plains project reflect the realization that the District's problems necessarily have a direct effect on surrounding communities in Maryland and Virginia.

I have always believed that the problems of the District, whether they be in crime, drug abuse, pollution, education, or urban transportation, must not be and cannot be, viewed in a vacuum. They must be seen as they are—problems which directly effect the well-being of citizens of the entire metropolitan area.

Too often in the past, the District's problems have been considered to be just that—the District's problems. However, we must now realize that if drug addiction, penal reform, substandard housing, struggling schools, and mass transit, and similar problems, are not solved in the District, then it is only a matter of time before the surrounding jurisdictions will face the same or similar situations. In fact, it is already beginning to happen. If we cannot stop drug addiction and cannot improve the educational system in the District today, then we will surely have to face the same problem in Prince Georges or Montgomery Counties and other surrounding jurisdictions tomorrow. If we do not develop a smoothly run and operated mass transit system for the District today, then we will feel the congestion and log jammed transportation crisis throughout the entire metropolitan area tomorrow.

Finally, it is my intention, to work closely with the White House, my colleagues in the Senate, the District government, and with the newly elected District of Columbia Delegate, Walter Fauntroy, toward the end that the National Capital area will become a good place to live as well as a showplace for the Nation. The future of the entire metropolitan area will depend in great measure on what happens in the Nation's Capital. It is a microcosm of the urban-metropolitan crisis which exists in the Nation and could become a fine example of what a city and surrounding suburbs and jurisdictions can accomplish by working together for the mutual benefit of all of their citizens.

## PENTAGON PUBLIC RELATIONS BUDGET SHOULD BE CUT

Mr. PROXMIRE. Mr. President, the Wall Street Journal for April 13 published a lead editorial entitled "Pentagon Publicity." It pointed out that in the hullabaloo over the CBS show, "The Selling of the Pentagon," the main point was lost. As the Journal said:

The show's target, excessive spending on publicity by the Department of Defense, is a wholly appropriate subject for public discussion, however badly or unfairly CBS might have handled it.

I do not believe that CBS handled the subject badly. In fact, the figure which

CBS is charged with exaggerating is much too low. In 1969, the editorial points out, the Pentagon provided Senator FULBRIGHT with figures showing that its information force cost $27.9 billion—10 times the amount spent only a decade before.

But $27.9 billion is far too low. In the same year the Pentagon information officer sent me a letter detailing information spending by the Pentagon of $47.3 billion. And that figure, for example, did not include such expenditures as the vast sums spent to transport leading citizens from their hometowns to inspect military bases and for millions spent for more indirect public relations costs. The free flights to leading citizens are not calculated by the Pentagon as a part of public relations costs on grounds that they are "training flights" which would be flown anyway.

The editorial rightly warns that the danger of any department building its own propaganda machine is that it could develop its own political constituency to the point that neither the President nor the Congress could control its budget.

It is true now that the Pentagon budget is too large and that for practical purposes it remains out of control. At a time when the Vietnam war is being wound down, the President proposes that military spending go up.

As the editorial concludes:

The taxpayer would be better served if he could find some way to sell government on spending less.

With that statement, Mr. President, we can all agree. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 13, 1971]

PENTAGON PUBLICITY

In all the hullabaloo about the CBS show, "The Selling of the Pentagon," one matter seemingly has gotten lost.

The show's target, excessive spending on publicity by the Department of Defense, is a wholly appropriate subject for public discussion, however badly or unfairly CBS might have handled it.

CBS has been accused of using an exaggerated figure on how much the Pentagon spends for its various press, publicity and public-relations activities. In fact, it is difficult to know just how much the department and its branches spend for this purpose.

Adam Yarmolinsky, a onetime Pentagon "whiz kid" under Robert McNamara, says in his thorough book "The Military Establishment," that a high Army officer once estimated it would cost $85,000 just to determine what the Army spends for public relations. But in response to an inquiry by Senator Fulbright in 1969, the Pentagon admitted that it had an information force of 2,800, with direct salary and operating costs of $27.9 million. That was a tenfold increase from 1959.

The figure, which certainly is substantial, does not include other costly activities, such as Armed Forces Day shows, which can partly come under the heading of training but must also be included under public-relations activities.

Aside from all the questions of war and peace, press freedom, journalistic fairness and the like that the CBS show has stirred up, the simple and provable fact is that there are large-scale Pentagon publicity outlays at a time when the nation is under extreme pressure to bring government costs under control.

The Pentagon is not the only offender, to be sure. Public-relations and advertising techniques are in fairly common use throughout government. The Pentagon, however, with an overall budget that looms so large beside anything else, most likely is the biggest spender.

Taxpayers need information about government but they don't need heavy salesmanship and it is doubtful that any useful purpose is really served by it. Most Americans have been convinced for a long time that they need a substantial military establishment capable of insuring the nation's security and meeting its foreign-policy commitments. Professional testimony to Congress and advice to the President plus a free flow of information to the press should be largely sufficient for public-policy decisions on the specific needs of the Defense Department.

The real danger in any government department's attempting to build a large propaganda establishment is that it might prove capable of developing its own political constituency, outside the normal traditions of this nation's government. It could thus become difficult or even impossible for either the President or Congress to adequately control the department's budget and natural tendencies toward growth. Fiscal priorities can get badly distorted that way.

The Pentagon's budget has grown so large—partly as a result of the public's security fears and the over-extensive foreign-policy goals of past governments—that its spending affects the livelihoods of large numbers of people. We do not raise the specter of a possible military takeover here, as some critics of the Pentagon might, since we feel that the nation's traditions of democratic civilian government are strong ones and are honored inside as well as outside the Pentagon. Yet the tendency of large institutions to generate their own life and momentum, and thus become difficult to reshape to changing needs, is an important problem in itself. Self-salesmanship can contribute to this tendency.

CBS was attempting to deal with a subject that does deserve serious consideration—more serious than TV networks, with their show-business propensities and personality cults, ever seem capable of giving. The Pentagon publicity budget should be cut and so should publicity budgets of other government departments that are inclined to go beyond minimum informational roles.

There is, after all, a basic anomaly in super-salesmanship campaigns by government departments. They are, in effect, spending the taxpayer's money to sell the taxpayer on letting them spend still more of his money. The taxpayer would be better served if he could find some way to sell government on spending less.

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## WELFARE MYTHS AND REALITY: MORE FACTS

Mr. RIBICOFF. Mr. President, is hard work alone the answer to our welfare problem? Do welfare recipients lead the good life, buy Cadillacs, own color televisions, have numerous illegitimate children, and constantly cheat to obtain welfare? Are most of the welfare recipients in America black, able-bodied people, who came north to get bigger welfare checks?

It would not be surprising to find that many Americans would answer "yes" to these questions which fit the stereotyped welfare recipient.

But these answers are as false as the myths on which they are based. If we do not discard these fictions now, as we debate welfare reform, we may embody them in the law, allowing them to haunt future generations.

It is time to look at the facts available to all of us which have been compiled in a brochure recently by the National Welfare Rights Organization:

*Myth No. 1:* Hard work is the answer to the welfare problem.

*Fact:* Most welfare recipients cannot work. According to a recent HEW survey, 24% of the welfare recipients are old-age recipients, 8% are permanently and totally disabled, 1% are blind, 2.9% are incapacitated parents in the home, 50.3% are children, and 13% are mothers.

Of the mothers, one-fifth are in job training or so underemployed as to remain eligible for assistance. The possibilities of many others are limited by the unavailability of day-care facilities. While some 5 million children needed day care in 1969, only 640,000 spaces were available. This situation continues today.

*Myth No. 2:* Most welfare recipients are blacks who have moved to northern cities just to get on welfare.

*Fact:* The majority of welfare recipients are white—about 55%. 39% are black and 6% are American Indian and others.

Of the 20 million people who moved to urban areas since World War II, only one-third were nonwhite. In the 1950–60 period when black migration to the north was greatest, welfare rolls increased by only 17%. Significant increases in welfare rolls (108% from 1960 to 1968) did not occur until after the peak period of black migration had passed.

Most blacks moved north to find better jobs, better education, and less oppressive discrimination, not to sign up for welfare.

*Myth No. 3:* Welfare mothers have large numbers of illegitimate children.

*Fact:* The average welfare family has only three children.

While 30% of AFDC children are "illegitimately" born, HEW data shows that one-third of all first-born children in this country born between 1964 and 1966 were conceived out of wedlock.

*Myth No. 4:* Welfare is the good life of color TV's and Cadillacs.

*Fact:* According to the Bureau of Labor Statistics a family of four needs a monthly income of $458 to live at a minimally adequate level of health and nutrition. New Jersey, the most liberal provider of welfare benefits, fails to reach that level by $117.

Only a few states even provide benefits that would bring families of four up to the poverty level, the absolute minimum at which life can be sustained. This is hardly the "good life."

*Myth No. 5:* Most welfare recipients are welfare cheaters.

*Fact:* A 1969 HEW investigation revealed that only four-tenths of one percent—or 4 out of every 1,000—of all welfare cases were fraudulent.

By comparison, the following estimates of unreported income by certain groups is interesting:

[In billions of dollars]

| | *Reported income* | *Unreported* |
|---|---|---|
| Farmers, small businessmen and professionals | $12 | 28% |
| Wage and salary earners | 6.5 | 3% |
| Receivers of interest | 2.8 | 34% |
| Receivers of dividends | .9 | 8% |
| Receivers of pensions and annuities | .6 | 29% |
| Receivers of rents, royalties and capital gains | 1.2 | 11% |

Stronger enforcement of our laws is needed, but welfare would not appear to be the place to begin.

*Myth No. 6:* Welfare takes most of our taxes.

*Fact:* According to Budget figures for fiscal 1971, public welfare payments (including AFDC, OAA, AB, APTD) amount to $4.2 billion out of a $201 billion budget or 1.9%. Military programs account for 36.7%, space programs for 1.7% and farm subsidies for 2.7%.

Perhaps we could keep things in better perspective if we took Herbert Gans' suggestion and relabeled all of our subsidies and tax loopholes with more appropriate names—"Oil Producers Public Assistance Program," "Tobacco Growers Dole," "Aid to Sick and Dependent Airlines," and "Tax Relief for Purchasers of Tax-Exempt Bonds."

There is great concern in this country about our welfare system. If we are going to object to it, as we should, let us fight the present system because it breaks up families, destroys human dignity, and provides a totally inadequate standard of life for those who cannot help themselves.

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## ADDRESS BY SENATOR GOLDWATER BEFORE NATIONAL RIFLE ASSOCIATION

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that the text of an address which he delivered recently be printed in the RECORD.

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

ADDRESS BY SENATOR BARRY M. GOLDWATER

There are just no words to explain to you tonight how proud and honored I am to be here and to take part in the Centennial celebration of this outstanding American organization.

You can imagine how a life-long member of the NRA who is known in the fraternity as a "muzzle loader" feels appearing here tonight before such a distinguished and—you'll pardon the expression—such a high-powered group of gun enthusiasts.

Now I realize my appearance leaves something to be desired. So let me explain that this is a result of a recent surgical operation I underwent for a piece of calcium in my shoulder. I finally got a suit to wear but you wouldn't believe the fuss that was made at home about how I should be attired. All kinds of special accoutrements were suggested—the Civil War cape, the West Point cloak and even the CIA trenchcoat.

All joking aside, I would have canceled my appearance here tonight for obvious reasons of convenience had I not felt that I had an important message to get across. My subject tonight concerns the crucial question of American preparedness in a time of growing peril. And the more I think about that subject the less I care about how I look.

But to begin with I should like to formally express my congratulations to the NRA for 100 years of distinguished and exemplary service to the United States of America.

I especially want to congratulate the NRA for its dignified and responsible performance in the present era of hysteria and criticism relative to civilian possession of firearms.

Forgotten in this period of easy answers is the Constitutional guarantee that Americans, free Americans, shall have the right to bear arms. Forgotten also is the important part played by firearms in the development of this country. Our forefathers—those proud and God-fearing pioneers who tamed this nation—were almost never without the protection of their firearms. They understood, just as the members of NRA do today, that the handling of a gun or a rifle is a procedure that needs proper supervision, understanding and training. Those people—and I am especially mindful of those who in more recent years settled the great American West—handled their guns in a law-abiding fashion. They taught their children as well as their wives how to handle firearms in the pursuit of pleasure and protection as well as food upon which to subsist.

They used their guns during the Revolutionary War in the interest of fair play. And to them moderation in the pursuit of justice was no virtue.

Now I should like to draw a parallel between the situation faced today by law-abiding gun owners with the position faced by men who do not believe the world is full of sweetness and light and who feel that this nation has a dire need for adequate defense equipment as well as an adequate military capability.

I am not puzzled at all to discover that some of the people who shout the loudest for restrictions on the possession of guns by law-abiding Americans are the same people who argue most strenuously for unilateral disarmament of the United States. It seems that some people who would disarm law-abiding Americans in the face of a growing and aggressive criminal element in our society would also disarm the nation in the face of a growing and aggressive enemy abroad.

The arguments in both cases bear marked similarity. On the domestic front some people who worry about the crime wave blame the gun for its existence. On the international scene, many attempt to blame war and the rumors of war on this country's possession of strategic weapons.

For years now we have been told by the disarmament clique in this country that there was in America a so-called "arrogance of power" which frightened our adversaries in the Soviet Union and in Communist China. This provocative and dangerous argument held that if we in this country moved unilaterally to cut down our superiority in nuclear strategic weapons that a mellowing Kremlin would breathe easier, join us in multiple-moves to reduce world tension and joyfully join us in a condition of nuclear and military parity. Some of these non-thinking and misled idealists felt that, at the very least, we could, by slowing down or even junking some of our strategic weapons, shame the Soviet Union into following suit. It was argued that something called "world opinion" would force the Soviet Union to forgo its goal of global domination and match us move for move in steps to end the arms race and eventually to dismantle our strategic arsenals.

More recently the argument against strategic weapons and defense expenditures has been promoted against the backdrop of the unpopular War in Indochina.

The campaign against our defense system and the military-industrial complex has been building steadily for the past three years. And believe me, ladies and gentlemen, these critics do exist. They are not the figment of my imagination. They are not the figment of other people's imagination. They are not nightmares conjured up by devoted militarists in this country. Far from it. These critics are people who literally make a business of downgrading and criticizing all facets of America's military establishment and its preparedness program. They are well-organized. They are well-trained. They are well-financed. And they work through the halls of Congress and the Committees of Congress to create a climate favorable to moves for unilateral disarmament in this country. At the present time their pitch is aimed at getting people to believe that the way to end wars is to impair this nation's ability to conduct war. They overlook the fact that this approach also impairs our nation's ability to defend itself and its 204,000,000 citizens.

As a part of this phony campaign, former Defense Secretary Robert McNamara actually pushed for a position of nuclear "parity" with the Soviet Union. It was his accepted belief that if we held down our production of ICBM's and related implements of our strategy that the Russians could catch up and we could go forward into the millennium holding hands and never again reaching for super power superiority.

How in the world McNamara or anybody else could have bought that bunch of hogwash remains one of the great mysteries of international affairs. We are today seeing how stupid that conclusion was. We are stagnating in a period of slowdown while the Soviets are moving ahead on the momentum built up during the period of McNamara's illusion. Of course, they show no signs of halting their drive at the position known as "parity."

This is a result of McNamara's folly. It is what we get for putting up with a Secretary of Defense so inept and so naive that he attempted to view a world in the most serious condition through the eyes of "intellectuals" and other Defense Department neophytes who couldn't even remember the lessons this nation was taught during World War II. It is the heritage that comes down to us from unbelievable periods of Pentagon rule during which time the experience of veteran military leaders counted for almost nothing in the strategic decisions affecting our defense.

And now we find that the Russians are moving ahead in every area of military preparation. They are building the greatest Navy Russia has ever possessed. They are challenging us for Naval supremacy in the Mediterranean and the Caribbean, in the Indian Ocean and the Suez Canal, and on every other strategic waterway throughout the world, including the important straits of Malacca. And of course when the Soviets gain control of these straits they will utterly deny us use of the Indian Ocean.

Earlier this year the chief of the Communist Warsaw Pact forces boasted that the Soviet Union now has anti-aircraft defenses which could "hit virtually all air targets of the enemy" and a Navy capable of action in any ocean in the world. Among other things, the Russian General said that Soviet rockets are capable of delivering nuclear warheads to any spot on the globe.

Of course, there is nothing new about extravagant boasts being made by members of the Soviet Army General Staff. But I can assure you that we will be making a grave mistake in this country if we disregard the kind of boast I have referred to here. There is something different in the picture now. And that something different is a Soviet Union which is militarily and strategically strong enough to make almost any kind of boast it wants to with complete credibility. This is certainly no time to underestimate our Soviet adversary. And it is no time to indulge in comfortable and unrealistic predictions of what the Soviet Union will do in the future.

In this connection I should like to remind this audience that General Andrew J. Goodpasture, supreme NATO Commander has warned us that the Warsaw Pact Nations in Communist East Europe have amassed, as he put it, "a concentration of military power that exceeds anything the world has ever seen."

Other American military men and defense leaders have warned repeatedly about the growing buildup of Soviet strategic power.

But I do believe that it has reached a point where the gravity of this situation must be brought home to the American people as strongly as possible.

*And to this end, I hereby urge President Richard M. Nixon at his earliest opportunity to go on nationwide television and explain to the American people exactly how we stand strategically in relation to the Soviet Union and Communist China.* Unless this is done, I am very fearful that the critics of the Pentagon will manage to cut our forces far below a level adequate to the defense of this nation. I say to you, as I have repeatedly told the Senate, the security of 204,000,000 Americans is not negotiable, nor is it a matter for debate. It is an abject necessity regardless of what problems happen to plague us on the domestic front.

I realize, Ladies and Gentlemen, that we are literally up to our neck in military "experts" at this point in our history. Everyone who serves in Congress, regardless of whether he belongs to a committee which works in the military field, now seems to qualify as an "expert" not only on military strategy but on political and diplomatic affairs involving Southeast Asia as well. In addition, our colleges and universities are literally crawling with loud but unqualified critics of American military operations and strategic interests. Throughout the Government, we are plagued with a new breed of "expert" who are referred to variously as "whiz kids" or "defense intellectuals."

It was this latter group which gained such a headlock on our defense establishment during the ill-fated time of Defense Secretary McNamara. The "defense intellectuals" invented all kinds of new phrases to describe old problems. They spoke importantly of things like "cost effectiveness" and "spasm wars" or "destabilizing factors" or "countervalue targeting" and so forth and so forth. Almost over night, the hard factual judgment of experienced military men was replaced with a gobbledygook jargon wielded by young men with impressive academic credentials but no experience.

During the McNamara period civilians in control of the Pentagon absolutely ignored the fact that military men are trained to plan defenses and to win wars; they are not trained to be computer experts or cost accountants. Their training was specific and it was valuable but during the 10 years of McNamara's reign it was not used.

We are now paying the price for an extended period of mistaken concepts, wrong assumptions and faulty strategies. We are confronted with a Soviet adversary which has acquired a nuclear strategic superiority not only in megatonnage yield but also in ICBM's. In addition, the Russians have deployed an anti-ballistic missile defense and are improving it and extending it all the time.

If there is any one field where the U.S. remains superior to the Soviet Union, it would be in the field of heavy bombing. But even in this area there is reason for doubt because of the rapidly deteriorating efficiency of our B–52 fleets which are aging rapidly and the fact that the Soviets are building a new sweptwing type of bomber not unlike our B–111.

In view of this, I believe we are facing a prolonged period of very dangerous and intensive Soviet "brinkmanship." It is important—in fact it is downright vital—for the people of this country to understand correctly what this might lead to. It would be a great mistake if we were to expect the Soviet Union to handle a status of strategic superiority in the same fashion that the United States handled it over the past two decades. Deterrence was our one total defense philosophy during our era of superiority. But we have no right to believe that the Soviets have any interest at all in deterrence. Indeed, we must assume and expect that the Russians will take greater and greater international risks at our expense during the remainder of the 1970's. I believe they might even reverse the concept of *massive retaliation.*

What I am attempting to do is to explain to you the consequence of a national policy which allowed the Soviet Union to gain the edge on us in a question of weaponry. For the first time we find serious students of Soviet relationships beginning to speculate on the probable Russian course if that country's strategic nuclear and conventional superiority become unchallengeable.

It stands to reason that the undisputed possession of the power to retaliate on land, sea, in the air and worse—in space itself more massively than any other nation on earth will embolden Soviet aggressive tendencies.

We might as well face it the Soviet Union is well on its way to gaining a powerful and undisputed superiority over the United States in every area of weaponry—both conventional and strategic. This means that they are now almost in a position where they could order us to leave any place on this earth, and thus confront us with a decision that would either mean all-out war or abject retreat with our tails between our legs. It would mean the end of American-domination any place in the world. And, it would mean the end of America.

Ladies and Gentlemen, I am sorry to have to tell you many responsible members of the United States Senate do not seem to understand this simple arithmetic of power. At a time when we are weaker vis-a-vis the Soviet Union than at any other time in our history we are rapidly throwing away our leadership, rejecting our responsibility and adopting weakness as a national policy. Thanks to the anti-military, economy clique in Congress, the United States is turning isolationist with a vengeance. It is withdrawing from the arena. It is refusing to face the reality of world power. It is busily engaged in taking on the mantle of a second or third or who knows what rate power.

The latest step in this direction of course was the refusal of the Senate and the House to approve funds for the continuation of the SST Program. This was not a victory for environmentalists. It was a victory for the economy. It was not a victory for our areospace industry. It was not a victory for the working men and women of this nation. Despite all phony and dishonest arguments to the contrary the defeat of the SST was a surrender—it was a surrender of our long-held predominance in the field of air transport production. It was a surrender of the nearly $1,000,000,000 which we had already expended on the SST. And it was a surrender of the world market for the newest family of commercial airplanes.

The SST represented an important advance in technology which of course is the lifeblood of the military-industrial complex. Therefore, those who would destroy all defensive weapons had to shoot down and kill the SST as part of their overall strategy of disarmament. And it would have been the same had the proposal before Congress called for prototypes of a supersonic lawnmower or a supersonic pants presser.

It has been suggested that the American people are losing their national pride. It has been suggested by some liberals that the American people no longer care whether their country suffers a military defeat in Indochina, or the loss of the respect of the rest of the world, or the loss of the leadership in the air transport industry. It has been suggested that American pride has shrunk to the point where the question of strategic superiority over the Soviet Union no longer interests the people of the United States.

Ladies and Gentlemen, from what I hear in my travels and read in my mail I do not agree with this assessment. If there has been a serious loss of pride in America, I believe it is confined to those leftwing and liberal groups that always regarded national pride and patriotism as a species of nonsophistication and ignorance. I believe the pride of our people in our nation is running stronger than ever and I believe that anyone who assumes that the majority of Americans no longer take pride in their country is making a serious miscalculation. It would be tragic if the Soviet Union began to take seriously this talk of Americans losing interest in America. It could lead them to make the mistake that would lead us into World War III.

For Americans, especially the young people of our country, have not lost their interest in America. It's time that many young people think that our generation has pretty will botched us the future through stupid mistakes such as I have outlined here tonight. And I believe it is high time we pay attention to the idea that free Americans want the ability to express themselves unhampered by government edict and law and they want their country to maintain its place in the world without kowtowing, through either cowardice or neglect, to any other nation or combination of nations in this world.

And why shouldn't they feel this way. This is a country we can be proud of but which is rapidly losing the status of being the most powerful nation on earth. I, for one, am proud of my country and I am ashamed of those people and organizations which are not. I am ashamed to read of some of this country's newspapers. I am ashamed to watch some of the offerings on our television. I am ashamed of people who apologize for America. This is a country to which millions of foreigners still want to come and which only a pitiful handful, including the timid and frightened want to leave.

I am mindful that the National Rifle Association in its 100 years of activity has lived through much of the stress and strain which have been borne by our nation. And its members maintain tonight, as they have for the past century, a standard which includes the protection of the freedom of our country and the freedom of the individual. And it is to these values that you and I and all of us in this organization must repledge our energy and our intentions this evening.

## PRISONER OF WAR DAY IN NEW JERSEY

Mr. CASE. Mr. President, the Governor of New Jersey, the Honorable William Cahill, has issued a proclamation declaring April 28 as POW Day in New Jersey. I feel that this is fitting tribute to our men languishing in confinement throughout Indochina.

I ask unanimous consent that Governor Cahill'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, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and the loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their

country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore I, William T. Cahill, Governor of the State of New Jersey, do hereby proclaim

April 9, 1971 at 3:15 p.m. as a Minute of Silence and April 28, 1971 as Prisoner of War Day in New Jersey, and I urge all citizens to show concern for these servicemen and to join me in praying for their release.

Given, under my hand and the Great Seal of the State of New Jersey, this 25th day of March, in the year of Our Lord one thousand nine hundred and seventy-one, and in the Independence of the United States the one hundred and ninety-fifth.

WILLIAM CAHILL,
*Governor.*

## NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

Mr. PERCY. Mr. President, on March 18, the Subcommittee on Department of the Interior Appropriations, on which I am honored to serve as ranking minority member, considered the budget request of the National Foundation on the Arts and Humanities. For fiscal year 1972, the National Foundation has requested a total budget of $63,431,000, compared with $31,310,000 for 1971. The Endowment for the Arts and the Endowment for the Humanities will each receive approximately half of the total figure. At our hearing Miss Nancy Hanks, chairman of the National Endowment for the Arts, presented excellent testimony on the accomplishments and future goals of the endowment. I hope that each Member of the Senate will take the time to review this hearing record and to become acquainted with the significance of the National Endowment for the Arts.

The National Endowment for the Arts was created in 1965 as a vehicle for encouraging the development of the arts by State arts councils, groups, and single individuals in the arts fields. This development in turn provides the community with valuable opportunities to learn about and experience various facets of the arts. The endowment and the entire arts field, however, face serious financial difficulties. In her testimony, Miss Hanks pointed out that "citizen involvement in the arts and ensuing financial difficulty are growing at such a rapid pace that without greatly increased private, corporate, foundation, local and Federal Government support, the needs will not be met." This year, the funding request of $30 million will represent about 15 cents per person in this country; however, the Partnership for the Arts considers this an important part of its campaign to obtain $200 million in Federal support for the arts in the years ahead. Meanwhile, the arts, like every other segment of our society, suffer under the burden of rapid inflation, resulting in cost increases of more than 10 percent annually. As Miss Hanks' testimony further pointed out, increased demands do not mean profits—or even financial security. In spite of this, however, the Endowment is reaching more people and attempting to expand its services to the arts. New concepts and programs are being formulated that will reach more Americans.

For the coming fiscal year, the Endowment has three major goals: availability of the arts, cultural resources development, and advancement of our cultural legacy. All of this will mean a broadening of the Endowment's influence and the ability of various art institutions to provide vital community services. It will provide encouragement for individual artists and groups who in turn advance our understanding of America's cultural heritage. But it can only accomplish its goals if sufficient funding can be obtained.

Mr. President, I am particularly acquainted with three organizations in Chicago which depend heavily on the National Endowment for support. They are the Lyric Opera, the Chicago Symphony, and the Art Institute.

The National Endowment has given the Chicago Symphony a hundred thousand dollar grant, and while the deficits get larger every year, the financial struggle for survival is at least being carried on with the support of the National Endowment. Other symphony orchestras benefit similarly by grants from the Endowment and are thereby able to be of public service.

As a member of the board of the J. F. Kennedy Center for the Performing Arts I know how difficult it is to attract individual contributions and obtain adequate financial support. However, I firmly believe that the growth of the arts is of the highest priority. I am proud that the Congress has been such an invaluable part of the effort which is to bring Washington a cultural center devoted solely to the performing arts and commend this administration for its leadership in this field.

The National Endowment for the Arts is a program that is vital to the cultural groundwork of our society and influences our ability to offer an improved quality of American living to our children and grandchildren. The Endowment should not be forced to limp along from year to year with only token support from the Congress. Many European nations such as West Germany have a tradition of strong federal government support for the arts and these countries have strong cultural ties and great pride in their past history of artistic excellence.

I sincerely hope that the full funding request of the President can be met, and I earnestly solicit support for the National Endowment for the Arts and Humanities from every Senator.

## NORRIS COTTON SCORES ANOTHER SUCCESS

Mr. McINTYRE. Mr. President, there are few more effective Members of the Senate than my distinguished senior colleague from New Hampshire (Mr. COTTON).

Once again he has hit the nail on the head. Singlehandedly he led the fight on the floor of the Senate to see that we took early action to continue the regional commissions and, most important to my distinguished colleague and myself, that we continue the New England Regional Commission.

He pointed to the facts about the need for assistance in New England where unemployment is rising, health facilities are in short supply, new classrooms are vital, and public facilities such as airports are, in too many instances, a decade or two behind the times.

He was right, and he resoundingly won his point. I salute his victory.

Mr. President, I ask unanimous consent that an excellent editorial published in the March 24, Hampton, N.H., Union, be printed in the RECORD because the editorial tells how so many in New Hampshire feel about this accomplishment.

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

EFFECTIVE WORK BY COTTON

Unfortunately, there are many examples of outstanding service rendered to New Hampshire and the region by Norris Cotton in the United States Senate which do not come to light as they should.

Cotton rendered most effective and long range service to all of New England—and especially New Hampshire—in the Senate on March 11. It took his lengthy participation in the afternoon's debate to carry the day, but he did carry it and in unmistakable terms.

Under debate was the legislation to authorize the continuation of the Appalachian Regional Development Act of 1965. This Act brought into being the federal financial aid program which has given new economic life to the 13 states commonly known as the Appalachian area.

Other regional commissions were established, including the New England Regional Development Commission.

Whereas the Appalachian states have benefited from federal assistance to the tune of hundreds of millions of dollars, the New England states have received a relative pittance. In Appalachia the following things, among others, have been developed with federal money since 1965: 233 health facilities, 260 vocational and technical schools, 157 higher education facilities, 85 libraries, 49 airports, 37 purchases of school equipment, and 71 other public improvements.

In addition, the federal government is paying for 2,571 miles of special highway construction.

Substantial basic costs in connection with the construction of thousands of new homes are met by the federal government.

A new program is being undertaken to upgrade airport safety facilities. The death of a football squad when a landing plane crashed in West Virginia prompted this project.

The five year extension of the Appalachian Act passed by the Senate on March 11 calls for the expenditure of nearly a billion and a half dollars more.

Only three Senators voted against the extension. In the debate, Cotton expressed his sympathy for Appalachia and he voted for the extension.

But Cotton voted for the extension only after he had forced the amendment of the Act to provide for the extension of the New England Regional Commission and its program for our area. The sponsors of the extension for Appalachia wanted the New Hampshire Senator to withhold his amendment for consideration at another time later in the session but Cotton bluntly told the Senate he would have none of that. There is no doubt that Cotton's high status as a member of the Appropriations Committee to which the authorizing legislation must

be referred for the actual money helped him carry his important point for New Hampshire and New England.

In successfully pleading for his own state and region Cotton used these significant words of truth: "New England . . . has long suffered from good intentions . . . I have been kicking around the Senate long enough to know not to defer legitimate claims of the people I represent on somebody's sincere promise that they will be attended to later . . . Northern New England is just as needful of this kind of assistance as Appalachia . . . A great problem is absolute lack of any air transportation or air service."

Senator Cotton spoke caustically with regard to the attitude of the Nixon administration and prior Democrat administrations towards New England when he said: "I am saying it very frankly, and I hope they read it down town, that they can talk about a Southern strategy, but I know what their New England strategy is. It is not worth a damn."

New Hampshire's senior Senator pointed to the fact that sections of our own state are as economically pinched as Appalachia in the matter of employment and public facilities. He pointed out that the federal government has spent only 22 million dollars in New England in the last 5 years to help with the same problems hundreds of millions have been spent on in Appalachia. He told the Senate of the airplane crash at the Lebanon Airport which snuffed out lives and perhaps could have been avoided had the airport been properly equipped for bad weather landings.

Anyway, he carried the day. He fought a persistent battle and persuaded his colleagues to go along.

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## REPORT ON NURSING HOME HEARINGS

Mr. PERCY. Mr. President, on April 2 and 3 the Subcommittee on Long-Term Care of the Senate Special Committee on Aging held hearings in Chicago on nursing homes. The sessions were very productive and I wish to express my gratitude to the distinguished Senator from Utah, Mr. Moss, the chairman of the subcommittee, for agreeing to come to Chicago to chair the hearings and to Senator Adlai Stevenson for his very active and helpful participation.

Our hearings were prompted by disclosures about conditions in several Chicago-area nursing homes which were made by a team of investigators from the Better Government Association and the Chicago Tribune. We confirmed several important facts about nursing homes and the nursing home industry which I believe will be of interest to Senators:

Many residents of nursing homes are not receiving high quality care despite massive infusions of State and Federal funds.

Residents of nursing homes are often immobilized through the use of heavy sedation, rather than rehabilitated.

Residents of nursing homes are often physically abused or otherwise mistreated by unqualified, poorly trained, and underpaid personnel who handle and dispense medication about which they know nothing.

All levels of government, local, State, and Federal, share a responsibility for their failure to enforce existing laws vigorously and for implementing questionable policies without careful study.

Substandard nursing homes have been licensed and relicensed—or even closed, but quickly permitted to reopen—despite repeated and flagrant violations of health, safety, and housing standards.

Some nursing home operators are more interested in quick profits than in care of the elderly. They often go to great lengths—such as setting up dual corporations, one to own and the other to operate the facility—to maximize the return on investment.

The subcommittee's findings do not apply to all long-term care facilities for the elderly. Many nursing homes—both proprietary and nonprofit—provide the highest level of care for older Americans, and many nursing home operators and other personnel in the field are sincerely dedicated to promoting the welfare of the elderly and the infirm.

Yet the entire nursing home industry, not only in Illinois, but throughout the country, has been put on warning because of our Chicago hearings. This is particularly true of the 90 percent of the long-term care facilities that are organized for profit. They must convince the public that to make a profit on the care of the elderly does not mean to abuse, neglect, or literally starve the persons they are supposedly dedicated to helping.

Mr. President, we received promises from the State of Illinois and the city of Chicago during the hearings that both of these governments will actively enforce all standards, rules, and regulations pertaining to nursing homes. We can expect more license revocation proceedings to be initiated in the next few months than have taken place in the last several years.

I think it is clear from the reaction we have received to the Chicago hearings that the American public will no longer tolerate the abuse and exploitation of its senior citizens, a most woefully neglected minority group. Society will not allow its aged and infirm citizens to be shunted off to warehouses for the dying.

This growing commitment to the elderly is reflected in the Aging Committee's plans to follow up on the Chicago hearings with a more intensive investigation of the nursing home industry in Illinois and in its full support of more rigorous enforcement of existing Federal laws dealing with long-term care. I particularly welcome the committee's decision to make a more intensive study of the ways in which patterns of nursing home ownership and management for profit may affect the level of patient care.

I urge the Senate Special Committee on Aging and the Subcommittee on Long-Term Care to move as rapidly as possible in undertaking this investigation and in organizing another round of hearings in Illinois if it is felt that new insights can be provided by so doing. I also welcome the suggestion by the staff of the committee that an Illinois Advisory Committee on Long-Term Care be organized to work for improvements in Federal, State, and local laws governing nursing homes and related facilities. I hope this proposal can be quickly implemented.

In my opinion, our Chicago hearings accomplished a great deal in helping us to understand the scope of the problems in the field of long-term care for the elderly. Much of the credit must go to officials at all levels of government who appeared as witnesses in Chicago and were most cooperative.

As a new member of the Committee on Aging, I wish to take particular note of the excellent staff work provided by William Oriol, Val Halamandaris, John Guy Miller, and their associates. I am also grateful for the assistance provided me by Mrs. Mary Adelaide Mendelsohn, an informed and dedicated worker for the improvement of long-term care facilities.

I also wish to thank the junior Senator from Illinois (Mr. STEVENSON) for his contribution to the 2 days of hearings. I know that we will continue to work together for the welfare of senior citizens in Illinois.

I ask unanimous consent that the newspaper reports of the Chicago hearings on nursing homes be printed in the RECORD.

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

### REST HOME TOO BAD FOR HOTEL

(By William Jones and Philip Caputo)

An owner of a large North Side nursing home told a United States Senate subcommittee yesterday that he turned his building into a nursing home in 1961 because it was too run down to operate as a hotel.

Daniel A. Slader, an owner and operator of the Melbourne Nursing Center, 4621 N. Racine Av., made the disclosure during the final day of Senate hearings here into nursing home abuses exposed by TRIBUNE Task Force reporters working in cooperation with the Better Government Association. State records show the home received more than $400,000 in welfare funds in 1970 for caring for elderly and mentally disturbed patients. In another disclosure during yesterday's hearings, Dr. Jack Weinberg, director of the Illinois State Psychiatric Agency, told the Subcommittee On Long Term Care for the Aging that he was offered "$100-a-head" by a nursing home operator two years ago for every state mental patient sent to the nursing home. Weinberg did not identify the owner but agreed to name him after the hearing to subcommittee investigators.

#### REFUSED, HE SAYS

Weinberg said he refused the offer. He also described the release of former mental patients into private nursing homes as an "ill advised, rapid, indiscriminate program." Weinberg said that of the 7,000 former state patients sent to nursing homes in recent years "I am not convinced that all 7,000 are not mentally ill."

Yesterday's hearing at the University of Illinois Circle Campus was conducted by Sen. Percy [R., Ill.] and Sen. Stevenson [D., Ill.]. Slader's disclosure of how he got into the nursing home business emerged under persistent questioning by Percy.

After explaining that he bought the Racine Avenue building in 1959 along with Dr. Arthur Wolsky, a dentist, Slader said the two men originally planned to operate the facility as a residential hotel. Slader said they decided against it after learning that rehabilitation costs would be too high.

#### PERCY WANTS TO KNOW

"Why did you get into the nursing home business?" Percy asked.

"Well, we had this investment," Slader replied. "We could resell the property and recoup some of our investment or we could use it for another purpose.

"We determined that a nursing home was the best answer, but I don't remember just what got us into that. We talked it over with a number of people."

Under questioning by Stevenson, Slader said that in addition to being a 50 per cent owner of the home, Dr. Wolsky also is the nursing home dentist and is paid for his services by the state. Slader also serves as treasurer of the Chicago Metropolitan Nursing Home Association, a group of nursing home owners who have said that disclosures of nursing home abuse are exaggerated.

ASKED ABOUT VIOLATIONS

Percy also pressed Slader for an explanation of why the Melbourne Nursing Center repeatedly is found to have health code violations and read a list of 50 violations found during a six-month period last year.

"Why did you fail to correct these violations?" Percy asked.

"To the best of my knowledge each and every violation was reinspected until corrected," said Slader, who currently faces city charges of health code violations. "As to the violations not corrected, this matter is followed down by reinspection and court action is taken if they're not corrected."

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STATE BLAMED FOR NURSING HOME CRISIS

(By Jay McMullen)

The state's policy of releasing mental patients into the care of Chicago nursing homes has been blamed by the city's health commissioner for deterioration of care in such homes.

Dr. Murray C. Brown assailed the state's policy in testimony Friday before a U.S. Senate subcommittee on long-term care meeting at the Chicago Circle Campus.

Dr. Brown testified that under the state policy adopted in 1968 and 1969, a goal was set for unconditional discharge of 7,000 mental patients from state hospitals.

"We believe that far in excess of 50 per cent of this number were sent to nursing and residential care homes in this city," Dr. Brown declared.

"We have further learned that such former patients were discharged not only into licensed facilities, but into rooming houses and converted low-class hotels, some of which the Chicago Board of Health never has been able to identify or locate.

"We have also not been advised of the identity of patients, even though we have repeatedly requested this information during the past year of the state director of mental health.

"These actions resulted in the overcrowding of licensed facilities, the disruption of their activities by large numbers of mentally disturbed patients and strained the capacities of the staffs of these facilities by giving them patients requiring care that they had not been trained to give and swamping them with the care of the incontinent aged."

He estimated that 3,000 to 3,500 such discharged mental patients are now drawing public aid and will cost the taxpayers $30 million a year.

"We believe that the deterioration of facilities and care in Chicago nursing homes is directly related to the policy changes made in 1969 by the Illinois Legislature, the governor and the Illinois Department of Mental Health," said Dr. Brown.

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U.S. SENATORS LISTEN: HEAR NURSE HOME ABUSE STORY

Cook County authorities are powerless to close nursing homes even if they find the homes are mistreating patients, a United States Senate subcommittee was told here.

Dr. Collette Rasmussen, chief of preventive medicine for the county public health department, said yesterday she would welcome enforcement power for county authorities.

The power to enforce state standards in private nursing homes for which the aged now pay substantial charges will be transferred from the state to the county under the new Constitution effective July 1.

Dr. Franklin Yoder, director of the Illinois Department of Public Health, testified here before the subcommittee of the Special Committee on Aging.

Yoder defended his agency against charges of laxity in enforcing existing standards.

Asked if it was true that half the homes in Illinois do not now meet existing state standards. Yoder said the number would be "somewhere in that vicinity."

Sen. Frank Moss [D., Utah], subcommittee chairman, and Sen. Percy [R., Ill.] questioned nursing home proprietors. Altho not a member of the subcommittee, Sen. Stevenson [D., Ill.] joined the questioning.

Yoder told the senators the state's inspection staff will be expanded from 18 to 29 and that six medical review teams will be added so the state can improve the "quality and frequency" of inspections of such homes.

Closing the worst homes will put no patients on the street, Yoder testified. "We know where the vacant beds are."

The owner of Kenmore House Nursing Home, 5517 N. Kenmore Av., Rabbi Benjamin Cohen, was accompanied by two lawyers as he testified:

"The best isn't too good for the aged. We want to give the elderly a Florida, wherever they are."

William Rechtenwald, an investigator for the Better Government Association, testified that he had been hired by Cohen without references as a nurses aide, and put to work dispensing medicine altho he had no qualification.

Rechtenwald described the filth, the inhumane conditions and the stench he found in Kenmore.

Cohen bought the place in 1967 with $40,000 down and its net profit in fiscal 1970 was more than $50,000, the subcommittee learned. Both Cohen and his wife are on the payroll at Kenmore.

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CALL HALF OF NURSING HOMES SUBSTANDARD

(By Judy Nicol)

As many as 50 per cent of nursing homes in suburban Cook County and Chicago fall below licensing standards, two witnesses told the U.S. Senate special subcommittee on aging Friday.

Other witnesses told of improper care of relatives confined to Chicago area nursing homes.

Appealing at the two-day subcommittee hearing in Chicago on "trends in long-term care" were the head of the Better Government Assn. and the chief of preventive medicine of the Cook County Department of Public Health. They estimated that if nursing home laws were strictly enforced as many as half of Cook County's nursing homes might have to be closed, at least temporarily, because they fall below licensing standards.

BGA acting Executive Director George Bliss detailed to Sen. Adlai E. Stevenson III (D-Ill.), Sen. Charles H. Percy (R-Ill.) and Sen. Frank E. Moss (D-Utah) conditions found in homes in which its investigators worked.

COUNTY LACKS POWER

Dr. Collette Rasmussen, Cook County preventive health chief, said that even though her department knew of the conditions the BGA found, the county had no enforcement power. The licensing procedure was the responsibility of the state, she explained.

Bliss told the hearings at the University of Illinois Chicago Circle campus that the BGA had found some nursing homes hired untrained people, served poor and inadequate food, mistreated patients, had no recreation programs and ignored medical needs.

Dr. Franklin D. Yoder, director of the Illinois Department of Public Health, affirmed that about half of the state's 600 nursing homes were below standard. "But the conditions change so much each day," he said.

Asked why he didn't close the institutions, he said that 215 nursing homes have closed or changed to a different category of care since 1964.

These closings, he said, were voluntary.

Asked why he hadn't closed homes that county health inspectors had recommended be shut down, Dr. Yoder said that "There was probably not much more wrong with those nursing homes than other homes in the state that we weren't doing anything about."

He said that laws must be uniformly administered throughout the state.

EXPLAINS CITY'S PROBLEMS

Chicago's health commissioner, Dr. Murray C. Brown, whose department has closed five nursing homes since Jan. 1, said he thought the major problem in the city was the transfer to homes of former mental patients.

Brown said that in 1969, before mental patients were placed by the state in nursing homes in Chicago, there were only four cases involving noncompliance. In 1970, after the transfer program started, there were 29 court cases.

Dr. Brown also called for an ordinance providing for the training of nursing home employes, and endorsed Mayor Daley's program of encouraging volunteers to visit homes as our "assurance against abuse."

A number of witnesses testified about conditions in homes where their relatives were placed.

Mrs. Dorothy Shelton testified that her 84-year-old mother entered a Chicago nursing home after a heart attack.

She was not fed hot meals, was left in an unheated room and after four days in the home developed double pneumonia. She died after being transferred to a hospital, Mrs. Shelton testified.

TELLS OF AMPUTATION

Mrs. Mary Johannon testified that her 43-year-old sister who had the mental ability of a 3-year-old, was raped while in a nursing home or a mental hospital to which the home transferred her. Mrs. Johannon said the woman had no soap or towels while in the home, had contracted an infection so severe that she couldn't walk, and that her clothing disappeared.

Mrs. Glenda Carlson told the subcommittee her 84-year-old mother was confined to a suburban nursing center after a stroke.

While there, Mrs. Carlson said, her mother developed a sore on one foot. When it spread, Mrs. Carlson called a doctor who made one visit and told her that she was "overly concerned."

The sore spread. When the mother was transferred to Oak Forest Hospital, Mrs. Carlson said, she had to sign papers to allow the leg to be amputated above the right knee because gangrene had developed.

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NURSING HOME ABUSES CORROBORATED

Senators Percy and Stevenson of Illinois and Moss of Utah took testimony, here over the week-end on abuses in Chicago nursing homes exposed by TRIBUNE Task Force reporters in cooperation with the Better Government Association. The senators, members of the Subcommittee on Long Term Care, produced evidence obtained in an independent investigation by their staff. The record not only corroborated shocking findings of THE TRIBUNE-BGA inquiry but produced additional instances of greed, and horrifying mistreatment.

Among the facts adduced by the subcommittee was that, on a $10,000 cash investment in a building converted from an apartment hotel into a nursing home, the operator netted a profit in 1969 of $185,000. Last year the home obtained $400,000 in state welfare funds for care of indigent patients.

The same home spent 52 cents a day on food for patients, whereas Chicago area jails average 63 cents and patient food costs thruout the nation average $1.50 to $2 a day.

The operator remarked, "Investors in nursing homes expect a return of 15 to 20 per cent a year."

Sen. Percy rejoined, "It is certainly more profitable than any business I have seen and it's coming out of the hides of old people. It is coming out of their food plates, out of their enjoyment of life. This is the heart of what we are looking into."

Stories of individual experience were revolting. One woman testified that her middle-aged sister, with a mind of a 3-year-old, was shanghaied into a state mental hospital from a nursing home after apparently being raped. Another woman said her mother died of exposure five days after admission to a home after sleeping in an unheated room with an open window beside her bed. A third said her aged mother's leg had to be amputated because of neglect by a home of an infection.

The Senate subcommittee deserves credit for its contributions to exposure of the nursing home racket. Its members have done constructive work and we hope they will follow thru.

## REVENUE SHARING PLUS GOVERNMENTAL REFORM

Mr. HUMPHREY. Mr. President, Representative HENRY REUSS and I have introduced a revenue-sharing proposal (S. 241) which not only provides emergency funds to States and localities, but calls on these governments to reform and update themselves and their tax systems.

We believe that for State and local governments to spend any additional funding effectively, it is essential that they make their systems more responsive to the needs of the people they serve.

I believe in the ability and wisdom of our local and State governing bodies and executives. However, increased service needs, budget deficits and high citizen moblity require that these governments streamline and update even more.

Mr. President, the Washington Post of March 2, 1971, contained a very interesting editorial which mentions the recently released evaluation of the 50 State legislatures by the Citizens Conference on State Legislatures. I make no value judgment here on placing a State here or there on the list of effectiveness. However, some obvious areas in need of reform that the Post mentions, indicates that all State legislatures, and governments, must see if they have the governmental structures and processes that will enable them to spend additional Federal revenue efficiently and well.

Mr. President, I ask unanimous consent that the Post editorial be printed in the RECORD.

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

PASSING POWER AND MONEY TO THE STATES

With all the current talk about revenue-sharing and about shifting power away from Washington and back to state and local governments, the need for a critical look at the capacity of those governments to act effectively and wisely ought to be obvious. You don't get good government by shifting either power or money downward unless the units receiving it are capable of handling the tasks thrust upon them. Thus, a recent evaluation of the 50 state legislatures by the Citizens Conference on State Legislatures is particularly timely even though its conclusions have been greeted somewhat less than warmly in many state capitols. From reading the summary report (the full report will be available in book form this spring), you can only conclude that a great many changes are going to have to occur if these bodies are to do the job that President Nixon and others would have them undertake.

For example, at the time the study was prepared, a member of the legislature in Indiana, Colorado, North Dakota and Virginia had no staff to assist him; a member in Iowa, Ohio, Utah and Indiana had no office space of any kind. It's hard to believe that a legislator can operate effectively and wisely under such conditions. Nor is it easy to believe that a legislature can govern well when one house has 400 members who are paid only $200 per session, as does New Hampshire, or when a legislature has 100 different committees, as does Mississippi. Nor can a legislature function with much efficiency when it is required to sit in session as every word of every bill is read aloud, as in Kansas, Arizona and Nebraska, or when amendments to proposed legislation are not even printed, as in Nebraska, South Dakota and Utah.

We pull those examples out of the report not to suggest that these legislatures are among the worst in the country. Indeed, the Citizens Conference rates two of those mentioned above as among the 10 best equipped legislatures and only three of them as among the 10 most ill-equipped. But the fact that these kinds of situations are commonplace suggests the basic nature of some of the reforms that must be made if state government is to be revitalized.

The Citizens Conference outlines a series of criteria by which a state legislature can be judged, grouped into categories as to whether it is functional, accountable, informed, independent and representative. It suggests that the public has accepted a low standard of performance in every category because citizens of one state—indeed, even members of its legislature—know very little about how legislatures elsewhere perform and because few people are fully aware of the crucial role in the quality of life that a state legislature can play. Perhaps the conference's most telling point is its comment that state government is a "gray area" to most Americans. "Citizens generally know more about their federal and local governments than they know about their state governments," the report says.

While we do not put too much credence in the relative ranking of legislatures—Maryland was ranked 20th and Virginia 34th, with California and New York leading the list, and Wyoming and Alabama bringing up the tail—the shortcomings the report points out mark the places where reform ought to begin. There has been a substantial proliferation in recent years of organizations of state officials who ought to be able to use this report (and other similar ones) to get reforms under way. If they can't, Washington ought to think and hard about the wisdom of passing down power and money to legislative bodies which lack the tools and, in some instances, the ability to handle either.

## TRIUMPH AND TRAGEDY

Mr. BROOKE. Mr. President, one of the wisest men I have ever known is the Reverend Theodore Parker Ferris, rector of Trinity Church, in Boston, Mass., I have attended Dr. Ferris' church for nearly a generation; my children have been raised on his rare and compelling view of life; his church is my spiritual home. And as often as I have heard him speak, I have never failed to learn and to grow through his insight and perception.

Yet Ted Ferris' Palm Sunday sermon was exceptional—even for him. He spoke to the triumph and tragedy of our age, to the inescapable paradox of the human condition: That joy and sorrow, triumph and tragedy, victory and defeat are the inseparable warp and woof of the fabric of life. The text is as relevant today as it was in biblical times:

If only you had known the way that leads to peace! But now it is hid from thine eyes.

Mr. President, only rarely do I introduce the words of a spiritual leader into the political journal of this body. But this sermon is so profound and so perceptive that I ask unanimous consent to have it printed in full in the RECORD, and call it to the particular attention of Senators.

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

THE TEARS OF TRAGEDY

In the story of Palm Sunday as St. Luke tells it, "when Jesus saw the city he wept." (St. Luke 9:41) A man is not supposed to cry, not if he's a strong man; and if and when he does, he's usually embarrassed. Jesus ordinarily didn't cry. He 'sweat blood' in Gethsemane, but he didn't cry. He cried out on the cross with a loud shout, but he shed no tears. Why, then, did he cry when he saw the city? And at this particular time?

He was just beginning the descent from the Mount of Olives. Some of you have seen the city from that particular spot, which one man called "the most impressive scene in the world." He was being given a royal welcome to the city. He was riding on a donkey, a beast of burden. People were shouting and singing, *Hail to the chief!* or, in their words, Hosanna! Praise God! Hail to the King! Triumph was in the air; he was riding high. Why then did he cry when he saw the city?

He cried, not because he was afraid of it; and not because of anything the city might do to him; he was prepared for that. He cried because he loved it. It was so beautiful; it was his city; and in a way that is not true of any other city in the world, it gathered up the life of a whole people. It was the Holy City, the City of God. He loved it, and he knew that it was doomed; that is why he cried.

He knew that its moment had come and gone, as moments come and go in the lives of people like us; opportunities come and occasions arise when we might see and do and be something great. They come and they pass, either unnoticed or rejected; and when they go, they are gone forever. There is a finality about some failures that has the look of judgment about it. The city Jesus saw wore that look.

This detail of the Triumphal Entry into Jerusalem on Palm Sunday was picked up only by St. Luke. When four people tell the story of an event, especially a momentous one, the outline is usually the same but the details are likely to vary. And so they do in this story. St. Luke caught this particular detail and circled it with light. Jesus wept when he saw the city, and said to the city, "If only you had known the way that leads to peace! It's too late now; your chance came, you didn't see it, you've missed it; you will be destroyed." One commentator writes, "The tears of Jesus are the tears of tragedy: his love for Jerusalem is in tension with his acceptance of its judgment."

We shall not stop now to probe the particular situation that existed then (and I must say that it is a great temptation, particularly to me, to probe the ins and outs of the situation which he was facing and what it was that he thought the city had failed to do). But it all happened a long time ago; it

isn't easy to disentangle the threads of history, and we won't stop to do it. We shall move on quickly to the thought that comes immediately to our minds: the strange affinity of triumph and tragedy.

Ordinarily, the two don't go together, do they? They are mutually exclusive. Triumph means victory. If you're triumphant, you've won! Tragedy means defeat, noble defeat perhaps, but you've lost. And you can't win and lose at the same time. You can't be triumphant and tragic at the same time.

When Charles Lindbergh went to Paris on the twenty-first of May, 1927, alone, by air, and landed safely, and then came back by ship to New York and rode up Broadway, that was Triumph, pure and simple. It was the triumph of one young man who had both the skill and the courage to do something that had never been done before. There were no tears on that day. Likewise, when John Kennedy was killed in 1963, that was tragedy, pure and simple. Regardless of political agreements and disagreements, the President of the United States had been murdered. There were no shouts of triumph on that day. And so we think of triumph and tragedy as mutually exclusive.

And yet, the fact that we meet them here on Palm Sunday so closely intermingled makes us mindful of the fact that the two are not so far apart as they first seem to be. I am bold to make the statement to which I know some will take exception. In spite of the exceptions that might be brought forward, it is generally true that there is in every triumph a potential tragedy. Take a relatively trivial instance of triumph. A man wins a tennis match. He's triumphant; he's the victor. His victory goes to his head. He becomes more and more overbearing toward his fellow-players, even arrogant; and eventually he becomes so sure of himself, his style, and his skill that he becomes careless. He cuts down on his practicing, and the next match he loses.

A country wins a war. People go wild with excitement. They are triumphant; they are the victors. But then there is always the possibility that they will go mad with power, and plunge themselves into another war, to maintain that position, and before the war is over, they lose it. So, in triumph there are the seeds of tragedy.

Likewise, in every tragedy there is a potential triumph. How is it that the blind can read? It is because one boy, at the age of three, had an accident and lost his sight. He was a French boy; he was sent to school and gradually, working on a system begun by someone else, he simplified a system of raised dots (sixty-three in all) by which a blind person can read with his fingers. He was Louis Braille. Out of tragedy, pure and simple it must have seemed to his parents—a boy three years old struck blind—out of that tragedy comes the triumph of the blind able to read not with their eyes but with their hands.

How is it that the rules of safety in the North Atlantic waters are so strict? Because on the night of April fifteenth in 1912 the *Titanic* hit an iceberg and lost fifteen hundred and seventeen lives. Tragic it was, pure and simple. Yet because of that tragedy all the safety rules were made more strict. The Iceberg patrol was increased. (Now, of course, radar has taken its place.) But whatever it is that makes for safety at sea in the North Atlantic is partly the result of that one terrible tragedy. So, out of tragedy, triumph is sometimes won.

Interesting as it is to speculate about this strange marriage of unlikely opposites, this is not our primary concern now. This is not why these "tears of tragedy" touch us today. They touch us because in a sense *we* are that city, and those words speak to us. "If only you had known, if only you had known, the way that leads to peace." And we say as we listen to them, Why didn't we know? We had the facts; we had the knowledge; we had the counsel of wise men, both in the state and in the military, plus all the lessons of history. Why didn't we know? The fact is, we did know. We did know!

But we also had what I dare to call here the "itch" to be big; and it's a very disturbing itch—that desire to be big, one not easily put out of mind. "Big brother" we called it, but the accent was on *big*; the biggest ships, the biggest tankers, the biggest planes, the biggest armies, the biggest military system, the biggest bombs, the biggest missiles, the biggest banks and the tallest buildings, the biggest of everything in the world. That's what we wanted.

We also had the "yen", here at home, to break loose, to be free, to shake off the shackles of tradition and authority, inhibitions, and above all, hypocrisy. So we're doing it; we're doing it with a vengeance. And much of it is for the good, because some of the hypocrisy should be shaken, some of the inhibitions should be left behind, and some of the traditions have served their time and are worn out. We are doing it. We've been on a world-wide spree for the last twenty years; or you might say a whirlwind tour of freedom without discipline.

And we do not learn from experience, you know; not always. That's one of the things that is hard for us to take as we grow older. Human beings aren't like animals in that respect. Animals inherit certain instinctive knowledge from their predecessors that we don't. We have to learn to swim; they don't. We have to learn what depressions mean. We have to learn, each generation, what violence can do to a nation, what wars can do. We don't inherit that knowledge automatically, and we don't learn as easily as you might think from past experience which has spelled out the lessons in letters too large to be missed. These are some of the reasons why we missed the moment, let it pass.

We are beginning to see that we have missed something; that it isn't quite so simple as we thought it was, not quite so simple; and that we are in trouble. We are beginning to see, if we didn't see it before, that it's easier to get into something than it is to get out of it. Remember how in the old days they used to put a man in a crate, bind him hand and foot, then wire the crate, and seal it in every conceivable way, and drop it into the depths of the sea? It took a Houdini to get out of it! No one else could have done it.

It's not easy to get out of something when you once get into it. It's easier to get into a completely polluted atmosphere than it is to get out of it and purify it. It's much easier to get into a flabby and indulgent materialistic way of life than it is to get out of it. You get very accustomed to it; you enjoy it; you like the comfort of it. I do. It's ten times easier to get into it than to get out of it. It's infinitely easier to get into a misunderstanding than it is to get out of it, without any broken bones. And it's infinitely easier to get into a war than it is to get out of it.

We are beginning, I think, as a people to see more clearly than we once did what T. W. Manson, the great New Testament scholar of my generation, wrote about Jerusalem at this particular time. He wrote, "What the verse (19:43) says is that the city will be sacked and destroyed with its inhabitants in it. The prime cause of the material disaster is a moral failure; and the moral failure is essentially a failure of religious insight." Personally, I can take that to myself; perhaps we can all take it. If there is any material disaster in our time, the cause of it is a moral failure; and the moral failure is essentially a failure of religious insight. By religious insight I do not mean any particular form of piety, but an insight into the nature of things, the mystery of necessity, the naturalness of law, the law of the universe, of the way of the cosmos which you cannot buck and win. That is what I mean by a lack of religious insight; insight into the reality of God, whose ways are not always plain, but nevertheless can neither be dodged nor ignored. We are beginning to see that once again.

Some are even beginning to cry, to shed the 'tears of tragedy', and in these 'tears of tragedy' is the possibility of triumph. People who weep and wail at the drop of a hat never do much for anybody; neither do the people who never shed a tear, like stone; they don't do much for anybody. It is those who weep, not for themselves, not over their own losses, not even over the losses of their country, but over the things that they have missed, the things that they should have seen and didn't; over the things they should have done and didn't do, over the things they should have known—did know—but didn't see. It is those people in whom lie the seeds of triumph, the people whose tears open their eyes and point the way to peace. In them is the hope of triumph for the future.

Last week everyone's attention was focused on one young man, Lieutenant William L. Calley. When he was convicted of the premeditated murder of twenty-two men, women and children, he made one brief statement, "I hope that My Lai isn't a tragedy but an eye-opener, even for people who say war is hell." You have to respect a man who can say anything at a time like that; but it is the fact that it is a tragedy that makes it an eye-opener. Not only what this one man did, or what happened at that one place, but what the whole country is doing, what the whole world is involved in. It is the very fact that it is a tragedy that makes it an eye-opener, for tragedy has the power to open eyes that otherwise remain forever shut.

Jesus, surrounded by the temporary triumph that those well-meaning, lovable people gave him—you can feel the excitement that they felt, they were sure that something was going to happen, and that it was going to be what they wanted to happen, something good and great for their people—surrounded by the triumph of those well-meaning, lovable people, he saw through his tears the fate of a people who missed their chance.

Notice this, he didn't blame them, he didn't scold them. He said, according to the text, "It is hidden from your eyes." Notice the passive voice. He didn't say, You shut your eyes and deliberately refused to see it. He said, "It is hidden from your eyes," somehow relieving them of some of the inevitable guilt. I personally am grateful for that, because some of the things that I, as one of the people of this country, have missed have not been things that I have deliberately turned away from; they have been hidden from my eyes. I haven't seen them, not because I am blind, or because I refuse to look at them, but because I couldn't see them, didn't see them. Jesus said, "It is hidden from your eyes."

He didn't shake his fist at them. He didn't condemn them. He didn't in his majesterial authority stand before them and say. 'J'accuse!' He just cried. He wept over them; those tears so rarely shed have opened many another eye, have melted many a heart, and turned many a step towards peace. In those tears of tragedy lay the hope of triumph then. It lies in the same place now, in the tears of tragedy.

Lord, as we think about ourselves and our world, in the light of the things that happened in other days when thou wept over the city in that one brief hour of triumph, help us to see clearly how closely triumph and tragedy are related, and to find in the tears of tragedy the hope of triumph in the future. Teach us to cry, Lord; and through

our tears let us see things more nearly as they are. Amen.

## THE NEED IS FOR FARM PAYMENT LIMITATIONS

Mr. McINTYRE. Mr. President, on January 28, I introduced S. 423, which would provide a $10,000 limitation on farm payments on wheat, feed grain, and cotton production.

I introduced this legislation because I believe that the farm payment program has gotten out of hand. I feel we must help the small farmer who is contributing to keeping our agriculture production in line with our agriculture needs by limiting his production. He may suffer economically by participating in this national program to protect us from a glut on the market of unneeded food and the instability this might mean in our food supply.

I do not feel that we must continue to provide these benefits to the large corporate farm factories which seem to get larger and larger and get more and more payments for holding back their production.

The Department of Agriculture has just released its report of farm payments for 1970. I am shocked by the facts this report continues to reveal about farm payments:

First. The Federal taxpayers contributed nearly $4 billion to farm payments last year.

Second. Payments of nearly $40 million went to just 23 farmers.

Third. More than $1½ billion in payments—nearly 50 percent—went to barely 5 percent of the farmers.

Fourth. One farm factory got more than $4 million in payments while more than 50 percent of the 2½ million farmers in the Nation got less than $5,000 each.

Fifth. Payments continued to go to many unusual farm factories including heavy payments to a farm in which the Queen of England and her family are major investors.

The bill passed last year limiting payments to $55,000 per crop per farm will help some. It goes into effect this year.

But, the real need is to help the small farmer and the taxpayer. Even the $55,000 limitation will not mean much to them. The small farmer does not get that much in payment and the taxpayer will continue to pour out more than $3 billion under the $55,000 limitation. We can save the taxpayers several hundred million dollars by reducing the payments to $10,000 and still not hurt the small farmer who receives less than that amount.

My bill, S. 423 has been referred to the Senate Committee on Agriculture and Forestry. I hope that hearings may be held soon and that the administration will lend its support to this much needed legislation.

Mr. President, the millions we save can be used to preserve our environment, build new schools, help poor elderly citizens, and meet many of the priority needs of our Nation.

## ADDRESS BY HON. ABBA EBAN, FOREIGN MINISTER OF ISRAEL

Mr. ALLOTT. Mr. President, several weeks ago a television news broadcast carried a brief but very moving excerpt from an address by the Honorable Abba Eban, Foreign Minister of Israel. The address was delivered on March 18 to the 1971 inaugural dinner of the United Jewish Appeal of Greater New York. When I asked the Israeli consulate in New York for a copy of Mr. Eban's text, I learned that he had been speaking without a prepared text. However, the consulate has produced a transcript from tapes of the address and today I would like to share this transcript with the Senate.

Mr. President, when we are privileged to have Mr. Eban as a guest in our Nation we are simultaneously reminded that the English language is the language of freedom and that Israel's struggle for peace and survival is among the most moving chapters in the history of freedom.

As Mr. Eban averred, the central issue for Israel can be put in one word—"survival." And he said:

> What an ominous word that is. To be talking of survival twenty-two years after the establishment of Israel, three decades after the greatest orgy of violence and bloodshed to which our people or any people has ever been subjected. The struggle for a people to survive across all the storms and the vicissitudes of history.
>
> There is nothing in human records similar to this. Throughout all the centuries it has been pathetically difficult for men to be Jewish and physically survive. Or in such circumstances as enabled them to insure their physical survival how difficult it has been to insure survival in their own free and autonomous identity.

For those who doubt that survival is the issue, Mr. Eban brought vividly to mind the events of 1967. He explained why "the summer of 1967 is still the point of reference for everything that Israel says and does":

> Soon we shall be entering the fifth year of Israel's steadfast maintenance of the positions and the attitudes that she took in the light of that deeply moving and traumatic experience. But we should betray those memories, we should be false to those sacrifices, if we were to let those days perish from our hearts.
>
> We cannot forget them. We cannot forget the cold wind of vulnerability that blew across our lives. We cannot forget the thousand tanks in Sinai. We cannot forget the death and destruction that poured upon us from the Golan Heights. We cannot forget how we were then squeezed up against the narrow, densely populated coastal plain. We cannot forget how in a single night we were cut off from maritime contact with two-thirds of the world. We cannot forget that the vital fuel by which our security and our economy are sustained were illicitly choked off by an illegitimate blockade. We cannot forget that in the summer days of May and early June, 1967, the prospect of Israel's physical destruction was being seriously discussed across the world, in Arab capitals in wild exaltation of spirit, in other lands with genuine anguish but in total impotence of intervention.
>
> We brood upon those memories day and night. They have added a new dimension to the national consciousness and the exploration of it will take many years. And out of those memories and out of those experiences we have developed the general lines of Israel's policy just as it stands before us today. We are firmly and irrevocably resolved not to restore the conditions of peril and danger and vulnerability from which we so narrowly escaped.

Mr. President, Mr. Eban made some especially penetrating remarks concerning the virtues and solid achievements of Israel's tenacity during the last year. While it is true that much needs to be done, and while it is true that there is a surface appearance of immobility on the politics between nations in the Middle East, in fact there has been significant movement—the sort of movement which promises still more accommodation.

Last summer there was a large-scale shooting war raging along the Suez Canal. Today the guns are silent.

Last summer the dangerous Soviet intervention in the Middle East was proceeding apace. The spread—and surreptitious movement—of SA–2 and SA–3 missiles was especially ominous. Today the Soviet presence remains and continues to enlarge. This is the single most dangerous ingredient in the volatile Middle East, but its most aggressive tendencies seem to be in abeyance for the moment.

Last summer the kingdom of Jordan was thought to be en route to extinction. It now appears to have achieved a measure of stability.

Mr. Eban is correct in saying that—

> Everything is now better than it was six months ago.

He is also correct in adding:

> But things are yet not ripe for that final act of harmony out of which peace can be secured.

In addition, Mr. President, Mr. Eban is correct in crediting Israel's tenacity with the achievement of much of this movement toward stability in the Middle East. As he says:

> It is because we refused to settle for fragile, easy, convenient solutions that we have driven our neighbors to the understanding that they cannot unfreeze the present situation except in the context of a peace agreement.

Mr. President, there is some reason to hope that, behind the fog of alternating rhetoric—the rhetoric of war and the rhetoric of peace—which emanates from some of the Arab States, a new realism may be born. But we might see a reversal of every encouraging trend if the Israelis abandon the steadfastness which has been so fruitful. Thus Mr. Eban gives this warning:

> Today we are told that all the possibilities of moderation have been exhausted by the announcement in Cairo of a readiness of a peace agreement. Never will they go further and reach agreement with Israel on the vital issues of security, or territorial provisions. They will never agree to a real boundary negotiation.
>
> But those who tell us that they will never agree to a real boundary negotiation told us a year ago that they would never agree to a peace accord. That they would never agree to things with which they have now come to reconcile themselves. We regard ourselves therefore, as at the intermediate stage of a

fundamentally improving situation. But the plea that we make to ourselves and to others, is do not pluck this fruit yet! It is promising to the eye. It is not yet ripe. Let it mature. Help it to grow to a significant state of digestion. If you pluck it now then an historic opportunity may well have been squandered.

Mr. President, as Mr. Eban generously acknowledges the recent progress in the Middle East has been made possible by the skillful, patient, delicate, restrained policies of the U.S. Government. The Nixon administration has avoided precipitous action; it has abjured heavy-handed intervention. The Nixon administration understands that a peace that does not result from direct negotiations between the parties directly concerned will be a chimeric peace.

In fact, Mr. President, the Middle East is the real proving ground—the most significant single test—of the Nixon doctrine. Under this doctrine the United States pledges to honor its commitments by helping those who are determined and able to help themselves.

Israel—a brave, disciplined and self-reliant Nation—is a perfect partner for us under the Nixon doctrine. Israel has not asked for and does not want or require the help of American manpower. She asks nothing more from us than help in maintaining the balance of power in the Middle East—and an even-handed refusal to dictate settlement terms to any side.

This is how Mr. Eban explains the Israeli opposition to the idea of a dictated boundary:

Israel's desire to have a negotiated boundary and not a dictated boundary is legitimate. It is in conformity with every consideration of international law, tradition, precedent and security.

After every war a new structure of security is built. Men do not restore the conditions out of which the explosion arose. They do not especially allow the old neuralgic points at which the war erupted to be reconstructed. They do not say let us now bring the explosive material back again into precisely the same combination and juxtaposition out of which the explosion arose. Therefore, if you look around Europe and look around Asia, you find that in the postwar structure there are differences. There are changes which reflect the experience of war and which augur the possibility of peace. Therefore, when Israel says that the peace map must have certain differences in comparison with the war map, we are saying what every nation ever afflicted by aggression has said on the morrow of its emergence from peril to deliverance.

It is juridically valid because the old armistice lines were never accepted or recognized as permanent boundaries. It was the Egyptian government which insisted on the inclusion in our 1949 agreement on the passage which said . . . the armistice lines may not be construed as political or territorial boundaries and may not prejudice the rights and claims of either party in the transition to peace. And we insist on a negotiated boundary also in the name of good faith.

As Mr. Eban made clear, the Israeli position rests on two convictions.

The first conviction is that the "peace" talk from Cairo is as yet unconvincing. The UAR wants negotiations—but it wants Israel to make advance commitments on the crucial matters of substance which should be the subject of meaningful negotiations. In this regard, Mr. President, I want to call the Senate's attention to a recent column by Mr. John Roche. Mr. Roche has some very cogent observations on the familiar tactic of stipulating "nonnegotiable preconditions for negotiations." This is the ploy the Russians and their Arab clients are currently using to bring pressure on the Israelis. The United States has had ample experience with this ploy, and will not be distracted by it. Mr. President, I ask unanimous consent for Mr. Roche's column to be printed in the RECORD at the conclusion of my remarks.

Mr. President, the second conviction which underlies the Israeli approach to a peace settlement concerns the Russians. The Israelis believe—accurately, in my judgment—that the presence of Russians in the Middle East is the major source of unresolvable tension. The Israeli position is that any lasting peace settlement will provide for the removal of the Russian presence. And certainly no sensible solution will attempt to legitimize the Russian presence. In this regard, Mr. Eban discussed the idea of a Russian involvement in some sort of international peacekeeping force:

Some of the proposals that are being made to us have never had any parallel elsewhere. There are other cases in the world where in the morrow of the war, agreements are made which enable a nation to defend its vital interests if they are vital and if they are crucial in the way that we wish this to be done in our case. All we ask is that there should not be applied to Israel any criterion or standard which has not been applied to other nations.

One of the most eccentric of all proposals is that we should supersede our presence by a four-power presence. Now the four powers are not anonymous. I'll talk about one of them. The proposal is that Israel's vital interests in the Sharm El Sheik area shall be subordinated to the extent of 50% or 25% to the Soviet Union. A Soviet general in Sharm El Sheik will insure Israel's supply routes and Israel's connections with two-thirds of the world. Is there any realism in this? Israel's policy is plain.

We look with distress upon the existing Soviet presence in the Middle East. No Israeli hand will be lifted to acquiesce in the extension of that presence anywhere else.

The Soviet presence is the source of tension. It is no use saying, as some say to us that since the Soviet Union is in the Middle East anyway what does it matter if they are somewhere else? Does anybody say that because they are in E. Germany, it doesn't matter—if they would also be in Italy and in France and in Belgium and in Holland? For us, therefore to give our hand to the introduction and legitimization of a Soviet presence at a crucial point of Israel's interest would be a betrayal of all our conviction about what Soviet policy is.

Mr. President, I am pleased that there now seems to be a general understanding of one way to avoid continued Soviet presence in the Middle East. Everyone concerned must agree that in the event that some sort of international peacekeeping force should be desirable, the composition of that force must be agreed upon by the parties directly involved.

Finally, Mr. President, in his address, Mr. Eban made clear that this policy is in accord with the explicit understanding Israel had when accepting the U.N. resolution and the Jarring Mission:

Israel's adherence to the Security Council resolution and its acceptance of the Jarring Mission were secured on the clear and explicit understanding and assurance that the evacuation of all the territories was neither implied nor stated and that there would be room for a territorial negotiation. It was when these assurances and these understandings were committed and transmitted to us that our support for this venture was obtained.

Mr. President, the essence of Israel's policy, as outlined in Mr. Eban's majestic address, is to avoid sacrificing long-term interests for short-term image. I am confident that the United States will do nothing to impede this prudent policy.

Mr. President, so that all Senators can enjoy its eloquence and profit from its wisdom, I ask unanimous consent that Mr. Eban's important and moving address be printed in the RECORD.

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

ADDRESS OF HON. ABBA EBAN

Hon. ABBA EBAN. Thank you Mr. Steinberg.

His Excellency, the Governor, made a special effort to come out and tell me what I had missed by not coming earlier. It appears from your contented expressions that I missed an immortal gastronomic experience . . .

(Laughter.)

And here and there a strong eruption of eloquence. To my regret I missed the Governor's remarks, having . . .

(Applause.)

But I missed him very seldom on the television in late October and early November of last year.

(Laughter.)

He was then asking you for another four years of trouble and he has got what he wanted.

(Laughter.)

But in the midst of those ordeals, he found time to tell me of the deep affection and concern of the people of New York for the State of Israel in its struggle for peace and security.

(Applause.)

The only element in which Israel is bigger than New York is in the number and complexity of its problems. If the card calling had gone on a little longer I should have had to miss my own speech . . .

(Laughter.)

Or alternatively to have missed the flight for Washington. I understood that I was supposed to come here in order to stir you to effort and sacrifice but I find that all this has been effectively done. And now the best result that my speech can hope to achieve is that nobody should ask for his money back.

(Laughter.)

I have some confidence of achieving that unambitious result because the theme that inspires me this evening is inscribed in very bright letters behind me. The Issue Is Survival:

What an ominous word that is. To be talking of survival twenty-two years after the establishment of Israel, three decades after the greatest orgy of violence and bloodshed to which our people or any people has ever been subjected. The struggle for a people to survive across all the storms and the vicissitudes of history.

There is nothing in human records similar to this. Throughout all the centuries it has been pathetically difficult for men to be Jewish and physically to survive. Or in such circumstances as enabled them to insure their physical survival how difficult it has been to insure survival in their own free and autonomous identity.

Today the hope of Jews to survive in their own identity in the full expression of their authentic personality is bound up with Israel's struggle for security and for peace. In the past four years this struggle has been developing within a special context, going back to the immortal and unforgettable summer of 1967. I evoke them here because the summer of 1967 is still the point of ref-

erence for everything that Israel says and does.

Soon we shall be entering the fifth year of Israel's steadfast maintenance of the positions and the attitudes that she took in the light of that deeply moving and traumatic experience. But, we should betray those memories, we should be false to those sacrifices, if we were to let those days perish from our hearts.

We cannot forget them. We cannot forget the cold wind of vulnerability that blew across our lives. We cannot forget the thousand tanks in Sinai. We cannot forget the death and destruction that poured upon us from the Golan Heights. We cannot forget how we were then squeezed up against the narrow, densely populated coastal plain. We cannot forget how in a single night we were cut off from maritime contact with two thirds of the world. We cannot forget that the vital fuel by which our security and our economy are sustained were illicitly choked off by an illegitimate blockade. We cannot forget that in the summer days of May and early June, 1967, the prospect of Israel's physical destruction was being seriously discussed across the world, in Arab capitals in wild exaltation of spirit, in other lands with genuine anguish but in total impotence of intervention.

We brood upon those memories day and night. They have added a new dimension to the national consciousness and the exploration of it will take many years. And out of those memories and out of those experiences we have developed the general lines of Israel's policy just as it stands before us today. We are finally and irrevocably resolved not to restore the conditions of peril and danger and vulnerability from which we so narrowly escaped.

(Applause.)

Not to restore or recreate all the elements which threatened our lives with extinction. This time to be satisfied with nothing less than a stable negotiated peace . . . this time to ensure a territorial and security structure within which the frail hope of peace can survive. Within the past six months a new atmosphere has begun to prevail in this struggle for peace and for security. There are many who speak about the dangers that we, in Israel, that the Middle East and that the world confront.

But, let us not be blind to the positive effects of the tenacity and the moderation which we brought together in fruitful harmony during this recent period. Since last August there has been a new framework within which our struggle has unfolded. Everything is now better than it was six months ago. But things are yet not ripe for that final act of harmony out of which peace can be secured. We are convinced that if the momentum developed over the past six months can be maintained in a proper balance of urgency and of patience, then the year 1971 could yet see the opening of a new horizon.

What is it that has improved since the summer days of last year? Then the battles were raging across the Suez Canal, battles which in any other age would have been regarded as a major war. When we think of the thousands of tons of high explosives which were daily, weekly, monthly being poured against us from Egyptian artillery, the thousands of tons of high explosive which in response were falling from Israeli aircraft on the western side of the Suez Canal Cease Fire Line, we would not exaggerate if we say, welfare of unparalleled destructiveness in the Middle East was going forward in a perilous momentum.

There was another danger. The Middle Eastern conflict was losing its regional character. It was no longer the concern of Israel and Egypt alone. More and more were the great powers being drawn from their marginal detached position into a situation approaching that of perilous confrontation. When in 1969, the cease-fire was repudiated by the former President Nasser, when in his concern to succeed in this renewed war he turned to Moscow for aid, when he received the aid which he had sought, then a new and deadly element had entered into the Middle Eastern context. It began with missiles SA–2 and SA–3 and five, then ten, then twelve, then fifteen thousand Soviet military personnel. Then dozens of Soviet pilots engaged in operative combat. So that on the two sides of the cease-fire lines, we found arrayed sophisticated and destructive weaponry, scarcely ever used in the post-war era.

With Soviet intervention calling under scrutiny the examination of the United States commitment to Israel's security and to the international equilibrium, more and more were people talking of the Middle Eastern conflict as the possible link in a far wider and deadlier peril to all mankind. There was no dialogue. All political initiative was paralyzed and men everywhere were speaking of a new movement of radical extremism in the Arab world, symbolized and expressed by the terrorist organizations.

We were told that in a few months the Kingdom of Jordan would inevitabley fall under these violent and military influences. That very soon no government in the Arab world, not even that of Egypt, would be able even if it desired to envisage a future of peace with Israel.

Now in the past few months, all these negative trends have been driven back. Instead of daily war there is a cease-fire . . . now entering into its eighth month. The cease-fire is by far the greatest achievement of international statesmanship in the year 1970. It not only embodies deeply cherished human values in lives that are saved and in human energies that are stored up for constructive tasks, it also has the other effect of removing from daily apprehension the grim specter of a great power global confrontation. And thus, there is more peace for Israel to the north and east and south and everywhere than at any time during the twenty-two years of its existence.

And because the guns and bombs no longer speak, therefore there is not the daily fear of the mighty powers edging closer towards each other in attitudes of competition and of military conflict. There is a dialogue, an eccentric and unusual dialogue . . . more eccentric and more unusual than any diplomatic process in the post-war age. There is no human contact whatever between the governments who are concerned with the peace-making effort. There is no reticence. There is no discretion for their exchange.

They send documents to each other which are the next morning paraded to the international press. Everything that we say and do is the immediate subject of a sort of Greek chorus of comments by other governments and by the whole of world opinion. I think Greek chorus is an accurate description because the Greek chorus in ancient tragedy used to comment volubly on the events that it had no power to affect. All of this in the open gaze . . .

(Applause.)

It's as though we were trying to negotiate an agreement in Madison Square Garden under all the klieg lights with all the television cameras of the world switched in upon us, all of the moves immediately made available to the international and domestic constituencies of the parties in negotiation It's as though our governments were induced every day to seek a referendum on every executive or tactical action that they might perform.

Nevertheless, it is a dialogue of sorts. If in 1969, there was a situation of military activism and of political quiescence, now at least there is military quiescence and there is intense political activity. Let it at least be said that we are exchanging documents instead of exchanging bombs and shells.

(Applause.)

Above all, the result of this tenacity is that the movement towards radicalism has not materialized. Extremist violent councils have been driven back in Jordan. The Palestine terrorist organizations have lost their physical and therefore their political resonance. Arab governments are freer than before to express the inner compulsions which drive them to an understanding of the sterility of war and both in our eastern and in our southern neighbors we hear a new rhetoric. We hear a new language. We hear the early stirrings of a new and promising realism.

Now these are not insignificant achievements. There is no monopoly of credit for them. To one extent they are the result of Israel's tenacity. It is because we stood firm. It is because we refused to settle for fragile, easy, convenient solutions that we have driven our neighbors to the understanding that they cannot unfreeze the present situation except in the context of a peace agreement.

There were those who said to us a year ago, the Arab states will never agree to a peace agreement. They will never consent to apply to Israel in specific terms, the elementary principle of recognition of independence and sovereignty. They will never dream of considering the termination in the specific context of Israel of all terms, of all the conditions and claims of belligerency. They will never do this. Therefore, settle for something short, for something fragile. Do not be perfectionists.

We refused to sacrifice deep, long-term, justified interests for the allurements of short-term harmony.

(Applause.)

I bring you this experience because experience exists in order that men may learn from it. Today we are told that all the possibilities of moderation have been exhausted by the announcement in Cairo of a readiness of a peace agreement. Never will they go further and reach agreement with Israel on the vital issues of security, or territorial provisions. They will never agree to a real boundary negotiation.

But those who tell us that they will never agree to a real boundary negotiation told us a year ago that they would never agree to a peace accord, that they would never agree to things with which they have now come to reconcile themselves. We regard ourselves therefore as at the intermediate stage of a fundamentally improving situation. But the plea that we make to ourselves and to others is, do not pluck this fruit yet! It is promising to the eye. It is not yet ripe. Let it mature. Help it to grow to a significant state of digestion. If you pluck it now then an historic opportunity may well have been squandered.

It was Israel's tenacity alone that arrested the deadly course of events to which we were witnesses last summer. There are others who can claim their share of credit. The cease-fire agreement was the consequence of American diplomacy. Above everything else, if here and there within the Arab world and even within the Soviet Union there is the glimmering of any moderation, this is because the balance of Israel's strength was maintained with constancy, with abundance and with consistency during the past year.

(Applause.)

The balance of power is still the unique and indispensable formula for the maintenance of peace in areas of tension. And we believe that 1970 is historic in the Middle East because for the first time in Israel's career a great power espoused the doctrine of a balance of strength and moved to fulfill that doctrine across all the tempests and conflicts and vicissitudes of the times.

Let there be no mistake, if the United States had not acted to preserve and to develop Israel's balance of strength in 1970, there would not have been a cease-fire in August. Nor would it have been renewed in November. Nor again would it have been continued in February. Nor would it be still in existence in March. It was only by confronting our neighbors with the certainty that they would never find Israel in the position of weakness and of vulnerability . . . it was only thus that they were brought to understand the necessities of a peaceful process and that the military options had been steadily reduced.

The question now is whether we will draw the valid deductions from the work that the United States and Israel have done together, from the work that Israel has done on its own account in order to construct the bulwarks of its security. There is certainly no doubt about what our policy is. It is to build something stable and enduring and not something fragile and unresolved. A peace even if it is achieved will for a long time have to carry the burden and the memory of twenty-two years of hostility.

The mere signature of a document will not bring that heritage to an end. The business of building peace must be done with precision, with realism, with lucidity, with patience and with care. The question, therefore, is whether everything is solved by the announcement in Cairo of a contingent readiness to reach a peace agreement with Israel. We do not give any . . . we do not underestimate the importance of that development. There are some who say that this is a mere change of words. But a change of words is important, especially in our Middle Eastern cultures in which dreams and ideas and rhetoric have a special importance. To say that it matters nothing that Egypt says today what it has refused to say for twenty-two years would not be a serious posture.

Therefore, we give full weight to this development. But it does not settle anything. It is only the half of wisdom and we must still seek to construct the other half because there is still a fatal defect even in the new attitude expressed by the United Arab Republic. What they say to us is this. We will have a peace agreement with you provided that we can write all the terms and conditions of that agreement. We will have an agreement with you provided that we can write the text and provided only that you contribute your signature on the dotted line.

In other words the concept of agreement has not been carried to its logical conclusion. If they want a peace agreement with us then they must make individual agreements on all the issues out of which the conflict is composed. We must reach an agreement on the question of boundaries. We must reach an agreement on the problems of security. We must reach an agreement on our respective contributions to the solution of the refugee problem. We must reach agreements on navigation. We must reach agreements on the liquidation of the hideous legacy and apparatus of hostility and blockade and boycott. It is only out of these separate and specific agreements that the total structure of peace can emerge.

(Applause.)

Our position then is that peace must be written together by Israeli and Arab hands. It can neither be imposed by external forces nor can it be dictated by one party to the other.

(Applause.)

This is the contradiction and the attitude of our neighbors who say that they will have peace if we do everything that they want. In those conditions there is no such thing as a non-peace-loving country. On the basis of their present attitudes, our neighbors are saying that they do not want war and I believe them. They do not even want victory. They want the fruits of victory without victory and without war. Our attitude is that we should rise above all considerations of victory and defeat in order to meet each other on the level of a common need and a common passion for a peaceful future.

Our duty is, above all, to make our position clear. I heard on our own Israeli radio this morning, after a very vivid portrayal of a parliamentary occasion of more turbulence perhaps than tranquility, which I'm sorry that I missed. Life in the Knesset is not always as exciting as that. I was told that my mission here is difficult. Perhaps if I knew what my mission was I'd be able to say how difficult it is or isn't. But it really isn't difficult because the mission now is to make Israel's position clear, to communicate both the possibilities and the limits of that position.

Yes, we do and shall seek peace. Yes, we understand that peace involves withdrawal, but to secure agreed and recognized boundaries. Yes, we shall try to build together a new structure of regional cooperation. Yes, we shall do all these things. But what we shall not do is to restore the vulnerabilities and the perils of the summer of 1970.

(Applause.)

Because we remember those perils we are commanded by our history and destiny to avoid them. Because we remember them then we cannot in a peace agreement, even in a peace agreement, envisage a situation in which Irsaeli soldiers come down from the heights that overlook our valleys in the upper Jordan and the Galilee. Because we want peace we cannot suffer the monstrous sacrilege of a divided city and because we want peace . . .

(Applause.)

Because we want peace, we cannot accept a solution in which some of Israel's most vital and crucial interests lie outside its own control. Why do we make the issue of a negotiated boundary settlement so important?

Israel's desire to have a negotiated boundary and not a dictated boundary is legitimate. It is in conformity with every consideration of international law, tradition, precedent and security.

After every war a new structure of security is built. Men do not restore the conditions out of which the explosion arose. They do not especially allow the old neuralgic points at which the war erupted to be reconstructed. They do not say let us now bring the explosive material back again into precisely the same combination and juxtaposition out of which the explosion arose. Therefore, if you look around Europe and look around Asia, you find that in the post-war structure there are differences. There are changes which reflect the experience of war and which augur the possibility of peace. Therefore, when Israel says that the peace map must have certain differences in comparison with the war map, we are saying what every nation ever afflicted by aggression has said on the morrow of its emergence from peril to deliverance.

It is juridically valid because the old armistice lines were never accepted or recognized as permanent boundaries. It was the Egyptian government which insisted on the inclusion in our 1949 agreement on the passage which said . . . the armistice lines may not be construed as political or territorial boundaries and may not prejudice the rights and claims of either party in the transition to peace. And we insist on a negotiated boundary also in the name of good faith.

Israel's adherence to the Security Council resolution and its acceptance of the Jarring Mission were secured on the clear and explicit understanding and assurance that the evacuation of all the territories was neither implied nor stated and that there would be room for a territorial negotiation. It was when these assurances and these understandings were committed and transmitted to us that our support for this venture was obtained.

Therefore, international good faith demands that those assumptions and those conditions be honored. We have sometimes heard that all would be well if Israel would go back to the previous vulnerable armistice lines. We are told, go back and trust your friends. But here again, the inconvenient Jewish memory comes up to plague us. We heard this before, in 1957, we went back. In 1957 we trusted our friends. In 1967 the structure that had been built collapsed about our hands and but for the thin shield of our armed defenses, physical slaughter would have menaced every man, woman and child in our country.

I am asked then why it is that Israel has an obsession about international guarantees. We do not have an obsession. We have a memory. And it is a concrete memory, the pragnatic experience of the past which bids us this time not to put our faith in fragile and unproven expediences.

Let me illustrate this.

(Applause.)

Let me give you this evening only one illustration of this need for innovation. I take this only as one instance. I do not seek to draw any maps or to make an exhaustive illustration of the problems at issue. Those of you who follow our turbulent domestic politics can see what happens to those who make illustrations. Not that we regret for a single moment the light that has been shed upon the selective and pragnatic character of Israel's approach to the boundary problem.

I will take only one instance because this was the cause and the source of the 1967 war and it is one of the central issues that we confront today. The place is one that you may have seen. A little desert spot called Sharm El Sheik. Now what is it that is involved for Israel there. I look around the map of the world and I cannot find another similar place in which so many vital interests of a nation happen to converge upon a small point outside its main mass. Sharm El Sheik means for us the question whether the Negev has any meaning or not. Two thirds of our nation . . . all of which shall be condemned to be a permanent wilderness unless there is an absolute certainty of uninterrupted maritime access from Rilat. Sharm El Sheik means the totality of our import of vital fuel.

Sharm El Sheik means whether Israel is connected or separated from two thirds of the world and especially from the developing countries of East Africa and Southeast Asia with whom we have established such a moving and particular relationship. And Sharm El Sheik means peace or war because if Israel is not there then the question whether we should be driven to war or shall enjoy peace will be decided every day not by us—without us—and perhaps against us. All this then is involved, peace, war, the Negev, Israel's supply route and Israel's connections with two thirds of the world.

Is there a stronger case anywhere for the concept of a nation trying to secure within a peace agreement such conditions as would allow it to maintain its physical tenure and its effective control.

Some of the proposals that are being made to us have never had any parallel elsewhere. There are other cases in the world where in the morrow of the war, agreements are made which enable a nation to defend its vital interests if they are vital and if they are crucial in the way that we wish this to be done in our case. All we ask is that there should not be applied to Israel any criterion or standard which has not been applied to other nations.

(Applause.)

One of the most eccentric of all proposals is that we should supersede our presence by a four-power presence. Now the four powers are not anonymous. I'll talk about one of them. The proposal is that Israel's vital in-

terests in the Sharm El Sheik area shall be subordinated to the extent of 50% or 25% to the Soviet Union. A Soviet general in Sharm El Sheik will insure Israel's supply routes and Israel's connections with two thirds of the world. Is there any realism in this? Israel's policy is plain.

We look with distress upon the existing Soviet presence in the Middle East. No Israeli hand will be lifted to acquiesce in the extension of that presence anywhere else.

(Applause.)

The Soviet presence is the source of tension. It is no use saying as some say to us that since the Soviet Union is in the Middle East anyway what does it matter if they are somewhere else. Does anybody say that because they are in East Germany it doesn't matter if they would also be in Italy and in France and in Belgium and in Holland? For us, therefore, to give our hand to the introduction and legitimization of a Soviet presence at a crucial point of Israel's interest would be a betrayal of all our conviction about what Soviet policy is.

The Middle East, apart from being a territory is also an idea that flows across the course of human history. The Middle East is a spiritual concept. The Middle East is the cradle of all the world's religious civilizations. The Middle East is the source of the human ideal of individual freedom.

In short, the Middle East stands for ideals and values which the Soviet Union is committed to overthrow in the Middle East, in the Mediterranean and in the world. This is only one . . .

(Applause.)

This is only one of the weaknesses of proposals that are sometimes heard. I will not analyze them further. I would only ask you to understand that Israel in this discussion will differentiate between things which are desirable and things which are not only desirable but indispensable and we take our stand upon those things which are crucial and vital. On other matters there will be the spirit of moderation which any peace-making effort demands.

It may be that in the defense of these interests we shall be called upon to maintain a tenacious attitude. I do not believe this to be inevitable. I think that our case is sufficiently strong to enlist the understanding and comprehension of our friends. But if necessary, a nation that has a solitary responsibility must sometimes manifest a solitary tenacity. We have known this experience as well.

(Applause.)

Sometimes you have to take a position in solitude in the hope that thereafter it will win understanding and respect. This has happened to us many times in the past. In 1948 we changed the course of our people's history by establishing an independent state against the concerted advice of all our friends. Once we made this step upon our responsibility, we later and in very short time, secured for our action retrospectively the understanding, the respect and even the enthusiasm of most of the nations of the civilized world.

(Applause.)

The course that we have chosen therefore is not to sacrifice long-term interests for short-term image. We are told that if we move out of everywhere we shall have excellent editorials written in the world press. Of course, we will . . . but a week later, we shall have surrendered the vital security assets and the editorials of last week will be in the scrap books of history. There is nothing more out of date than a newspaper editorial of a week ago. Therefore we must differentiate between things which are concrete and solid and enduring and those things which are fleeting and impressionistic.

(Applause.)

And for you and us it means . . . for you and us it means that we must prepare together for a further period of holding fast and holding fast has three aspects. There is the military aspect. Well we shall hold fast. Our arms are now necessary not happily for the waging of daily war but they are necessary for preserving peace. And preserving peace is a higher purpose for arms, even than for waging successful war.

(Applause.)

We in the political arena . . . we will gather around us to the extent that we can . . . the sympathy and understanding of our friends in every continent, giving a central place to that partnership which is the most moving of all Israel's international links, this partnership in many conditions with the United States, one of the most unusual relationships of history. I believe that this relationship is capable of absorbing and in the final result of transcending incidental differences of opinion.

Our purpose therefore is to isolate and not to generalize the points of friction, to isolate them and to bring them, if possible, to early resolution. And beyond our military and political consolidation there is the task which brings you together in this room. It is the task of maintaining the momentum of Israel's development.

Our adversaries would have won a great victory if without winning a single military or political battle they had managed so to obsess and to monopolize Israel's effort that Israel was doing nothing except defending itself. An Israel that does nothing except to defend itself is not Israel in the deeper historic sense of the word.

The authentic Israeli enterprise demands something more than survival. It demands growth. It demands construction. It demands an original expression of social vitality. It demands a constant preoccupation with cultural and scientific advance. It demands the carrying out of our central vocation . . . of providing homes for tens of thousands of our kinsmen. An Israel that is not building, growing, planting, cultivating, harvesting . . . that was not building its roads, its schools, its buildings, its new forms of social organization, that was not opening its gates to newcomers . . . such an Israel would have lost the central elements of its personality.

It would have become a kind of Sparta. Now Sparta in ancient history exclusively developed a military capacity and because it developed a military capacity alone it ultimately fell even in the field of battle. Because even military efficiency requires a sustaining vision of a society that must be built, expanded and constructed. The greatest of our achievements in the past four years is that we have had to be a fighting nation but have not become a warrior state and that the central rhythm of our democracy, of our human vocation, of our society building, all this has gone forward uninterrupted.

It is about the only time in which a people in war have built hundreds of thousands of homes in which it has increased its demographic assets. We are nearly a quarter of a million Jews more in Israel than in the early summer of 1967. The Gross National Product has expanded. Exports now reach one billion and a half dollars. So far from being cut off from the world, 1970 was the peak year of Israeli tourism. This perhaps illustrates the paradox of our lives. 1970 was the peak year. This proves that hijacking, a cholera plague and frontier conflicts are tourist inducements. [Laughter.]

Or else—or else perhaps that there is nothing—absolutely nothing which will separate Israel from the fascinated solidarity of its friends across the world. [Applause.]

What we ask of you therefore is to persevere within this crucial and perhaps decisive year. Our burdens are enormous. I come to tell you frankly that we cannot bear them alone. The crushing burden of defense. The consequent burden of taxation. The immense burden of our political complexities, the vast burdens imposed by the necessity to maintain social dynamism amidst the crushing burdens of security—these burdens could well crush us if we could not rely upon the sustaining solidarity of all across the world who share with us the priceless dignity of descent from the Hebrew faith and tradition.

This then is our message to you. Do not abandon us halfway. Do not lose the horizon from sight. Do not leave us alone. Stand with us unflinching, constant, indomitable until the dangers are surmounted and the task is done. [Applause.]

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VARIATION ON A PEACE GAMBIT

(By John P. Roche)

The other night one of our local radio stations, which specializes in good music, was off doing its duty to the Public Interest by sponsoring "controversy." Assuming it would return to Bach in a few minutes, I left the station on but mentally tuned out. The problem, however, was that the speaker's voice was somehow familiar. He was in a rage about our refusal to engage in genuine negotiations, about our refusal to bargain in good faith, about our absurd faith in a military solution. I had just observed, slightly profanely, that the peace crowd ought to get a new tape, when I discovered it has. Familiar Voice was not talking about the United States and the Vietnamese Communists; he was referring to Israel and the Arabs!

For those who have never watched the Communists employ negotiations as a weapons-system, the current Israeli and American predicaments are instructive. The basic gambit is the non-negotiable precondition for negotiations. We have been told for at least six years, for example, that productive negotiations with the Hanoi regime could start in half an hour once we have (a) agreed to pull out all our troops, and (b) busted the Saigon government. Of course, this would leave nothing for the "genuine negotiators" to negotiate about except, as one sardonic North Vietnamese put it, what music the Americans would like played for their departure.

The U.S. government has to stonewall in the face of this bogus generosity, though in the process it gets a reputation for inflexibility, stubbornness, if not sheer international malevolence. The ubiquitous U Thant, along with various spokesmen for the "Third World," the worldwide Communist agitprop apparatus, and a number of innocent men and women of good-will all agree that we are willfully refusing to compromise and thus continuing the war.

Now the Israelis are in the same boat. They have been handed a bogus proposition, and roughly the same cast of characters is out jumping up and down, accusing Jerusalem of aggressive, militaristic, imperialistic greed. In essence, Gunnar Jarring (with apparent United States support) has told Israel that as an indication of its sincere desire to negotiate a permanent peace it must withdraw from the territory occupied after the 1967 war. This bears repeating: Jarring has not moved to bring the Israelis and Arabs together to negotiate an Israeli withdrawal, to work out a map. He has handed Israeli this requirement as a precondition for genuine negotiations. This is just one more variation on a classic gambit.

If Israel were not a democratic state sincerely interested in peace, the Israelis could treat the whole affair as an exercise in political warfare. The appropriate response, for instance, would be to gather together a group of disaffected Egyptians and set them up as the "legitimate government of Egypt." This "Gaza government" would call upon the Egyptian people to rise against the Soviets and their puppet Anwar Sadat, would demand admission to the United Nations, ask

for recognition by other nations, and—most important—negotiate a peace treaty with the Israelis. (This is a rerun of the Polish ploy that Joseph Stalin devised to destroy the non-Communist Polish government-in-exile during World War II.)

The trouble is that democratic societies are incapable of playing games of this sort. Madame Binh claims to represent a Viet Cong government at the Paris negotiations, a "government" that has all the clout in South Vietnam that the "Gaza government" I just set up has in Egypt. But there she is, making speeches. In contrast, it would take the press about an hour to demolish the "Gaza government" as an Israeli invention. Totalitarian states really have the jump on us when it comes to political warfare.

Our Israeli friends should relax. It's very depressing to be on the receiving end of one of these negotiating campaigns, but the alternative is to give away the ball game before it even starts.

## YOUNG OFFENDERS—ERIC SEVAREID EDITORIAL

Mr. BAYH. Mr. President, last week, the Subcommittee on Juvenile Delinquency, of which I am chairman, held 2 days of hearings to examine the effectiveness of the Federal Government in dealing with the problems of juvenile delinquency. At the close of those hearings, Mr. Eric Sevareid of CBS delivered an editorial concerning the dramatic increase in juvenile crime in this country. Since Mr. Sevareid's remarks coincide with my own feelings about juvenile delinquency, I ask unanimous consent that the text of his editorial be printed in the RECORD.

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

CBS EVENING NEWS WITH WALTER CRONKITE
(EXCERPT)

SEVAREID. It may be hard to precisely define a war crime, committed by a Calley or anybody else, but we know what a crime is at home, and crimes in the streets of America are even harder to prevent than war crimes in Vietnam. In war, both the crimes and the acts of self-sacrifice are committed chiefly by the young. And inside America, the street crimes are also committed overwhelmingly by the young, roughly from the ages of 14 to 24. The worst single age group is the 15-year-olds, for crimes from auto theft up. One half the truly serious crimes like murder and rape are done by those under 18. The crime problem is the youth problem, more precisely the youth of the slums.

The Justice Department is planning to spend about $65 million next year to help the states and cities deal with juvenile delinquency. And one department official told a Senate subcommittee this week that crime by youth is increasing four times as fast as the youth population.

Everybody has his own pet explanation of why it isn't stopped. Liberal courts are causing this, say a good many; harsh prisons turn the young into hardened criminals, say others. The more one gets into this matter the less satisfying these explanations are. The causes reach deep and include the massing of totally alienated people into the ghettos, and the loosening of family, church and school ties and values, and then the whole business tends to be dumped on the already overburdened courts. In most places the courts are helpless to do anything but turn the boy loose or throw him in prison. Neither one really works.

Some cities are experimenting with diagnosis before sentencing, with halfway houses, supervised residential centers, probation monitored by private citizens, and so on. And here and there, signs of progress do appear. But most of the progress has been in finding out what does not work. It seems quite clear that rehabilitation of a human personality, even with counseling and therapy, is virtually impossible inside a prison, but inside or out, it is next to impossible to give anyone past a certain age a set of values he doesn't already have.

It also seems clear that a big factor, perhaps the biggest, in the repetition of criminal acts by young offenders is their cold knowledge that the odds are all on their side. The Presidential Crime Commission estimated that some nine million serious crimes are committed each year, of which only one half are even reported. Of the nine million, then, only twelve percent result in arrest, six percent in convictions, one and one half percent in actual imprisonment. Crime not only pays; it's an infinitely safer risk than a roulette wheel or the stock market.

## PROPOSALS BY SENATOR BROOKE FOR ECONOMIC RECOVERY LEGISLATION

Mr. BROOKE. Mr. President, the state of the economy is the most pressing domestic issue we face. Unemployment, recession, and inflation plague every section of the country, but my State of Massachusetts is in the forefront of troubled areas. Our March unadjusted unemployment rate exceeded 7 percent. We now have over 184,000 unemployed workers in Massachusetts. Regrettably, the litany of labor surplus areas, extending from Newburyport to North Adams, grows longer and more familiar with each month.

Last December in a speech to the Boston Rotary Club, I tried to outline the magnitude of the efforts needed to provide meaningful employment for engineers, scientists, and other unemployeds. I also called for a statewide meeting to analyse the problem and to suggest initiatives which could be undertaken by each segment of our society. That meeting was convened in Boston on February 8 and was attended by over 70 individuals, including Gov. Francis Sargent and members of his administration, the regional directors of nine Federal agencies, representatives of unemployed groups of engineers and scientists, presidents and deans of Massachusett college and universities, representatives of labor and officers of over 20 different Massachusetts manufacturing companies. Many sound ideas were presented that day and many more have been submitted since. I have carefully studied those ideas—and all of the supplementary material which I have been able to obtain. Today I want to share with you some conclusions and describe the legislative package that I will introduce.

In an economic analysis, it is important to remember that we are not faced with a single unemployment problem for which there is one grand solution; there are many types of unemployment in the United States today with different causes, requiring different solutions. First, there is, of course, the general economic slowdown of the past 2 years, resulting from consumers' unwillingness to part with their savings, their uneasiness about the future, and a general air of uncertainty.

Second, an increasing inability on the part of many American industries to compete in world markets has contributed to the unemployment level. Massachusetts residents need not be told of the plight of the textile industry or the shoe industry; one has but to drive through Brockton, Lowell, or New Bedford to see it. While I have always considered myself a free trader, and though I would prefer voluntary quotas, I nevertheless supported the Mills bill in the last session of Congress, and am prepared to support legislation in this Congress which would impose import quotas on shoe and textile imports. I also fear for the competitive future of the electrical equipment and electronics industries. The foreign dumping of heavy electrical transmission equipment in the United States and the refusal of foreign countries to permit American manufacturers to compete abroad has been harmful to these vital industries. I deplore the fact that TVA, a governmental unit, has purchased 90 percent of its generating equipment from foreign manufacturers in the last 5 years.

Third, we have had a drastic reduction in defense and space spending, which is forcing a reallocation of our resources and conversion in some of our major industries. Aerospace and defense companies have been in their present business since the beginning of the Second World War. Now they must find new products, new markets, and new methods of doing business with new customers. It is a difficult assignment, and one which has not yet been fully addressed.

Now all of these factors—the general economic slowdown, the increase in imports, and the reduction of defense and space spending—have had a deliterious effect on employment in Massachusetts and in the Nation.

Within the defense and space industries, there is a difference in the nature of unemployment. The plight of the unemployed professionals in Seattle and in southern California is different from that of the unemployed professional along Route 128 in Massachusetts. The giant airframe producers on the west coast have an infinitely more difficult adjustment to a set of new priorities that the small and much more mobile high-technology companies on Route 128. I can envision a Massachusetts company, no longer the recipient of Government contracts for the production of missile guidance systems, engaging in research that will result in the development of new civilian traffic control systems, thus bringing the company into a new market and new employment possibilities. But I find it difficult to envision Lockheed or Boeing making that same transition. These facts lead to the conclusion that there can be no recovery of the economy of any one State or area in a vacuum; rather there must be a national economic recovery.

Creative solutions are required. When times are prosperous and the demand for labor high, private enterprise has never shirked from perfecting the skills of its

own employees. It is, therefore, less important to talk about retraining scientists and engineers than it is to improve the demand for engineers and scientists in the labor market. The formation of new businesses which will help alleviate the problems of pollution, housing, and urban mass transit, as well as other pressing domestic needs, must be encouraged. In short, the market must be restructured.

I commend the President's $42-million program to retrain unemployed engineers and technicians, but I think a more productive approach is one taken by a much smaller joint HUD-Labor Department pilot project that guarantees jobs in local, State, and county government to the participating engineers at the completion of a brief training period.

With this in mind, I plan to introduce four bills. The first calls for the establishment of statewide conversion assistance corporations.

The bill approaches the unemployment and conversion problem on a regional basis. It envisions statewide corporations being instituted in those States in which the unemployment rate for the previous year has exceeded the national average. The Economic Development Administration of the Department of Commerce would be authorized to fund the conversion assistance corporation, once the EDA is satisfied that a corporation's charter adheres to the very broad Federal guidelines established by the legislation. The Department of Commerce would make a one-time grant to the conversion assistance corporation, which would then act at its own discretion within its charter provisions. The basic objective of the corporations would be to provide economic assistance to areas suffering high unemployment caused by cutbacks in Federal spending or by loss of industry due to relocation or changing economic conditions. They would achieve this goal by participating with existing lending institutions through loan guarantees in making capital available to businesses when banks are reluctant to take the risks but the prospects for the ventures are good. Together with the loan guarantee program, market assistance would be mandatory to help businesses investigate and operate in new areas. The maximum life of each conversion assistance corporation would be 10 years.

This program is not simply another form of Federal subsidy, for the conversion assistance corporation would be authorized to charge an additional half-percent interest for that portion of the loan it guarantees and, at its discretion, to charge for its managment assistance services. At the end of its lifetime, all funds remaining in the conversion assistance corporation's capital fund would be returned to the Federal Government.

It is generally recognized that a guarantee of the type described will have a multiplier effect on the creation of new venture capital. This legislation calls for an authorization of $250 million. If a Massachusetts conversion assistance corporation were formed with a grant of $10 million, it is fair to assume that $100 million of new venture capital would be generated in that State.

Because the conversion assistance corporation will be authorized to guarantee any portion of a loan from 10 to 100 percent, each case will be judged by members of the local corporation, based on their assessment of the strength and the resources of the particular area where the business is located, and on the prospects for success.

It must be emphasized that the basic purpose of a conversion assistance corporation is to provide guarantees for venture capital for new or existing firms to enter new fields and thus provide new employment opportunities.

The second bill that I will introduce is the Peacetime Conversion Assistance Act. This bill is designed to provide relocation and training assistance and mortgage interest supplements to adversely affected workers separated from their employment because of the termination of a defense or space contract. It would allow the Secretary of Defense to offer such assistance to the workers laid off by a firm that performed a substantial amount of its work for the last 3 years under any space or defense agency contract. The bill is intended not only to cover workers in the conventional aerospace firms, but also to assist workers from academic or other nonprofit organizations who have been left jobless as a result of cutbacks in the defense- and space-related efforts at those institutions.

This bill draws heavily upon the concept that direct and comprehensive assistance should be made available to workers dislocated by a change in Government funding priorities. The adjustment assistance provisions of the Trade Expansion Act of 1962 and the Automotive Products Act of 1965 both offered several forms of direct financial help for workers laid off or left jobless as a result of a change in our international trade policies. The framers of both bills recognized that when Government increases imports, unemployment results in many marginal firms, and it is the responsibility of Government to assist those injured by the change in trade policy. This bill seeks to extend the same protection to an industry whose workers have also been injured as a result of a change in Government policy. The largest customer of aerospace firms is the Federal Government. The Government's decision to reduce drastically defense and space expenditures has put large numbers of highly skilled men and women out of work. The Government should be ready, willing, and able to assist these people in finding new employment. Too little attention has been spent on the specific programs that can insure this.

One of the greatest problems for many unemployed is the monthly mortgage payment. Under the provisions of this legislation, mortgage interest assistance payments will be available to help defray the mortgage payments at a time when an individual is least able to pay them.

A recent report by the research firm of Arthur D. Little, Inc., commissioned by the Massachusetts Department of Commerce and Development, stressed the great need to develop such nonspace and nondefense-related industries as pollution control machinery, health care delivery equipment, and computer peripheral manufacturing as a means of utilizing the talents left unemployed by the aerospace industry. However, we must recognize that even the most talented among the unemployed face an adjustment and cannot be expected to produce immediately. While the principles of fluid mechanics or solid state fuel systems may hold great promise in their application to the problems of air and water pollution, they cannot be fully applied overnight by their former practitioners in the defense and aerospace industries. A significant period of orientation must be allowed.

This bill, then, seeks to help the unemployed pursue new careers in fields of their choosing. Many would return to school for retraining if they could afford it. When one has a greatly reduced income or no income at all, it is nearly impossible to consider seriously reequipping oneself with the skills one needs to enter a new field. In fact, the payment of tuition is impossible. This legislation would allow the Secretary of Labor to pay training assistance allowances to the unemployed. These payments would permit an individual to return to college or graduate school for a full year of study.

The third bill I will introduce is one which I first proposed last year. It passed the Senate as an amendment to the military authorization bill only to be deleted in the House-Senate conference. The provision is entitled "The Domestic Applications of Defense Research." It provided for a panel composed of members of domestic agencies, whose task is to monitor the type of research being supported by the Department of Defense. New concepts will be made available to appropriate domestic departments to assist in developing new approaches to our pressing urban needs.

The fourth bill will be in the nature of an amendment designed to expand the functions and the role of the General Accounting Office. In my opinion, there is a need for additional technical support for congressional offices when there are questions concerning Government contracts. Frequently, manufacturers raise problems involving procurement policy and the technological requirements of a contract. But the General Accounting Office lacks the expertise to fully answer these questions.

Accordingly, I am preparing a proposal for the National Science Foundation to fund a curriculum developed for highly qualified engineers to undergo a full academic year's preparation in governmental functions and contracts. This will lead to the establishment of a corps of hightly trained scientific personnel responsible, through the General Accounting Office, to the Congress. Their task will be to respond to and initiate inquiries regarding Federal procurement policies. This would apply to defense and domestic agencies. This tool will permit much closer, in-depth, and continuing evaluation of major Federal procurement projects. I am convinced that such a capability will reduce the type of cost overruns associated with the C–5A procurement. Additionally, it will bring into meaning-

ful Federal service the skills and critical analytic abilities of a large number of scientific and engineering personnel.

These then, are four bills I will introduce. Hopefully, they will provide: one, a method of increasing jobs by an infusion of risk capital in areas of high unemployment; two, a series of employee benefits for displaced aerospace workers until the demand for their services increases; three, a method of monitoring military research to ascertain opportunities for civilian application; and four, an expansion of the personnel and functions of the General Accounting Office.

These bills, of course, will have to be supplemented by national fiscal and monetary policy aimed in the same direction. But I believe that they can contribute substantially to economic recovery and a reduction in the unemployment rate.

The difficulties we face in restoring the economic health of the country are not simple. But I believe we can once again create an economy which is both mature and productive. I am convinced that through careful analysis, constructive actions, and a national willingness to turn to new courses, we can generate a surge of productivity and new directions which will fully utilize our unequaled human and natural resources.

## SUMMER YOUTH PROGRAMS

Mr. BAYH. Mr. President, as chairman of the Subcommittee on Juvenile Delinquency, I have been especially concerned about youth opportunities. Today I plead again that this administration recognize the importance of youth—our finest natural resource.

On February 23, along with a bipartisan group of 13 Senators, I directed a letter to the Vice President asking for a commitment to assure adequate summer jobs and manpower programs for our Nation's disadvantaged youth.

Unfortunately, we received no answer to that letter. On April 2, we did see a minor memo in the Wall Street Journal stating:

> The President's Council of Youth Opportunity quietly went out of business on March 31; it coordinated employment, education, recreation, health services for youth.

As the Senate well knows, there was considerable criticism of this decision. Five days later, President Nixon announced that he would seek $64.3 million in a supplementary appropriation for employing disadvantaged youths next summer.

These additional funds are a welcome relief. However, they do fall far short of the $144 million which 50 mayors submitted as a minimum estimate of their needs for the summer program. I urge the President to reexamine the depth of his budgetary commitment to fight unemployment.

In addition, I feel there is a continuing need to provide funds not only for those enrolled in such programs but also to provide for the direction of these programs by professional leaders. As the National Recreation and Park Association has pointed out in a recent statement, experienced leadership is a crucial ingredient in effective recreation programs.

In order to share the long-range goals of the National Recreation and Park Association with the Senate, I ask unanimous consent that the text of its recent letter to the President and a statement of its proposals be printed in the RECORD.

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

NATIONAL RECREATION & PARK ASSOCIATION,
*Washington, D.C., February 9, 1971.*

The Honorable RICHARD M. NIXON,
*President of the United States,*
*The White House, Washington, D.C.*

DEAR MR. PRESIDENT: For the past two days, representatives from park and recreation departments from 50 cities in 32 states and the District of Columbia have met in our offices to discuss federal planning and programming for urban park and recreation funding. We have been privileged to have with us officials from your Administration responsible for the evaluation and funding of these programs. We deeply appreciate their taking time from busy schedules to meet with us.

By coincidence, our first meeting coincided with your submission to Congress of a major environmental message. Copies of the message were made available to our participants. We commend and support your requests for an appropriation of $200 million for the acquisition of new urban park and recreation areas, and for the full funding of $380 million for the Land and Water Conservation Fund with a new emphasis on the use of these funds for the development of park and recreation areas in and around our urban areas.

Our focus, after weeks of written communication and two days of intensive discussion, has been on the people who will use these new parks. The "legacy of parks" you proposed must consist not only of physical facilities but of people: people inspired to become career professionals in the park and recreation field, people whose needs for community participation and individual achievement can be fulfilled, people who can find new pride in their neighborhoods.

We hope that your detailed presentation to the Congress asking for legislation to implement these proposals will include authority for appropriate federal agencies to expand the number of urban areas included and to fund programming, leadership development, and maintenance functions of new urban parks. In formulating these proposals we believe that the professional experience and expertise of local park and recreation officials, such as those who have assembled here in the past two days, must play a major role in the decision-making process.

We also hope that the attached recommendations for summer 1971 and for long-range urban park and recreation programming will be of constructive assistance to you. Your goal of "parks to the people" is shared by our more than 30,000 professional and lay members of the National Recreation and Park Association.

Respectfully,

WILLARD W. BROWN,
*Chairman of the Board and Acting President.*

NATIONAL RECREATION AND PARK ASSOCIATION—PUBLIC PARK AND RECREATION PROGRAMS FOR THE DISADVANTAGED

GENERAL POLICY

1. Legislation should be enacted as soon as possible providing funds directly to agencies of political subdivisions directly responsible for park and recreation functions to expand their existing programs, implement new programs, and provide services and career opportunities for disadvantaged residents. We recognize that the most immediate need for park and recreation programs is among the disadvantaged urban residents, but we emphasize that the need exists for all citizens.

2. A single federal agency should be responsible for: the coordination and selection of local political subdivisions and the determination of their levels of funding; the negotiation of contracts with those subdivisions; the approval of grants/plans; the allocation of resources; the provision of funds, technical assistance, research, evaluation and education; the drafting of appropriate legislation, with input from local park and recreation authorities; for continued program support; the dissemination of research products; the provision of available surplus federal lands, supplies and equipment; and fiscal management.

3. Park and recreation authorities will submit a program indicating their present level of service and proposed levels, indicating how their resources and those of the federal government can be combined to achieve general program goals—expansion of existing and implementing new programs, services, career opportunities for the disadvantaged, and opportunities for community involvement.

4. Proposed programs shall include:

a. Project description.

b. Number of disadvantaged to be served.

c. Timetable for implementation.

d. Number of job slots and titles.

e.* Budget summaries indicating the utilization of local and federal funds.

f. Additional equipment needed to carry out the project.

5. Program planning will reflect local goals and priorities—and the needs and preferences of the local residents.

6. National, and where appropriate, regional, state and local advisory committees composed of park and recreation professionals and lay citizens shall be established to provide the resources and expertise to the federal administrative agencies to upgrade the quality of park and recreation programs and services, leadership, facilities, research, evaluation, and comprehensive planning.

These committees shall:

a. Support and encourage multiple-resource use in providing programs and services.

b. Encourage the inclusion of park and recreation planning as a part of the planning process at all levels of government.

c. Identify methods of integrating existing park and recreation services into human service programs; i.e., manpower, housing, health, education, social services, transportation and law enforcement.

7. To accomplish these goals, some suggested guidelines are presented for Executive consideration:

a. A funding formula based on the number of disadvantaged residents in an urban area.

b. Prompt indication to local political subdivisions of the level of funding they can expect so that programs can reflect the proper utilization of resources.

c. Local proposals must be submitted by the prescribed date.

d. Fifty (50%) per cent of the political subdivision's allocation should accompany approval of the local program and completion of contract agreements.

e. The balance of the contract should be reimbursable on submission of monthly vouchers.

8. Federal funds will only be used to expand existing or to implement new programs,

*Local park and recreation authorities will receive cash credit for in-kind services; i.e., operating costs (personnel services, supplies equipment, maintenance), local resource contributions.

services, and jobs. Local political subdivisions must maintain their level of effort.

9. Grant appropriations will be based on the number of residents whose income falls within the current federal poverty guidelines.

10. Should a change in projected federal funding levels occur, local political subdivisions will be given prompt advance notification.

11. Federal audit procedures should coordinate as closely as possible with existing practices of local political subdivisions.

## KEY FEATURES OF THE NATIONAL HEALTH CARE ACT OF 1971, S. 1490

Mr. McINTYRE. Mr. President, I ask unanimous consent to have printed in the RECORD the key features of the National Health Care Act of 1971, S. 1490, which I introduced on April 5.

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

INTRODUCTION

The goal of the National Health Care Act of 1971 is to meet the personal health needs of every citizen. It seeks to achieve this goal by containing health care costs, improving the organization and delivery of health services, and making comprehensive health insurance available to all.

The objectives of the National Health Care Act are to:

1. Increase the supply and improve the productivity and distribution of health manpower.

2. Develop ambulatory health care services to promote health maintenance and reduce costly hospital use.

3. Improve health care planning to distribute current and future health resources more equitably and effectively.

4. More directly contain the escalation in health care costs and upgrade quality of health care.

5. Establish national goals and priorities to improve health care.

6. Improve the financing of health care for everyone.

1. *Increase the supply and improve the productivity and distribution of health manpower.*

Shortages and maldistribution of health manpower constitute the greatest obstacle to an improved health delivery system.

To correct these deficiencies, my bill calls for the following steps to be taken:

A. Appraisal by the Federal government of the adequacy of present grant, loan or other Federal aid programs for health manpower training and development, and the need for expansion. The study's objective would be to recommend procedures for program consolidation, coordination, and increased efficiency, as well as to develop proposals for promotion of health careers.

B. Improve student loan programs with built-in financial incentives to physicians, optometrists, dentist, nurses and allied health personnel to encourage service in inner-city and rural areas.

C. Provide Federal grants to schools to spur the training of additional physicians and allied health personnel, particularly in provision of family ambulatory care or administration of ambulatory care centers.

D. Meet immediate needs through a temporary Federal grant program to physicians, nurses, and allied health personnel agreeing to serve during the next five years in areas most critically short of services.

2. *Develop ambulatory health care services to promote health maintenance and reduce costly hospital use.*

Greater access to effective and less costly health care for all will be achieved through expansion in every community of ambulatory health care services.

These services would include preventive care, diagnosis, treatment and rehabilitation. They would be provided in facilities that might range from reorganized hospital outpatient departments or expanded group medical practices to prepaid group practice plans or other health maintenance organizations.

To this end, my bill calls for the following action:

A. Extend present Federal programs of hospital construction grants and hospital and outpatient facility loan guarantees, to encourage private and public financing of comprehensive ambulatory health care centers, particularly in areas of special need.

B. Make such grants and loan guarantees available to subsidize ambulatory health care center costs for the first three years of operation.

C. Include ambulatory and preventive care benefits in all health insurance plans (see page 4).

3. *Improve health care planning to distribute current and future health resources more equitably and effectively.*

Improved planning for health care systems is essential to the development of rational approaches to effective and economical delivery of community health services.

My bill therefore calls for reinforcing the key role and authority of state and area-wide comprehensive health planning agencies through the following action:

A. Increase substantially financial support for comprehensive health planning at community and state levels.

B. Enlarge specific responsibilities of planning agencies to include:

a. Setting priorities on community needs, with emphasis on coordinated health care programs, and health education of the public.

b. Reviewing and certifying as to need all applications for a Federal grant, loan, loan guarantee, or other Federal aid exceeding $100,000 for the purpose of proposed new or modernized health care services, facilities or equipment.

4. *More directly contain the escalation in health care costs and upgrade the quality of health care.*

A more rational health delivery system must have built into it controls to assure quality of care and containment of rising costs. My bill proposes that the following safeguards be implemented:

A. Tie all Federal loans, grants or contracts for a health facility or service to the certification of need by a comprehensive health planning agency.

B. Planning agencies would assist facilities to submit capital expenditure proposals consistent with the State health plan, and to develop efficiency and cost saving incentive programs for optimum use of manpower, services, and equipment.

C. Tie payment for health care under Federally-supported programs to prevailing fees and to peer review of those professional services that fall outside of professionally established guidelines, assuring appropriateness of treatment, quality of care, and reasonableness of physician fees. Review and approval would come from an appropriate health services review organization or, in its absence, by the organizations administering Federal programs.

D. Payment to hospital or other health care institutions under Federal programs would be subject to approval by a State Health Care Institutions Cost Commission appointed by the Governor. All such institutions would be required to:

a. Have an active review committee to check appropriateness and quality of services.

b. Utilize a standard system of accounts and cost finding.

c. Use "prospectively approved charges" for all patients. Such a system would involve review and approval in advance by the State Commission of the proposed charges, assuring charges reasonably related to the cost of effectively providing necessary services.

5. *Establish national goals and priorities to improve health care.*

Only national leadership can bring about unified health policies, goals and guidelines which are properly balanced against other priorities of society.

My bill therefore proposes the following steps be taken:

A. The President deliver to Congress annually a Health Report on the state of the nation's health at Federal, state, and local levels, with legislative proposals as appropriate to improve the organization, delivery, and financing of health care.

B. Congress create a Council of Health Policy Advisors in the Executive Office of the President, analogous to the Council of Economic Advisors. Composed of three members appointed by the President, with Senate consent, the Council would:

a. Help prepare the President's annual Health Report.

b. Recommend procedures for coordinating, consolidating or eliminating health related programs of the various Federal agencies and departments.

c. Conduct health care research.

d. Provide guidelines for health care funding allocations.

e. Develop recommendations for national policy to improve the organization, financing delivery and quality of health care.

C. Congress direct every Federal agency to include in all legislative recommendations or other major Federal actions a statement on the impact of the proposal on the health care system, including adverse effects, alternatives, relative priority, and any irreversible commitments of resources involved.

6. *Improve the financing of health care for everyone.*

Financial barriers to dignified access to health care for all citizens must be removed. This objective can best be achieved by broad action on two fronts:

One, Federal stimulus to the development of health insurance coverage which would promote ambulatory and preventive care and the availability of new forms of health delivery. This would serve to shift the focus from costly hospital inpatient care to a more economical setting.

Two, ensure the availability of comprehensive coverages to all which build on the broad base of existing voluntary health insurance plans within a unified Federal-state program. Costs for most people should continue to be met by individuals and employers, with public funds used for those needing total or partial support in financing their health care.

To this end, my bill calls for adoption of these innovative measures:

Federal standards for minimum ambulatory, preventive, and institutional care benefits.

Phasing-in of benefits on a time-table basis.

Use of existing private health insurers (including insurance companies, Blue Cross-Blue Shield, and prepaid group practice plans) to provide benefits.

Federal income tax incentives to help assure that comprehensive benefit levels are maintained.

Establishment of state pools of private health insurers to provide standard benefits for the poor, near-poor and those previously uninsurable for health reasons, with those benefits for the poor and near-poor being subsidized by Federal and state funds.

FEDERAL STANDARDS FOR HEALTH CARE BENEFITS

These standards, to be known as Minimum Standard Health Care Benefits, would be set by the government in consultation with providers, consumers and health insurers. Emphasis would be placed on benefits for ambulatory and preventive care to shift the focus from high-cost in-hospital treatment to lower-cost and more accessible out-of-hospital care.

Benefits for catastrophic expense could exceed $50,000. By 1970, I foresee no maximum limits on ambulatory care and only realistic limits on institutional care.

PHASED-IN BENEFITS

Under the Health Care Act, the following Minimum Standard Health Care Benefits schedule is illustrative of the type of national standard which could be put into effect as the manpower and facilities became available.

The Minimum Health Care Benefits for private group and individual plans, which would initially be effective in 1973, would cover charges for:

All diagnostic X-ray and laboratory examinations on an ambulatory basis.

All surgery and radiation therapy in ambulatory health care centers.

Three visits per year per family member to a physician in his office or ambulatory health care center for other types of medical treatment.

Well baby care including immunizations, up to six visits during first six months after birth.

Charges for physicians' services while institutionalized.

First 30 days of semi-private general or psychiatric hospital care per illness.

First 60 days of convalescence in a skilled nursing home per illness.

First 90 days in an approved home health care program per illness.

Benefits for state pool plans for the poor, near-poor and those previously uninsurable for health reasons would begin initially effective July 1, 1972, and would cover charges for:

All diagnostic X-ray and laboratory examinations on an ambulatory basis.

All surgery and radiation therapy in ambulatory health care centers.

Six visits per year per family member to a physician in his office or ambulatory health care center for other types of medical treatment.

Well baby care including immunizations up to 12 visits during the first two years.

Charges for physicians' services while institutionalized.

Dental care for children under 19, including annual examination, fillings, extractions, and dentures.

Prescription drugs for all persons.

Rehabilitation services, including prosthetic appliances and physical therapy.

Maternity care.

Family planning services and supplies.

First 120 days of semi-private general or psychiatric hospital care per illness.

First 120 days of convalescence in a skilled nursing home per illness.

First 180 days in an approved home health care program per illness.

In 1976, the Minimum Standard Health Care Benefits for private group and individual plans would be raised to the level initially required for the state pool plans. The standards for state plans would be increased so that essentially all ambulatory care and dental care—including such added benefits as vision care and speech therapy—would be covered without limit for children and adults, and institutional care would be covered within the following realistic limits:

300 days of semi-private general or psychiatric hospital care per illness.

180 days of convalescence in a skilled nursing home per illness.

270 days in an approved home health care program per illness.

In 1979, the Minimum Standard Health Care Benefits for private group and individual plans would be brought up to the 1976 standards for the state pool plans.

Those medical care expenses which experience shows lead to over-utilization will be subject to a modest amount of co-payment to keep program costs down. In order to prevent co-payments from becoming an undue burden on the family, there will be an aggregate limit charged in any one year that is reasonably related to family income.

FEDERAL TAX INCENTIVES

Under Federal tax incentives, beginning in 1973, the amount of tax deductibility allowed an employer for health care expenditures would be reduced from 100 per cent to 50 per cent, unless the employer's group plan contained the Minimum Standard Health Care Benefits established by the government.

For persons not belonging to groups, tax incentives would also be offered to obtain individual policies meeting all of the requirements. These would be known as Qualified Individual Health Care Plans.

STATE POOL PLANS FOR POOR AND NEAR POOR

Minimum Standard Health Care Benefits would be available to persons on public assistance through Qualified State Health Care Plans which would be participated in by private health insurers and supported by state and Federal subsidies.

These state programs would reduce the need for Medicaid and eventually replace it as a means of financing care for the medically indigent.

Persons on public assistance would not pay any portion of the premium for their coverage. The near poor would make a contribution scaled to their income.

Non-poor individuals who cannot obtain adequate protection because of serious disabilities also would be eligible for benefits subject to their paying the premiums.

Each Qualified State Health Care Plan would be a pooled arrangement underwritten by all participating private health insurers in each state. One carrier or group of carriers in each state would be designated by the state to administer the plan.

HEALTH CARE PROGRAM COST

I estimate that, in terms of today's prices, the additional taxes required to pay for the Health Care Program during the first full year of operation would be $3.2 billion.

## THE TIMES ARE WILD

Mr. HUMPHREY. Mr. President, I was privileged to address the Anti-Defamation League of B'nai B'rith on January 23 of this year.

I took the occasion to comment on what America's problems and promise are right now. I spoke of the sense of confidence America must always possess. Our times have been and, indeed, do remain "wild." However the trials we face have only proved our basic strength. This testing of America has demonstrated the staying power of each thread in the fabric of our national life.

I discussed war and peace, our present economic difficulties and needs, and other items on our list of national priorities.

Mr. President, these remarks represent my thinking and evaluation of the present condition of the Nation. I ask unanimous consent that the news release and my remarks be printed in the RECORD.

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

SENATOR HUBERT H. HUMPHREY IN HIS FIRST MAJOR ADDRESS AFTER OFFICIALLY TAKING HIS PLACE IN THE SENATE

What America needs now is faith in itself, a sense of confidence and pride, without arrogance. We must trust and have confidence in each other.

These trials of purpose and these threats to our National unity have only served to prove our strength as a people—to refine our shared and ever-renewed ideals—and to demonstrate the basic rightness of our National goals.

What we need today is to reaffirm our belief in these ideals. We must now make them new—renew them with recommitments. The goals of Americans—the ideals of Americans haven't changed since the founding of the Republic, nearly 200 years ago.

We do possess this inner strength—this inner resolve to continue, to persevere, to achieve. We must recognize within ourselves that dormant confidence. We must reawaken it—we must stir it up and hoist its flag and let it whip in the gale.

The decade of the 70's demands that we have leadership embodying idealism and hope; and programs of progress—a leadership to determine and declare our national priorities and goals. We must know that comes first and how to accomplish it.

First, we must end the war in Vietnam—by a systematic withdrawal of our forces on an agreed upon timetable. This does not mean that we abandon our role of cooperation and responsibility in world affairs. We are a world power. We do have responsibilities and commitments which are in our own national interest.

Next, we must restore our economy to a stable growth rate without injurious inflation. We must end this recession, this unemployment, this inflation. America's economy is now a crippled giant. Its lethargy and limp prevent us from undertaking those programs we know we must in order to meet America's social and economic needs in the 70's. The economy must be returned to full productivity. The country must start moving again. We must put people to work and generate the private income and public revenues that can help build a better America. And, above all—through a renewed dedication and respect for human rights, we must heal our social wounds.

(Humphrey discussed the Nation's specific problem areas and outlined approaches for meeting our needs in establishing a national health care program, reorganizing the welfare system, strengthening our system of law and justice, reforming and revitalizing our educational structure, encouraging renewal of our urban-renewal environment and helping local governments modernize their structures and meet growing service demands with Federal grants.)

We criticize the Soviet Union for anti-Semitism and yet there is bigotry and intolerance in our midst. Being rich doesn't guarantee love of our fellow man. Being strong doesn't automatically help us understand the weaknesses of others. Any standard of national excellence that doesn't include tolerance and understanding and brotherhood is no standard for America now and in the decades ahead.

THE TIMES ARE WILD

(By Senator HUBERT H. HUMPHREY)

Northumberland, in Henry IV, says: "The times are wild: contention like a horse full of high feeding, madly hath broke loose and bears down all before him."

While Shakespeare's words are somewhat extreme, the times have been wild. It's the best of times—the worst of times. The times are fraught with danger, but the future filled with opportunity.

The fabric of American society and American civilization is not a gorgeous tapestry hung on a wall for all to admire as it frays and fades into history. America is a living and perpetually renewed seamless cloak of many colors—not the Great Society but the vital, changing society.

But the fabric of America is strong and sturdy. Look at its life story. It has withstood civil war. It has received into its folds the millions of immigrants who have added their richness of cultural diversity to this nation's life. It has weathered economic depression and vast natural disasters. While the strain has left scars and creases on the unfolding fabric of our national history—while the threads of our civilization and national unity and the strings of the hope and faith of Americans were stretched taut—they held and are stronger for their testing.

The air has been filled with charge and counter-charge as opposing groups and factions have raised their voices and elevated each other's blood pressure.

The young continue the perennial running battle with the previous generation.

The older generation declares they cannot understand the latest jargon of "now generation." "Cool, groovy, outa-sight, right on"—these are the superlatives of the young.

We have seen the nation severely divided by a long, costly, and tragic war in Vietnam.

Our cities have burned while our citizens manned barricades against each other, and against the law.

But these trials and threats to our national unity have tested our strength as a people. They compel us to redefine and reassert our national goals. Tension, like exercise, if not overdone builds strength.

Above all else, we must persist and not give in to the shrillness of the Cassandras—preaching inevitable doom. We must not permit honest diversity of approach in solving our national problems overshadow our overwhelming agreement on the goals we all wish to see achieved.

What I am saying is that we do possess this inner strength—this inner resolve to continue—to persevere—to achieve. We must remember the long way we have come and take strength from the record of achievement. You do not inspire a people to great deeds by a recitation of their failures! What America needs now is faith in itself; a sense of confidence and pride but without arrogance. We must believe and learn that the cement that binds our edifice of democracy is that intangible called trust and mutual respect.

We must never allow, even for one minute, the awareness of our problems and national needs to paralyze our wills or blur our commitment. On the contrary, this awareness must be the challenge that summons us to the battle. We only realize the distance to the stars when we have set our foot to that path.

When viewed from the perspective of our forebearers, we are now striving to span light years of achievement in meeting man's social and economic needs.

It is not possible for us to castigate ourselves, and permit ourselves the luxury of suffering the guilts. There is yet not time enough. There is too much for us to do. We cannot take the easy way out by surrendering to confusion. We must not elude the strivings that beckon us relentlessly.

We must put our problems and ourselves in some perspective and proceed to consider these needs and their priority in some detail.

The time for action is long overdue. We must be about our business. We must not and cannot say, "Stop the world, I want to get off and study it."

In 1968, the pundits of all persuasions and dogmatic bent, peering over the nation from their doric, ionic and corinthian perches, declared with one voice: "The nation needs a rest." We were told that the republic was out of breath, suffering from hypertension and a bad liver, and should take the cure. Well, I'm afraid the cure has turned out to be more painful than the disease.

The Republican Administration has been trying to tiptoe around the nation—trying not to wake the sleeping giant—trying to prolong the nation's slumber—speaking of the silent majority, chastising the dissidents and vociferous, trying to hide the fact that they haven't done a blessed thing except to admonish, procrastinate, and to give new explanations for old problems.

We have put up long enough with a leadership vacuum. The nation needs direction, and motivation, and leadership. It needs uplift—inspiration—a call to the best in us.

Where is the real, tangible leadership and commitment to anti-pollution; to education; to housing; to anti-poverty programs; to feeding the hungry; to stabilizing the economy; to finding jobs for the unemployed; to providing health care to all Americans as a matter of right; to easing the financial burden of the elderly? These are the reforms that are needed.

This nation needs more than a survival kit for the 70's, we need a blueprint for growth, progress and success—a decade of decency and development.

DOMESTIC NEEDS AND PRIORITIES

In this decade we must devote our greatest energies to securing a decisive shift of resources—human and natural—from pursuits which cripple or destroy man's capacity for life, liberty and happiness to those which enhance these qualities.

This means a federalism that will make government on all levels responsive to the needs of the people—a federalism streamlined, effective and to the point—a federalism of service to the people. That's what the taxpayer is paying for. I think it's about time he received full and fair value for the tax dollar spent.

The first steps that can be taken immediately are: Devote the Vietnam billions to help resolve priority needs to be established and continually updated by a newly created Joint Congressional Committee on National Priorities. Long Senate debates were not indulged in for their own sake. They represented serious disagreement with the Administration on national priorities and how Federal revenues should be allocated. Congress, in just two years, cut total defense spending approximately $8 billion below what the Administration asked. These funds were then added to legislation designed to help solve our human-need problems at home.

While I may understand a President being attracted to foreign affairs and matters of global geopolitical fascination, and devoting two-thirds of his time to various military and diplomatic games. I wish he would not try to devote an equal proportion of the Federal budget to financing these fascinations.

The Congress disagreed with the President on spending priorities and lived up to its spending responsibilities by substantially revising the Administration's shopping list.

PEACE

The first of our priorities is peace. We must end the war in Vietnam—by an accelerated systematic withdrawal of our forces on an agreed upon timetable. And this does not mean expansion of the struggle to all of Indo-China.

The loss of life, diversion of resources from critical domestic needs, and the disunity of our country must be ended.

But withdrawal in Vietnam does not mean that we abandon our role of cooperation and responsibility in world affairs. We are a world power. We do have responsibilities and commitments which are in our own national interest.

The United States must reaffirm its commitment to Israel—to make sure that Israel remains free, strong, and defensible. The measure of our commitment to Israel is also the measure of chances for peace in the Arab world. The Soviet Union has used the Arab nations for their own imperialistic penetration of the Middle East. Our continued, unequivocal support of Israel will convince both the Soviets and the Arab nations that peace is in the best interest of Israeli and Arab alike.

We must also stand by our commitments under NATO. This is particularly important during this period of rapid growth of Soviet presence in the Middle East, the Mediterranean and the waters bordering India and East Africa.

We are involved in a series of negotiations aimed at limiting offensive and defensive nuclear weapons. The Administration must make clear during the SALT talks its firm commitment to a policy of arms limitation—must be flexible without being weak—and must be able to consider various limited bans on weaponry, if it does not appear we will achieve a comprehensive limit or ban at this time.

Our foreign policy must be one that portrays to the world that the United States is strong but not overbearing, firm without being belligerent, resolute without being inflexible.

THE ECONOMY

The second major priority we have in America today is to restore our economy to its full potential. We must restore a stable growth rate without injurious inflation. We must end this recession, this unemployment, this inflation. America's economy is now a crippled giant. Its lethargy and limp prevent us from undertaking those programs so desperately needed to meet America's social and economic goals in the 70's.

The country must start moving again. We must put people to work and generate the private income and public revenues that can help build a better America. And above all—through renewed dedication and respect for human rights, coupled with renewed economic health—we must heal our social wounds.

MEDICAL CARE

Sharply rising medical costs and the lack of adequate health care for millions of Americans demand far better use of existing medical facilities and their expansion to meet the growing needs of the 70's.

Until very recently, the Administration has been largely silent on health care. However, leaders in the Congress have demonstrated their concern and awareness of the crisis in health care the nation faces and have taken the initiative of introducing a comprehensive national health insurance plan.

I support such legislation. I see this as one of the most important issues that the Congress and the nation will deal with in the year ahead.

The quality of health care in the nation during the 70's could well depend on success in passage of progressive health care legislation that contains these features:

A significant increase in funds for expanding the supply of medical manpower, including persons from minority groups;

Training new types of medical aides such as assistant physicians, family planning aides and community health workers;

Financial aid for starting hundreds of additional group practice plans;

Increasing the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics;

And financial incentives for insuring the cooperation of all involved so that our national health care and insurance plan will be a success.

The wealthiest, most scientifically advanced nation in the history of the world should also be the healthiest nation on earth. And it can be!

Our scientists find answers that save lives around the globe—now it's time for our prac-

titioners and administrators to deliver the benefits of these breakthroughs to all Americans. And it can be.

INCOME SUPPORT AND SUPPLEMENT PROGRAMS

The Administration's welfare reform bill did pass the House of Representatives, but was killed in Senate Committee by Republican Senators.

We need an effective reform of welfare. I am confident the Congress will develop a program that restores dignity to the qualified recipient and peace of mind to the taxpayer.

Social Security benefits must be increased by at least 15% and should contain an automatic cost of living escalator to help older Americans at least stay even, as inflation erodes their purchasing power.

It is inexcusable that any American should go hungry or be the victim of malnutrition.

LAW AND JUSTICE

A basic need of every citizen is to feel secure in his person and property. However, that is not the case in America today. We have seen it amply demonstrated that crime is related to poverty, poor education, inadequate housing, poor health care and unequal opportunity. However, much more can be done directly to reform our law enforcement system and to improve the rehabilitative process, or lack thereof.

Today, as a single, unified, goal-directed system, our law enforcement system is a failure—unable to preserve sufficient order, keep our citizens safe on the streets and in their homes, and return the offender to society—respecting himself and the rights of his fellow citizens. We must swiftly and substantially increase the resouces devoted to law enforcement and the administration of justice—to build a system that is just and humane—a system that is as concerned with rehabilitation as it is with capture.

Much remains to be done—prevention of juvenile delinquency and rehabilitation of young offenders before they become hardened criminals—in rehabilitation of drug addicts—in reforming our court system to eliminate delays—and in reforming our correctional institutions to include greater stress on community-based rehabilitation.

EDUCATION

Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare and blighted opportunity. This one factor—lack of a proper education—can prevent us from reaching our full potential—our destined excellence—as individuals and as a nation.

But the Administration continually leaves our education programs underfunded.

The Federal investment of the total educational dollar for the school year of 1970–71 is 6.9%. This is a drop from the 8% share in 1967–68. The Federal investment in public education doubled between 1960 and 1968—from 4% to 8%. Over the next few years that Federal expenditure should rise to 16%—double what we were doing in 1968. And we need an education trust fund to assure regular funding of the Federal education investment.

There has never been a society that has become insolvent because of its investment in books, learning and education.

We in America have always said we want the best for our chidlren. That "best" is most accurately reflected and represented by the education we provide. And that education reflects the most essential values of our total society. Reform of education requires us to reform the society our education reflects.

URBAN-RURAL ENVIRONMENT

Housing, transportation, urban renewal—these are three tangible factors directly affecting the moral, social and economic health of our urban-rural complex. Much has been done to foster increased construction of housing, provide balanced transportation systems and upgrade the physical assets of a community and the services it must provide. But these beginnings fall far short of the need.

Within the next 30 years the population of the United States will increase by 50%. That means we will be a nation of about 300 million.

The list of legislation passed by recent Congresses is long and impressive—urban renewal, model cities, increased housing and financing for that housing, extended highway construction balanced with a massive infusion of talent and funds for transit systems, manpower training and utilization, and anti-pollution measures.

But all too often the Administration has either underfunded, vetoed, or tried to abolish these programs. Again, the plea was that such spending is inflationary.

But it will be far cheaper to renew and continue our efforts now than to reconstruct urban and rural areas that have disintegrated beyond recall.

We must initiate and follow through on long-term programs for our urban-rural environment: programs for housing, for public services, for manpower development, and economic development. The public facilities and services must keep pace with the private development. These are not competitive; they are complimentary.

This program for the 70's will require committed and articulate political leadership. And this leadership must call upon our nation to make the sacrifices that are essential if we are to insure the survival and development of urban-rural America.

REVENUE-SHARING

We have catalogued the needs of our localities and discussed how they must be met. But state and local governments need help in achieving these goals. The local tax base is eroded and stretched to the breaking point. What is needed is additional grants of Federal funds, in addition to all presently ongoing programs and funding.

This coming Monday I will introduce my first bill. It is a revenue-sharing measure that will provide substantial funds to localities but will also provide the incentive for state and local governments to upgrade and streamline their structures and relationships.

Gradual increases in Federal grants under this legislation, plus revitalization of our local governments, should make the renewal of our urban-rural environment the first outstanding product of the new, creative Federalism.

AGRICULTURE

It has become painfully obvious that the American farmer and his problems are of little concern to the Nixon Administration—the first Administration since Herbert Hoover's that has not sent up a farm message.

The Administration has evidenced not only apathy but actual contempt. Now in the works at the Department of Agriculture is a plan to utilize 1967 as a base for computing parity ratios. This would provide a false and misleading ratio of 90% parity. Actually, using the traditional base period, parity is at 67%—the lowest since the days of Herbert Hoover—37 years ago!

I deplore this deception. But it will take firm leadership and positive farm programs to convince the farmer that things are better than during the depths of the Depression—a fast shuffle of statistics will not fool them one bit.

These are some of the priorities for the 70's. We have the means of generating the resources. We have the manpower and the genius. We have the opportunity and the time. Now, we must marshal these forces and opportunities and turn them to our will and our design.

And in closing, I wish to commend the Anti-Defamation League for its stand on violence in America—not just for condemning the violence of a stranger, but condemning and deploring the violence of a brother.

The pain and range of the JDL is understandable.

I trust, however, that the voice of the Jewish community, through such organizations as B'nai B'rith and ADL, will convince them that they may well be making it more difficult for their Russian brothers.

The Soviet Union selectively listens to and feels the pressures of world opinion. I trust it will realize that its semi-official anti-Semitism is a luxury it cannot afford. Our responsibility is to constantly, perseveringly demand an end to this bigotry and intolerance.

When I visited with Kosygin in the summer of 1969, I reminded him of his agreement with President Johnson at Glassboro—that the Soviet Union would permit Jews to migrate for purposes of family reunion and to build a new life in Israel. This agreement has not been sustained. We must insist as a nation and government that the Soviet leaders keep their word. Likewise, in recent weeks, I sent a personal communication to Chairman Kosygin protesting the rise of anti-Semitism and condemning the Leningrad trials.

But, as we criticize the Soviet Union for anti-Semitism, we must confess that there is bigotry and intolerance in our midst. We know that being rich doesn't guarantee love of our fellow man. And being strong doesn't assure understanding of the weaknesses of others. Any standard of national excellence that doesn't include tolerance and understanding and brotherhood is no standard for America now or in the decades ahead.

Economic growth and development are not the only purposes of our society. They are but a means to a better life. The challenge to this nation is not to be found in an economic recession, but in the racism, discrimination, bigotry and intolerance. And all of these are found in greater or lesser degree, even as our economy grows, as we search for full employment and prosperity.

What America needs is an expansive economy without racism—full employment without discrimination, prosperity without bigotry, social services without intolerance. It is the quality of life and the spirit that moves a nation—that determines its destiny. Our greatness is not in our machines or our material wealth. It is in our sense of compassion, justice, opportunity for human dignity. These are the intangibles that add meaning to life, liberty and the pursuit of happiness.

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## ADDRESS BY DR. BILL L. McCULLOUGH TO THE WEST TEXAS PRESS ASSOCIATION

Mr. TOWER. Mr. President, I have just read the text of a speech delivered to the West Texas Press Association by Dr. Bill L. McCullough on February 20, 1971.

Dr. McCullough is a physician in Seagraves, Tex., and is one of three doctors in Gaines County serving about 13,000 people. Therefore, Dr. McCullough is well aware of the problems facing a physician practicing in a rural area.

I believe that the doctor's remarks are extremely perceptive. I agree with his judgment that the implementation of a compulsory program of national health insurance will result in disastrous consequences for the Nation. Furthermore, I agree that many of the regulations promulgated by the Social Security Administration to operate the medicare program have greatly retarded the deliv-

ery of basic health care services to Americans residing in rural areas.

Dr. McCullough also makes reference to the physician shortage in rural areas. I should like to remind Senators that I have introduced S. 576, a bill to provide tax incentives to encourage physicians to practice in medical manpower shortage areas. I am pleased that 12 Senators have seen fit to join me in introducing the bill. I am again urging consideration of this proposed legislation.

In order that the Senate might be apprised of the views expressed by Dr. McCullough, I ask unanimous consent that the text of his speech be printed in the RECORD.

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

ADDRESS BY DR. BILL L. MCCOLLOUGH

The proposed title of my talk today was "Medicare and the Small Hospital". However, after due consideration I would like to change the title to read "What Hospitals".

It is my sincere belief that soon there will be no "small hospitals" as we know them today. For many of you people here today the future will present you with a serious problem: Shall you remain in a small town, a town of your choice, to raise your children and pursue your business where there is no medical care available? I believe, and many in my profession believe that within 3-5 years there will be no more one-doctor hospitals such as mine in Seagraves. Towns of 1,500 to 4,000 population simply will not have any medical care available.

Within 5 to 10 years there will be no hospitals with 3 to 4 general practitioners and no others. There will be no hospitals where there are no organized medical groups with hospital oriented specialists. This means towns of 4,000, 5,000 even 10,000 population will have no local medical support other than a "screening facility".

I am not the first to predict this terrible tragedy however I may be the last to "predict" it because it is just around the corner. It will be only the first step in the destruction of the small towns of our country, at least in our vast West Texas area where there are no large towns close enough to support us with their own medical facilities.

Many of you are from small towns and will ask why this thing is going to happen? It is not simple, however it is logical. Unreasonable, unnecessary, unfair yes, but logical. I would like to explain why.

First, the continued expansion of governmental regulation of all phases of medical training, medical services and medical financing nurtures the implementation of the government's primary goal of centralization of medicine. Former President Johnson stated in a message to Congress "We must centralize our medical services". It was the herald sign of the doom of rural medicine and set the great bureaucratic monster in Washington loose to do as it pleased with our medical system. As a result we now have medicare and soon will have "cradle to the grave" National Health Insurance. We will have it within 2 years, certainly no longer than 5 years. This means more governmental control and further centralization by regulatory elimination of the so-called unnecessary small town hospital.

Second, the specialistic orientation of our medical schools has stifled the production of family physicians. Of course there has been much lip service given to the need for general practitioners however no one with the purse strings seems to know what they would do with them when they were produced so all efforts seem to be going toward the graduation of more and more doctors with limited talents, the specialists. According to the resident recruiters at many medical centers general practitioners make good resident physicians and specialists, but I can assure you that primary specialists make poor rural physicians.

Third, the bureaucratic and specialistic trend in the American Medical Association with more and more importance being placed on board eligibility has reduced the family physician to a level below contempt. This drives many trainees away from general practice, again reducing the supply and consequently adding to the frustrating situation in the small town.

There are other factors of course. George Meany stated this week his union's primary goals in this session of Congress are No. 1. National Health Insurance. He stated: "This medical business is badly disorganized and we think it should be lumped together so a man will know what his medical costs are going to be".

I would like to ask a question. Is it more important to know exactly what the medical costs are going to be regardless of total cost and total efficiency?

Is it not important that a man have a choice of insurance, a choice of the kind and type of medical care he might desire or shall our "Great Society" planners decide the kind, the cost, the place, the quality, etc.?

My idea of the etiology of such reasoning follows: Under President Johnson a "Great Society" plan was evolved for all phases of the future of American life. It included all administrative departments. The Department of Interior, The Department of Health, Education, and Welfare, etc.

In the field of medicine a panel of distinguished persons headed by Dr. Michael DeBakey of Houston was formed and their recommendations sought.

The one segment of the plan developed by this panel that has led this nation down the primrose path to destruction of private medicine as we have known it was the plan calling for total centralization of medicine. They suggested originally that 20 great regional medical centers be formed in the continental United States and all other areas have "screening centers" where cases would be classified and all but very minor cases be shuttled to one of the regional centers. The plan of course has been modified I am sure but if one has followed the course of governmental regulation of the hospitals it should be clear that a plan of advanced centralization has not been abandoned. It is said the planners of the great bureaucratic complex in Washington have settled on approximately 100 regional medical centers for the 48 continental states. They are generous with Texas. One in Houston of course, one in Dallas, San Antonio, El Paso and one in Lubbock. Don't break your leg or have a coronary in Fort Davis.

I do not doubt these planners' motives. They want the very finest medical care to be available to all Americans.

I do doubt their methods and some of their premises. One is obvious: The great planners, being specialist oriented, simply cannot believe the efficiency and worth of family practice. The arbitrary methods of implementation of government regulations in the small hospital constitute harassment and are forcing small hospitals to close with not even a rudimentary plan for alleviating the medical needs of the people who have been depending on these small hospitals for decades, even generations.

Any of you who have been in the army will know what happens when you impose the "government way" on a medical system that is frail enough already. The system needs help, yes. What we are receiving isn't helping, it is destroying rural medicine not just in its present form but in its entirety.

We, the people of the United States, are going to see in the very near future a form of socialized medicine not unlike that in England. A system that has seen the degradation of the family practitioner to a level of a mid-wife. A system that has constructed only 3 new hospitals since the inception of socialized medicine there in 1948. A system in which the patient is an object that is juggled and scheduled on a priority basis that to me is unbelievable. Yet Dr. Edward L. McNeil of Yonkers, New York describes the system in the January Issue of *Private Practice* very clearly. He studied under the system and practiced both as a general practitioner and a specialist under the system then chose private practice in the United States for the past 13 years. It is interesting and frightening reading.

I do not have the answers to the problems of medicine in America today but I can not believe that destroying rural medicine and virtually eliminating the effectiveness of the general practitioner is the answer. It does not make sense that socialism and bureaucracy is the answer. Their inefficiency is legendary, and efficiency is necessary when there simply are not enough doctors to go around.

The average doctor in the United States cares for approximately 700 people, yet the rural physician cares for several times that number. The average physician in my rural area cares for several thousand. Does it seem reasonable to force these men to specialize, centralize or retire?

The majority of rural physicians fear what I say might be true but at this time do not sincerely believe it.

In many discussions with various specialists in my area however I find the majority agree with my feelings about the future of rural medicine, although most of them are not in favor of the trend. They are patently aware of the importance of the family physician in West Texas. It is regretable these men are not consulted instead of the Ivory-Tower super-specialists who are obviously out of touch with the rural medicine scene and are totally unaware of the possible consequences of their errant postulations. I am a rural family physician and they for all intents and purposes have irreversibly altered the course of my life. It is not my choosing and not compatible with my desire. They, the Ivory-Tower socialists have usurped my rights, they have raped the future of my children and have compelled me to accept an involuntary course. I must specialize or be stricken from the ranks. I must submit to conglomeration or cease to exist at all. No longer will I be a person to whom one can say "He is my doctor". I will be a limited technician, an automaton.

The petty, immediate problems of inadequate numbers of registered nurses, percentages of autopsies, sprinkler systems and narrow hallways cower in the shadow of the problems presented by contemporary socialist changes in our society.

I speak of the demise of rural medicine.

I apologize for my inadequacy in proffering a solution.

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## RURAL HEALTH CARE

Mr. BAYH. Mr. President, we are all gravely concerned about the shortage of adequate health care in both the cities and rural areas of this country. Numerous health care bills have already been introduced in the 92d Congress.

As a representative of the people of Indiana, I particularly want to be sure that Congress examines the need to attract young health personnel to understaffed and underpopulated areas of our 50 States. Therefore, I should like to share with Senators an article from the March issue of the Rural Electrification magazine. The article outlines the problems of rural medical care and indicates

some of the conclusions reached at a recent Indianapolis seminar under the auspices of the Indiana Public Health Foundation and Southern Indiana, Inc.

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:

LIBERTY LOOKS FOR AN M.D.

(By Rex Redifer)

The day of the the old country doctor, for all practical purposes, is past. Today, young doctors are going where the action is—to the modern, well-equipped clinics and hospitals in the city.

Proper health care for rural people is a problem of growing concern across the state and nation.

A changing social climate, a trend toward specialization, a desperate lack of qualified personnel and adequate facilities all combine to make rural America a blight area in health care.

Take the little town of Liberty, Ind., for example. Years ago, this small community near the Ohio line flourished in medical attention. Four physicians practiced in and around the town.

Through the years, however, the community has lost its doctors and the only one still living is W. B. McWilliams, M.D. At 74 years of age, Dr. McWilliams is the only practicing physician in this town of nearly 2,000 people.

Because of his advanced years, Dr. McWilliams carries on a restricted practice, and many of the townspeople must travel to other communities for medical care.

Fortunately for the people of Liberty, there are adequate medical facilities and personnel nearby, with hospitals at Richmond, Connersville and Oxford. But still . . . one wonders why Liberty cannot get another doctor of its own?

Liberty has tried. For the last four years a committee has worked to attract a young doctor to the town. A sign was even placed on the court house announcing, "This town needs a doctor."

Liberty is a pleasant town. It is clean, it is prosperous, it is scenic, and it is friendly—yet, it cannot attract a young doctor to practice there.

Dr. McWilliams, who has practiced in Liberty for 40 years, cannot understand it.

"I wouldn't want to be any other place," he said. "These are not only my patients, they are my friends."

"It is a nice place to live," he added. "We don't have traffic jams and we don't have air pollution. . . ."

Then he shrugged, "But the young fellas nowadays like the big cities—or maybe it's the wife who won't live in a small town. A lot of young fellas don't want to work that hard. Then there's this thing about specialization. . . . I do everything here. And more than once," he smiled, "I've settled for a bag of potatoes or a chicken for my efforts. . . ."

Well, Dr. McWilliams is one in that vanishing breed of old, small town country doctors, and their loss to the "Liberty, Indianas" across the nation has become a major medical problem.

Recently, medical men from across the state gathered at Indianapolis for a seminar on rural health care under the auspices of the Indiana Public Health Foundation and Southern Indiana, Inc.

The purposes of the program were to seek solutions and discuss alternatives to health care problems in rural areas of the state.

The problems are many and complex, but the simple fact of the matter is that rural America is losing its doctors and cannot replace them.

Not only are rural areas lagging in the competition for young doctors, there are legal, economic and impersonal elements within the medical profession which work collectively against the rural community in satisfying its medical needs.

Phillip Willkie of Rushville, the president of Southern Indiana, Inc., presided over the discussion that focused on a wide range of rural problems.

Typical of the problem area was a report presented by the Rev. Camillus Ellsperman of St. Patrick's Church, Indianapolis. He outlined the difficulties of administering a rural health program—as experienced in Lincoln Hills.

Lincoln Hills is a rural planning agency which loosely combines four southern Indiana counties.

Rev. Ellsperman described vividly the problems of administering a health program under the auspices of OEO (Office of Economic Opportunity).

The program, as Rev. Ellsperman described it, is an ambitious and noble undertaking. But the problems in practical application are formidable.

He pointed out a lack of proper pre-planning, a lack of adequate facilities, a lack of qualified personnel, limited access to physicians, a mounting administrative problem and lack of adequate funding to effectively apply the program over a widespread rural area.

As well meaning and necessary as the program is to the area, it lacks "sophistication." Because of the inadequacies, it has been referred to as little more than a "band aid" health care program.

The basic difficulty in implementing such a program, Rev. Ellsperman explained, is the inability to provide the comprehensive administrative needs to satisfy the blueprint as outlined by OEO.

There is simply a rift between theory and practicability.

Within the limitations of the program, there is a constant question of quantity or quality care.

As an example, Rev. Ellsperman pointed out that only $18,000 was funded for emergency care the past year, and that amount was expended in 2½ months.

Compounding the problem is a lack of personnel to adequately document history, treatment and care of patients.

Because of these deficiencies, there is doubt of future funding, causing tension and doubt within the organization.

With the inability to provide quality and comprehensive care, there is a likely possibility that the future will provide no care at all for Lincoln Hills.

The Rev. Ellsperman summed up his frustration in pointing out that his organization has neither the status, the muscle, nor the leverage to have its voice reckoned with. The existing health care situation in Lincoln Hills can only go from bad to worse.

There was a note of optimism, however. There was discussion of pre-planning for residence training in rural areas for medical students and for formulation of a satellite medical health program which would utilize ancillary medical people—technicians, nurses, and other trained personnel. This would relieve some of the burden from a declining and already insufficient field of physicians.

Such a plan is possibly on the horizon; but there remains a lack of facilities, personnel, proper supervision and access before it can become reality.

Rounding out the seminar was a presentation by Robert Cates, senior medical student at the Indiana University School of Medicine.

Cates reflected the "now" attitude of tomorrow's physicians, and his remarks were not optimistic.

"This is the age of specialization," Cates began, "and that is true of the medical profession as well."

He pointed out the national shortage of doctors.

The need, he said, allows students a broad choice, and the rural regions of Indiana, as well as across the nation, are not in an advantageous position on the medical market.

He listed, among the attractions, group practice, clinical work, specialization, better working conditions, cultural and social advantages—all of which are to be found in the metropolitan rather than the rural areas of America.

It was unanimously agreed that better health care is imperative to the development of rural America, but that it will take a concerted effort by the profession, the public and the government to resolve this conflict within the social structure of the nation.

In summary, one could safely say that as far as adequate health care is concerned—now, and in the immediate future—rural America is "hurting."

## HOME ACCIDENT PREVENTION

Mr. DOLE. Mr. President, every 19 minutes someone, somewhere in this country, dies from an accident suffered in the supposed safety and security of the home. Every 8 seconds, another Amercan is injured by a home accident. More than 27,000 of these accidents prove fatal each year. This total includes over 5,000 children under age 5. In terms of the human resources lost, the cost to our Nation of these home accidents is incalculable. In terms of lost wages, medical expenses, and insurance administrative costs, the total price tag of home accidents I conservatively estimated to be $1,700,000,000. With so much money needed to bring about positive changes in the health-care resources available to our people, this is indeed a staggering price to pay, especially when one stops to realize that most of these accidents need not happen.

Home accidents involve a variety of mishaps. They include accidental ingestion of medicines and household chemicals by adults and children, fires, burns, falls, suffocation, electric shock, and drowning, among others. In each case, personal carelessness or ignorance plays a part. The most common types of home accidents are falls, fires, and burns, and accidental poisonings. The majority of those injured by falls are people over the age of 65. Fires appear to have an equally severe impact on people of all ages. But nearly 80 percent of the victims of accidental poisonings are innocent children under 5 years of age. In my home State of Kansas, 354 accidental poisoning cases suffered by children under age 5 were reported to poison control centers during the months of July, August, and September of last year alone. The head of the U.S. Public Health Service's Office of Poison Control estimates that six or seven times as many poisonings probably occur but are never reported to a poison control center.

CONGRESSIONAL ACTION

Congress has enacted legislation in a number of important areas of safety to provide consumers with maximum protection. Notably, the 1970 Poison Prevention Packaging Act, which passed the

91st Congress and was signed by President Nixon on December 30, 1970, is an important step toward the elimination of the accidental poisoning problem. This measure authorizes the Secretary of Health, Education, and Welfare to require the manufacture of certain potentially toxic substances in special containers with child-resistant closures. Such closures may prevent substantial numbers of youngsters who come in contact with household products from gaining access to these substances, thereby preventing possible injury or death.

EDUCATION THE REAL KEY

However, no amount of safeguards, whether mandated by the legislature or adopted by voluntary action, can overcome simple carelessness or lack of concern for safety in the home. Education of the public by government and by private industry is where the real hope lies in the battle to reduce accidents.

THE INDUSTRY'S INITIATIVE

For the past 5 years, one sector of private industry, recognizing the importance of education in reducing the accident toll, has actively conducted an educational program aimed directly at the American public. The industry group, consisting of the leading manufacturers of medicines, sponsors the Council on Family Health, a nonprofit, public service organization, to promote safety in the use of medicines and to publicize other important aspects of home safety.

The council is the only public service organization in the country the prime purpose of which is to encourage the proper use and storage of medicines. Since it was founded, the council has worked closely with such other organizations as the National Safety Council, the National Coordinating Council on Drug Abuse Education and Information, and the Office of Poison Control, especially in connection with the annual observance of Poison Prevention Week. This year, the council is participating in the activities leading up to the 1971 White House Conference on Aging, which President Nixon will convene in November. As a part of the Conference's Health Task Force, the council, in conjunction with the National Safety Council, is proposing that recommendations to protect the safety of the aging population be given high priority on the Conference's agenda.

In the broad range of its activities, the council reaches families by the millions through public service materials designed for use by newspapers and magazines, radio and television, community organizations, and consumers themselves.

For example, the council last year began its own public service advertising campaign to emphasize the importance of keeping medicines out of the sight and reach of children. Similar to campaigns coordinated by the advertising industry's advertising council, the council's full-page advertisement has appeared in such magazines as Life, Time, Reader's Digest, Good Housekeeping, Ladies' Home Journal, Redbook, Parents', and Family Health, and has been seen by over 50,000,000 women.

To reach people through television, the council produced a series of three, 30-second, color TV spot films on "Safety With Medicines," "Safety With Garden Sprays" and "Safety With Household Chemicals." Distributed to over 2,000 television stations over the past 3 years, these films were endorsed by the Public Health Service, U.S. Department of Health, Education, and Welfare and received an award of merit from the National Committee on Films for Safety.

In cooperation with the American Academy of Pediatrics, the American Medical Association and the American Association of Poison Control Centers, the council developed a first aid in the home chart for people to post in their medicine cabinets for handy reference in case of emergencies. Thus far, approximately 100,000 copies have been distributed to the public.

PROGRESS BEING ACHIEVED

Programs such as those being implemented by the council appear to be having a definite positive effect, over the past 10 years, the statistics on accidental poisonings have remained fairly stable while the size of the population has grown and the number of products manufactured for use in the home have proliferated. The statistics for accidental poisonings involving aspirin products, the most commonly ingested substance because of its common home use, have declined steadily since 1966, at least in part because of educational efforts.

I understand that the council has also become increasingly involved in efforts to combat the drug-abuse problem in the country today. Through its participation in the National Coordinating Council on Drug Abuse Education and Information, the council made possible the publication of "A Community Guide to Drug Abuse Action," which many experts believe is the single most effective guide to community drug-abuse programs yet developed. In addition, the council regularly points out in its materials the importance of knowing the facts about drug abuse and seeking competent professional help when confronted by the problem.

I shall continue to support public service efforts such as those of the council and hope that other industries follow the example of the drug industry in recognizing opportunities to contribute meaningfully to improving conditions in our society.

## COL. GEORGE W. GILLETTE, CORPS OF ENGINEERS, RETIRED

Mr. JORDAN of North Carolina. Mr. President, during a recent meeting of the National Rivers and Harbors Congress in Washington, a signal and richly deserved tribute was paid to a distinguished North Carolinian, Col. George W. Gillette, a retired officer of the Army's Corps of Engineers.

It was in recognition of his public services over a period of more than half a century in which he has made unmatched contributions to the advancement of engineering and water resource development not only in North Carolina but in a number of overseas areas as well.

I was not privileged to see this honor bestowed because illness at the time prevented my attending the meetings.

For that reason I want to share with Senators in this way the account given, at the time, of the life and accomplishments of a man I am proud to know as a long-time friend and who, I think, can without reservation be called a truly great American. I ask unanimous consent that the tribute be printed in the RECORD.

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

COL. GEORGE WILLIAM GILLETTE, CORPS OF ENGINEERS, U.S. ARMY, RETIRED

Colonel Gillette's military and engineering career has spanned more than six decades and includes work on four Continents.

Internationally renowned as an engineer and economic consultant for ports, harbors, and waterways, Colonel Gillette has actively participated in the nation's history since the Mexican Border Campaign of 1916, when he organized and commanded Company A Combat Engineers, 30th ("Old Hickory") Division and for which he won the Silver Star for extraordinary heroism in combat at the Battle of LaSelle River, France, in October 1918, the last stand of the Germans after the Hindenburg Line was broken.

Highlights of Colonel Gillette's 30-year military career include a study prior to World War II which alerted the military to the lack of South Atlantic coastal defenses and resulted in the establishment of the U.S. Marine Corps' Camp Lejeune Military Reservation; supervision of the "first and last of the big guns" for national coastal defense from Boston Harbor to San Francisco's Golden Gate via Panama; the distinction of being the first military man to study and recommend the establishment of Fort Bragg, North Carolina, now the world's largest military post; and while District Engineer at Wilmington, N.C., a study of the site of World War II Camp Davis at Holly Ridge, N.C.

On November 26, 1950, in an interview for "Tar Heel of the Week," The Raleigh News and Observer reported: "With war clouds heavy in 1940, he prepared a map of what he called 'The Unguarded Front Line of National Defense.' It emphasized the vulnerability of the Carolina coastline at a time when the military was casting about for new bases and more complete defense. Camp Davis and Camp Lejeune were established near his native home, and after Nazi U-boats became a national menace off Cape Hatteras, his plans for deeper channels in North Carolina harbors were executed."

Tied in with this study was a plan, later approved by the Congress, to deepen Silver Lake on Ocracoke Island to accomodate an anti submarine base. Deepening of Silver Lake to 12 feet and the location of a squadron of anti submarines was actually carried to completion after the destruction of approximately 50 oil tankers off Cape Hatteras and Cape Lookout.

Consoling disappointed Fayetteville, North Carolina, citizens in 1917 when Charlotte was chosen as a camp site in preference to Fayetteville, Gillette told them that few if any areas in the world equaled the Fayetteville site for military training purposes and that he believed eventually it would be used for that purpose. Six months later Washington announced the establishment of a permanent artillery camp for one brigade. Thus Fort Bragg came into being. At the peak of World War II, some 600,000 men and officers were stationed there. (From Wilmington, N.C. STAR-NEWS, 11-2-69.)

At Cape Henry, Virginia, in 1919-20 as Assistant District Engineer at Norfolk, Va., he

was in charge of construction of emplacements, magazines, connecting railways and mounting of the first major caliber artillery battery in the Continental United States, a four-gun battery of 16-inch howitzers with a range covering the entrance to Hampton Roads and Chesapeake Bay. In 1937 he was in charge of planning for a companion battery of two 16-inch guns on Cape Charles. He also supervised the design and planning for 16-inch guns on either side of the Golden Gate Bridge, San Francisco Harbor. At Boston, Massachusetts, in 1942, he supervised design of the last seacoast artillery defense, a casemate type 2-gun 16-inch battery. Diminished in power by the growing effectiveness of aircraft, the Boston Harbor guns were never mounted.

His original military command, Company A, after training at Camp Glenn, Morehead City, North Carolina, was on active duty for six months on the Mexican Border before going to Europe.

After World War I, Colonel Gillette remained in the regular Army and retired in January 1948, after serving the Corps of Engineers in various posts including Division Engineer of the New England and South Atlantic Divisions; Chief Executive to the Director of Public Buildings and Parks of the National Capital; he assisted in the organization of the first Engineering Training Center in the nation during World War II at Fort Belvoir, Virginia; Commander of the Engineering Training Center, Fort Lewis, Washington; Assistant to the Chief of Engineers in charge of military construction, 1936–38; and as Wilmington District Engineer for two periods.

While Assistant Wilmington District Engineer, Colonel Gillette participated in the development of the Intracoastal Waterway through the Carolinas; conducted siltation studies of the Inland Waterway and Cape Fear River; studies in flood control and hydroelectric development of the Cape Fear River; design and construction of the W. O. Huske Lock and Dam No. Three; and numerous other studies and projects.

Between 1931–34, he made a special study of the engineering and economic potentials of the Cape Fear River. He wrote a thesis on the subject for which he was awarded the professional degree of Electrical Engineer by North Carolina State University.

Early in World War II while serving as New England Division Engineer, he directed the completion of war-time military construction of cantonements, airfields, embarkation docks and facilities, and supervised planning for flood control of the Connecticut River. Subsequently, as South Atlantic Division Engineer for the area from Virginia to the Caribbean and Panama, he supervised planning and construction of vast programs of development and flood control for the far-flung area. He held a public hearing in Fayetteville in August 1946 on the proposed flood control of the Cape Fear River which is now being started with the New Hope Dam.

Colonel Gillette retired in 1948 to return to his native North Carolina to become Executive Director of the North Carolina State Ports Authority. He visited citizens in each of the States 100 counties to promote the $7.5 million bond issue for construction of Port facilities at Wilmington and Morehead City. He planned and supervised design and construction, then organized and operated the two facilities until 1954.

Although the culmination of efforts and hopes of many North Carolinians, citizens State-wide emphasize that without the dedicated and enduring efforts of Colonel Gillette, the two busy Ports would not now be at their current advanced status. Many consider the two Port facilities to be the greatest economic asset ever developed from natural resources of the State.

While serving as SPA Director, he was a member of the State Board of Conservation and Development and Chairman of its Water Resources Committee during the administration of Governor Gregg Cherry. During the ensuing Kerr Scott administration, he was a member of the Governor's Special Water Resources Committee and advisor to Governor Scott on waterway and harbor development. Based on many years of study, he developed the "Gillette Plan" for improvement of Coastal Inlets from Virginia to South Carolina, which was adopted by the Department of Conservation and Development and continues in use today.

He worked very closely with his life-long friend, Congressman Lindsay C. Warren, of the 1st District, in developing the vast small ports and the waterways in Eastern North Carolina, and in promoting the Outer Banks as a National Park, and the development of Oregon Inlet.

Retiring in 1954 as SPA Director, Colonel Gillette entered the consulting field and has since visited most of the major ports and waterways of the world. He made a seven-month study and engineering and economic survey in Honduras for the United States and Honduras governments. As Port Consultant for the World Bank, he made similar studies in Nicaragua, Burma, whose Port of Rangoon was the most completely devastated anywhere during World War II; and the 16 ports of Chile, extending over 3,500 miles of coastline.

As an Associate of Transportation Consultants, Inc., Washington, D.C., he made a complete study of the port and waterway facilities and potentials of Thailand to include a proposed canal across the Malay Peninsula; and a study of the ports and waterways of Pakistan.

In 1960, he was sent by the United Nations to the Belgian Congo immediately after the revolution to study and assist in the restoration of the country's 90%-waterborne transportation.

He made a comprehensive study of the port of Muskegon, Michigan, in 1963 for the Midwest Research Institute, Kansas City, Missouri, and a study of the deepening of Oregon Inlet, North Carolina, in 1967–68.

A member of numerous learned and professional organizations in which he has held various offices, Colonel Gillette continues as Port Consultant for the U.S. Government, AID, World Bank, and the United Nations; as associate of Transportation Consultants, Washington, D.C., and a member of its Review Board; and Consultant for Wilmington and New Hanover County on ports and waterways.

He also serves as Chairman of the Wilmington, N.C. Port and Waterway Development Commission, continuing to promote his long-range plans for development and improvement of the Cape Fear River; a member of the Governor's Committee to the National Rivers and Harbors Congress; and a member of the National Congress' Projects Committee.

Colonel Gillette's honors include an honorary degree, Doctor of Engineering, from his alma mater, North Carolina State University. As a member of the famous class of 1911 and senior class president, he was a leader in abolishing hazing and establishing the honor system on campus. The 1911 Dormitory was named in recognition of the achievements of his class. He served as President of the General Alumni Association of NCSU in 1939. He received the Eastern Regional Award in 1965 for Water Conservation from the National Wildlife Federation and Sears Roebuck Foundation.

In addition to the Silver Star, his military decorations include the Legion of Merit, Victory Medal with three battle clasps, Mexican Medal of 1916, Army Commendation Medal, Eastern and Western Defense Sector Medals, and National Defense Medal. He was honored in a county-wide George Gillette Day in 1965 by proclamation of New Hanover County. In 1970 he received national commendation for distinguished service and enduring contributions to the development and conservation of water resources of the nation from the National Rivers and Harbors Congress.

A Registered Professional Engineer, he is a Life Member of the American Society of Civil Engineers; Charter and Honorary member of North Carolina Society of Engineers; Charter Member of Professional Engineers of North Carolina; Member of American Society of Military Engineers; Associate Member of American Institute of Electrical Engineers; and a member of International Congress of Waterway Development and Atlantic Deeper Waterways Association.

Senior Member of the Board of three who founded Wilmington Post, American Legion, now Post 10, he is an Honorary Member of Cape Fear Club; a member of Cape Fear Country Club; a Charter Member of Wilmington Kiwanis Club; Honary Member of Wilmington Engineers Club; a member of Surf Club and L'Ariosa German Club—all of the Wilmington area. He is a member of the Army and Navy Club, Washington, D.C.; Life Member and Past President of the Engineer Officers Club, Fort Belvoir, Virginia; Honorary Member of Fort Bragg Officers Club; and a non-resident member of Harvard Club, Boston.

The son of William Issac and Rena Winbury Gillette, he was born November 4, 1888, at Courthouse Bay, New River, Onslow County, North Carolina, an area subsequently incorporated into the 200-square-mile Marine Corps Camp Lejeune Reservation in 1941.

In 1947, he married the former Mrs. Marguretie Bellamy MacRae. He has one living son, George, Jr., Laurinburg; and a daughter, Mrs. J. A. Miller, Falmouth, Massachusetts. Another son, Douglas Wiley Gillette, a Naval officer, was killed in the Battle of the Coral Sea aboard the aircraft carrier Hornet in 1942. He has two grandchildren, Susan Cole Gillette and Douglas Wiley Gillette, Laurinburg; a half-brother, Frank A. Smith, Jacksonville; and a half-sister, Mrs. Mary Smith Marine.

He is a member of St. James Episcopal Church, Wilmington.

When he left Onslow County as a youth in his early teens, he came to Wilmington and worked intermittently for Consolidated Railways Light and Power Company, which later became Tidewater Power Comany, and subsequently Carolina Power and Light Company before entering North Carolina State University, and again for a brief interlude as a civilian between World War I and II.

A man who practices what he preaches, his life has been dedicated to teaching, promoting, planning, designing, and developing roads, bridges, harbors, channels, dams, military fortifications, waterways, flood control and drainage projects, and construction for the improvement of his country and native State.

His life has been an example of the precept he gave the men of his command when they were mustered out of service in 1919; "Be as good citizens in the future as you have been soldiers in the past!"

So interwoven are his careers as soldier, citizen, and family man, they are indistinguishable. Those who know him best, know that devotion to his own high ideals and standards of duty are the hallmark of his life.

## SHERMAN FAIRCHILD

Mr. MATHIAS. Mr. President, with the death of Sherman Fairchild, not only the company which he founded, but all of us, as well, have lost one of the

most innovative individuals ever to enter American business.

Although illness early in his life hindered his formal education, Mr. Fairchild nevertheless displayed at a young age the creativity which became his trademark. His invention of the world's first between-the-lens shutter for aerial cameras led Mr. Fairchild to found the Fairchild Aerial Camera Corp., when he was 24 years of age.

Mr. Fairchild's efforts to improve photographic equipment continued, and his interest in airplane design likewise thrived. Although the company name changed to the Fairchild Hiller Corp., the quality of the concerns with which Mr. Fairchild was associated remained impeccably constant.

But what also made Mr. Fairchild stand out was the perspective he retained on life in general. His artistic pursuits and leadership were combined with his sense of compassion made Mr. Fairchild a most unusual human being. He will be missed.

Mr. President, I ask unanimous consent that the eulogy given by Edward G. Uhl, president and chief executive officer of the Fairchild Hiller Corp., and the obituaries presented by the Fairchild Hiller Corp., the Washington Post, and the Washington Evening Star, be printed in the RECORD.

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

EULOGY GIVEN BY EDWARD G. UHL, PRESIDENT AND CHIEF EXECUTIVE OFFICER, FAIRCHILD HILLER CORPORATION, AT FUNERAL SERVICES OF SHERMAN MILLS FAIRCHILD, TUESDAY, MARCH 30, 1971

Sherman Fairchild is most widely known for his great wealth—most of which derived from his uncanny ability to see the worth of an idea, or a concept and his courage to support what he saw. He applied this ability as:

An inventor, a designer, a businessman, an entrepreneur, an artist, a builder.

Many times I've been asked by the curious, "Why does a man who has it made continue to work and stay active in business?"

Those of us who were fortunate enough to know him well, know the answer:

He had an unending boyish curiosity—an intense interest in the world and his environment—a sincere interest in the people around him—

This is what kept Sherman going—This is what kept him working and inquiring. These are the characteristics, coupled with his vision that made him an outstanding—

Inventor, designer, businessman, entrepreneur, artist, builder.

But Sherman was not perfect—he had his human faults—the most pronounced of which was his softness—

He found it difficult to say no—

He found it impossible to be a demanding task master.

Without this fault, he probably would have been an even more successful businessman—but I doubt that he would have been happier.

I say we should excuse this fault—because how could he have been so compassionate and not be soft.

Our country, yes, the world, has lost an outstanding citizen and an outstanding:

Inventor, designer, businessman, entrepreneur, artist, builder.

But all of us here—you and I—have also lost a true friend.

Sherman Mills Fairchild, photography and aviation pioneer who founded and was chairman of the board of directors of the Fairchild Hiller Corporation and the Fairchild Camera and Instrument Corporation, died Sunday, March 28, 1971, at Roosevelt Hospital in New York City. He was 74.

Private funeral services will be held Tuesday in New York.

Mr. Fairchild, a bachelor, combined an inventor's consuming curiosity with practical business acumen to become one of the Nation's leading industrialists and richest men during an active entreprenurial career spanning more than 50 years.

His primary interests were in photography, aviation, audio systems and electronics. Although not formally trained as an engineer or scientist, he won distinction in each field.

He became interested in cameras and aerial photography as a young man. Mr. Fairchild devised the world's first between-the-lens shutter for aerial cameras and a technique to eliminate distortion in the pictures. This made accurate aerial mapping possible. On February 9, 1920, at the age of 24, he established the Fairchild Aerial Camera Corporation, his first company, to manufacture his cameras.

It was the start of a business that eventually mapped all of the United States and South America and millions of square miles of other continents. Fairchild aerial cameras became the standard of the world and Fairchild was credited with having done more to chart the surface of the earth accurately than all mankind before him.

Mr. Fairchild's aerial photography ventures led him into the design and manufacture of aircraft to carry his cameras. In 1925 he started a company to build airplanes. The result was the first commercially successful high wing monoplane with folding wings, flaps for slow landings and an enclosed cabin. In the years since, the company, now the Fairchild Hiller Corporation, has produced nearly 40,000 aircraft of all types for civilian and military users throughout the world.

Mr. Fairchild was born April 7, 1896 in Oneonta, a small upstate New York town. His father, George W. Fairchild, was for 12 years a member of Congress as well as a successful manufacturer and one of the founders, first president and first chairman of the board of International Business Machines Corporation. Mr. Fairchild was elected an IBM director following the death of his father. He continued as a board member for 44 years and was a member of the IBM executive committee for 13 years prior to his resignation in 1969.

For many years, Mr. Fairchild was a member of the board of Pan American World Airways. At the time of his death he was a director of the Conrac Corporation, an industrial and aircraft equipment manufacturing company he helped to start. He also was owner of the Fairchild Sound Equipment Corporation, widely recognized as the builder of some of the world's finest sound recording instruments; owner of the Cinemagnetics Corporation which manufactures film processing equipment, and a partner of the Front Projection Company which produces projection equipment for motion picture and still photography.

He was for many years a member of the advisory board of the Salvation Army in New York City and was a regent of the Art Center College of Design in Los Angeles, one of the country's most fertile sources of technical artists and industrial designers.

As a boy, Mr. Fairchild had the run of a factory full of time clocks, adding machines and other machinery. He started tinkering early and his interest in technical and mechanical pioneering continued throughout his life. He held more than 30 patents.

He took up photography during his teens when he was in school in Arizona. He subsequently attended Harvard for a year but a threat of tuberculosis caused him to transfer to the University of Arizona. Later he spent a summer and fall session at Columbia but by that time he was busy trying to start his camera business and he never completed the work for a degree.

His many interests extended beyond things mechanical, however. As a young man he attended the Cordon Bleu cooking school in Paris, developing a gourmet's taste for food and fine wines. He was a member of the Food and Wine Society of the United States and throughout his life he collected recipes which caught his fancy.

He learned to play the piano and for a short time was in the music-publishing business with Gene Austin. Among the successful songs the firm issued was "A Garden in the Rain." Through the music-publishing venture he became widely acquainted with entertainment personalities.

In his pursuit of innovative ideas, Mr. Fairchild read some 150 technical and trade journals each month. When he found gaps in his technical knowledge, he privately took special courses from experts in the field.

His professional society memberships reflected the wide diversity of his interests. He was a Fellow of the Society of Motion Picture and Television Engineers, a Fellow of the American Institute of Aeronautics and Astronautics, a Fellow of the Royal Aeronautical Society, a Member of the Society of Tool and Manufacturing Engineers, Institute of Aerospace Sciences, Institute of Electrical and Electronics Engineers, Photographic Society of American, Society of Photo-Optical Instrumentation, Society of Photo Scientists and Engineers, Illuminating Engineers Society and the Audio Engineering Society.

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SHERMAN M. FAIRCHILD DEAD AT 74

(By Martin Weil)

Sherman M. Fairchild, 74, the prolific inventor and aviation and aerial photography pioneer who founded the Germantown, Md.-based Fairchild-Hiller Corp., died yesterday at New York's Roosevelt Hospital.

The bachelor industrialist, who invented the first practical aerial camera at 23, had entered the hospital two weeks ago for cancer surgery.

Fairchild-Hiller, of which he was board chairman, was rated last year as the D.C. area's largest aerospace firm. With plants in Hagerstown, Md., and in Farmingdale, N.Y., it had been a major subcontractor in the supersonic transport program for which Congress recently cut off funds.

Mr. Fairchild also served as board chairman of the Long Island-based Fairchild Camera & Instrument Corp., which developed from the aerial camera company he organized in the early 1920s.

Known for innovative products ranging from silicon semiconductors to a sound camera for home movies, Fairchild Camera was one of Wall Street's major growth and glamor stocks of the 1960s.

Much of the credit for its phenomenal success was attributed to Mr. Fairchild's own energy, versatility and imagination, qualities that characterized his way of life.

Stocked with electronic gadgetry, a three-story, six-level townhouse on Manhattan's elegant East 65th Street served him as a combination home, office and workshop for tinkering with new cameras, components and equipment.

A subscriber to about 200 journals, he dictated letters into tape recorders throughout the house for later typing by shifts of secretaries stationed at desks in the basement.

With interests ranging from jazz (with recording sessions in his living room) to gourmet cooking to tennis (on an enclosed court at his Huntington, L.I., second home) he held more than 30 patents.

Born in Oneonta, N.Y., to George W. Fairchild, a founder of IBM and himself an in-

ventor, Sherman Mills Fairchild attended Harvard and Columbia universities and the University of Arizona.

Never staying long enough at any school to receive a degree, Mr. Fairchild devised his distortion-free aerial camera at 23, then set up Fairchild Aerial Camera to make it and Fairchild Aerial Surveys to use it.

In 1925, seeking a closed-cabin aircraft for the convenience of aerial photography, he turned to manufacturing airplanes himself, using part of the reported $10 million left him by his father.

As Mr. Fairchild branched into new areas, he formed Fairchild Aviation to include the several companies that grew from his original Fairchild Aerial Camera.

Fairchild-Hiller stemmed from Fairchild Engine & Airplane Corp., which Mr. Fairchild formed in 1936 as a spinoff from Fairchild Aviation.

Fairchild Aviation eventually became today's Fairchild Camera & Instrument.

Developer of an "in-line" engine, and a constant source of new ideas, Mr. Fairchild saw sales of his engine and airplane company rise during World War II from $3.3 million to $102 million.

Part of the growth of Fairchild Camera in the late 1950s is attributed to Mr. Fairchild's backing of a group of scientists with ideas for an advanced transistor.

In 1961, his fortune was put at $80 million. But he said his aim was "not to make money but to do something that is a substantial improvement over what has been done before . . .

"If you do that you will make money in the long run."

Mr. Fairchild was for many years a major stockholder and director of IBM. He also owned Fairchild Sound Equipment Corp. and Cinemagnetics Corp. and was a partner in a motion picture projection equipment company.

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"SHERMAN FAIRCHILD DIES; FAIRCHILD HILLER FOUNDER"

Sherman Mills Fairchild, a restless inventor with the imagination and personal wealth to develop major industries from his ideas, died yesterday in Roosevelt Hospital after a long illness. He was 74 years old and lived at Lloyd Neck, Long Island, N.Y.

Mr. Fairchild remained active as chairman of Fairchild Camera and Equipment Company, mainly manufacturers of semiconductors, recorders, sound cameras, and a variety of applications, and of Fairchild Hiller Corp.

Mr. Fairchild was board chairman of Fairchild Hiller, a company which he founded in 1936, based in Germantown, Md. Fairchild Hiller stemmed from Fairchild Engine & Airplane Corp., which he spun off from Fairchild Aviation.

His first company, Fairchild Camera & Instrument Corp. was founded Feb. 9, 1920.

Last October the Smithsonian Institution honored him for 50 years in the aviation industry. Mr. Fairchild gave the Smithsonian a full set of scale models of his aircraft.

IBM HEIR

Mr. Fairchild was a director of International Business Machines Corporation, of which he was reputed to be the biggest single shareholder. His father, George W. Fairchild, a founder and first president of the company, left him stock worth $2 million after taxes.

But young Fairchild, born in the family's upstate home town of Oneonta, N.Y., inherited more than money. From the start, his father encouraged his experiments and countered his discouragement when a good idea did not pay its way at once.

His formal education was interrupted by a tuberculosis threat that took him out of Harvard College in his sophomore year—but not before he had invented his own primitive flash camera to take pictures for the Harvard Illustrated, of which he was managing editor.

He studied engineering at Columbia but never took a degree. He had been studying the problems of aerial photography, which were of great interest to the War Department in World War I.

DEVELOPED AERIAL CAMERA

Officials in 1918 offered him $7,000 to build a camera to their specifications; he met them at a cost of $40,000, with his father making up the difference.

Mr. Fairchild was convinced that his aerial camera had a future. He established his own company in 1920, with his father's backing, rather than starting a career with I.B.M. He began applying it to mapmaking and established his own aerial survey company in 1924. It, too, lost money for years before becoming a highly profitable undertaking. It was through the survey work that he branched out into aircraft manufacturing to make planes well suited to his mapmaking and charting.

Mr. Fairchild was a good amateur cook with Cordon Bleu training and a tennis player. He was a good dancer with an eye for pretty girls, and enjoyed entertaining the most stunning models at his estate duly chaperoned by his aunt, May.

He made it clear to all his guests that they came second to his interest in exchanging ideas about inventions and technology with fellow fanatics, and he never married.

Mr. Fairchild was a Fellow of the Institute of Aeronautical Sciences and the Royal Aeronautical Society.

Funeral services are to be held tomorrow in New York City, followed by burial in Oneonta.

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## THE CALLEY CASE

Mr. BAYH. Mr. President, on April 7, when the Senate was not in session, I expressed my thoughts on the Calley case. I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT BY SENATOR BAYH

During recent days I have been asked many times about my reaction to the court martial verdict concerning Lieutenant William Calley.

I am not sure my answers have been satisfactory. They have not been satisfactory even to myself. The truth is that I have been shaken both by the decision of the Court, and by the testimony that was placed before the Court, as by few other events in my life.

I share the deepest compassion for Lieutenant Calley. It seems somehow unfair, in this kind of situation, to reach out to this one soldier and say: "Guilty."

On the other hand, we cannot—we must not—stray from the elementary fact that this country of ours is more than just a collection of mountains, plains, rivers, farms and cities. What makes this country different, what makes it worth defending and dying for, has nothing to do with its natural treasures and material comforts. What makes America worth defending and dying for is what this country stands for.

I have in my mind two pictures: one of a man being singled out to bear an enormous burden of guilt; the other of bodies of women and children in a ditch.

This is a time for America to search her conscience. This is a time when we look to our president to show us the way. This is a time when we look to the chief executive for moral leadership, on questions that affect our nation and each of us individually. Unfortunately, the president has failed to meet his responsibility to provide that leadership.

In recent years there have been more than 100,000 courts martial a year, with a conviction rate of 94%. In not one of these cases has President Nixon asserted his legal right of review. Now, in what may well be the most disturbing case in the history of our military justice system, the President has involved himself in the judicial process by adding what his own staff has described as an "extra legal ingredient."

In cases such as the Calley case, there is a statutory review procedure. That procedure involves certain well defined steps to see that an injustice is not perpetrated, that an innocent soldier is not convicted.

It provides for at least two independent reviews by high Army officials and two reviews by independent military courts. The president has disrupted that procedure by saying that he personally will intervene at some point in this statutory process. Can there be an objective review when the Commander-in-Chief has made his interest so clearly known to career officers under his command? I believe not. By his premature actions, the President has made a truly impartial review impossible.

I have asked myself repeatedly why the president would take such action. Reluctantly, I have concluded that the president is determined to play politics with the Calley decision and the entire Mylai tragedy. I realize the gravity of such charges. I do not make them lightly, but only after the most serious consideration.

When our minds were filled with horror at the tragic picture of Mylai, President Nixon told the nation that the incident was "certainly a massacre and under no circumstances was it justified."

Now that the polls and the mail pouring across his desk and mine show the great public outcry against the Calley verdict, the President seems to have changed his mind.

One hundred fifteen servicemen have been tried for premeditated murder of Vietnamese civilians. Fifty-nine were convicted of murder, and 21 of lesser included offenses. In none of these cases did the number of deaths even approximate the number allegedly resulting from Lieutenant Calley's action. Yet the President did not act to remove these men from confinement pending appeal. He has not made known his intention to involve himself in the appeal process for a single soldier, sailor or marine in confinement in any of these cases.

A navy seaman from Des Moines, Iowa, was convicted of murdering a Vietnamese civilian woman by striking her with a hammer, and sentenced to 10 years at hard labor. The Secretary of the Navy reduced this sentence to 8 years, and the President did not choose to intervene.

A lance corporal from Lebanon, Indiana, was convicted by court-martial of the murder of five Vietnamese civilians, and sentenced to life at hard labor. In the course of review, the sentence was reduced to 20 years, which he is still serving. The President has not chosen to intervene.

A private from Florence, Pennsylvania, was convicted by court-martial of the murder of 12 Vietnamese civilians. He was sentenced to life imprisonment, and the President did not choose to intervene.

And so the record goes. In case after case the President said nothing.

Even though the individuals concerned in these cases were enlisted personnel, who could not be expected to have the judgment under fire that one could expect of an officer, the President did not assert his right of review.

If the President is truly concerned about the hardship and suffering that has been endured by an American soldier why did he not express similar concern when these and other servicemen were tried and convicted for murder.

I for one do not intend to stand mute and permit the President or anyone else to play

politics with lives of American GI's or the lives lost in a horrible event half a world away.

But there is a second implication to the President's action, an implication far more ominous for the future of American fighting men. In the course of our national debate over the incident at Mylai and the Calley verdict, we must not lose sight of a principle long established in international law. The killing of unarmed, captive civilians, or prisoners of war, is clearly unlawful. This is not a principle new to our nation. It is embodied in the Hague Convention of 1907, and restated in the Geneva Convention of 1949. We are signatories to both these conventions. And we have clearly enunciated this principle in the United States Army Field Manual 27–10, "The Law of Land Warfare."

The right of safety for civilians and prisoners of war dates to the 17th century. The United States enforced this right at least as early as the Mexican American War. One of the most celebrated trials of the 19th century involved the conviction and execution of the commander of the Andersonville prison following the war between the States for crimes against prisoners of war. And following World War II, the United States prosecuted numerous cases involving the murder of prisoners of war. German defendants who had massacred 86 American prisoners captured at Malmedy during the Battle of the Bulge, Japanese defendants who had summarily executed the Doolittle flyers after a pro forma trial, and dozens of other defendants were convicted, and many sentenced to death, for the murder of United States prisoners of war.

I was not present at the Calley court martial. I did not hear the testimony nor have the opportunity to judge the credibility of the witnesses. But neither did President Nixon. No one who was not present can truly assess what is justice in this case.

A jury of his peers who sat in judgment found Lieutenant Calley guilty of the mass murder of unarmed captive civilians—women, children, and aged.

If this verdict is upheld on appeal, then Lieutenant Calley is guilty under the law of the United States and international law, and—as difficult as it is for each of us—he must be held accountable for his crimes. To do otherwise would be to ignore the rule of law and the moral judgment of civilized men everywhere.

I am deeply concerned that the President's involvement in the Calley case might have the most serious implications for American prisoners of war in North Vietnam, by serving as an excuse for the North Vietnamese to perpetrate further hardships—even death—on American servicemen languishing in their cells. If the President, by his arbitrary intervention or otherwise, were to establish the precedent that those who intentionally execute unarmed captive civilians or prisoners of war should be exonerated, what is to prevent American prisoners or civilians, now or at some future time, from suffering a similar fate? Such a precedent would serve to undermine the legal and moral foundations upon which we have based our claims as to the proper and humane treatment to be accorded American prisoners of war.

We pride ourselves on being a government of laws, not men. The Calley case has aroused the deepest emotions among the American people—and understandably so. But it is precisely at such a time that we must trust in the integrity of our principles and the institutions that embody them—and not to the passions of the moment.

Perhaps the integrity of a legal system doesn't make for a stirring slogan, but that is what American soldiers have defended in past wars. That is what freedom is all about. In other countries perhaps, but not ours, it was possible for judgment to be manipulated by fear or favor of powerful individuals. Now, we see that system undermined, not from without, but by the very Chief Executive who has taken his oath to "preserve, protect and defend the Constitution of the United States."

Most of us today are concerned about the alarming increase in the rate of crime. We are concerned about law and order. Well, I happen to believe that law and order is taught by example as well as by exhortation. And I do not believe the President's action is designed to strengthen support for our system of law and order. It is far easier to talk about principles than it is to live up to them.

But there is a larger question involved. Where do we go from here? Where does the road from Mylai lead?

One path is toward a national outpouring of sympathy for Lieutenant Calley, an unwillingness to face the facts as they may finally be resolved in the judicial process, a bickering about who should or should not have been tried, and how they should be sentenced. I hope we will resist the temptation to hasty judgments and emotional responses.

In 1957, the late President Eisenhower was under heavy political pressure to abandon the commitment of our Status of Forces Agreement with Japan, so that we could prevent the Japanese from trying an American serviceman for the murder of a Japanese woman. Writing to a close friend at the height of the pressure, he noted:

". . . right at this moment lack of understanding of America's international position and obligations accounts for the fact that we seem to be trying to make a national hero out of a man who shot a woman—in the back at something like ten to fifteen yards distance."

General Eisenhower resisted the pressure and adhered to the law—and history has proved his judgment correct. If the first impulse of the American public suggests that the murder of captive women, children and aged and prisoners of war by Americans should not be punished, I hope that we will reach a more thoughtful conclusion in the course of careful reflection.

But if we are not to follow the easy path, what path should we follow? First, I urge the President to reconsider the importance of his action and to allow the normal statutory review procedure to determine the fate of Lieutenant Calley.

Second, I urge the military to examine carefully the record of Mylai and the events that followed. Let us be certain that Lt. Calley is not a scapegoat. Let us be certain that others who may have issued orders directly resulting in the Mylai tragedy are held accountable.

Third, and most important, Mylai is another painful chapter in a lesson we should have learned long ago. What happened at Mylai is another symbol of a brutalizing war and a bankrupt policy that continues the war. It is another symbol of that incalculable cost we are still paying, at home and abroad. We must bring an end to this war. We must turn our full and undivided attention to changing our policy and negotiating a settlement to the conflict, and an end to the killing.

While the appeals are still to be heard, the jury verdict is in on the case of Lieutenant Calley. The future will sit in judgment of how America resolves the legal and moral questions arising out of the Indochina War.

## CREATIVE FEDERALISM—STILL THE BEST

Mr. HUMPHREY. Mr. President, I was privileged to address the Annual Legislative Conference of the National Association of Counties on April 5. These county officials, from every State in the Union, have some very important decisions to make in their evaluations of the administration's special revenue-sharing and reorganization packages now before the Congress.

I warned them to be very cautious in their evaluations and endorsements. I suggested that they take a look at the administration's record on impounding funds appropriated by the Congress for the general welfare. As of February 23 of this year, the administration had impounded $11,145,000,000. The Department of Housing and Urban Development is presently holding back $1.3 billion for this fiscal year alone.

The Nation's economy needs stimulation right now. The administration is playing politics with these funds. It is robbing fiscal 1971 to pay fiscal 1972. The reasons are obvious and they are obviously political. However, I believe the American people realize what is happening and certainly these distinguished county leaders realize what is happening.

Mr. President, I also discussed with these county officials the need for general revenue sharing as an emergency financial transfusion for States and localities. I pointed out that public service employment, federalization of welfare, and State and local government reform must remain high on the list of legislative concerns of the National Association of Counties and the American people they represent.

Mr. President, I would like to share my remarks with Senators and ask unanimous consent that the release and the text of my address before the Annual Legislative Conference of the National Association of Counties be printed in the RECORD.

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

REMARKS AT ANNUAL LEGISLATIVE CONFERENCE

(By Senator HUBERT H. HUMPHREY)

ARLINGTON.—Senator Hubert H. Humphrey today cautioned county government leaders to take a close and careful look at the Administration's new form of federalism.

"I don't want to see everything that you and I have worked for over the years swept away in the name of 'special revenue sharing' or 'reorganization,' " he said.

Humphrey was speaking at a morning session of the annual legislative conference of the National Association of Counties.

Pointing out that Presidents Kennedy and Johnson had declared 'creative federalism" to be one of the first priorities of their administrations, the Senator said that these Democratic years brought the beginnings of a host of cooperative programs.

"Despite financial malnutrition prescribed by this Administration," Humphrey stated, "these programs demonstrate the effectiveness of concerted efforts—shared efforts of Federal, state, county and municipal governments."

Humphrey urged county officials to scrutinize the Administration's present record of impounding funds actually appropriated by the Congress.

"As of February 23 of this year, the Executive Branch had impounded $11,145,000,000," Humphrey said.

"This is money that the Congress had declared should be expended during Fiscal 1971.

"Specifically, the Administration has withheld $200 million for urban renewal; $200 million for water and sewer grants; $192.5

million for low rent public housing; $732.1 million for model cities programs.

"This is unconscionable. The department charged with overseeing that our national housing needs are met—the department that should be helping our cities during the time of financial crisis is sitting on over $1.3 billion dollars—and that is just for one fiscal year.

"That's the record on H.U.D. Now add billions withheld from school milk programs, community education, regional medical programs, rural development, transportation systems, conservation and reclamation—and the list goes on and on and on."

Senator Humphrey indicated to the NACO officials that he supports the concept of general revenue sharing and would work with anyone to see that states and localities receive critically needed Federal funds—funds to help them stay alive.

And he said that he has proposed serious consideration be given to a legislative package that combines revenue sharing with a phased—but complete—federalization of welfare funding across the nation.

Senator Humphrey told the county leaders that the Emergency Employment Act, plus the tentative Congressional welfare plan, would create substantial vitally needed employment opportunities.

"A total of 350,000 unemployed Americans can then contribute to our national economic and social growth in such areas as health, education, transportation, maintenance of public facilities and services and community and rural development," he explained.

Humphrey made some specific recommendations for government reform on the county level.

These included: county service consolidation and consideration of jurisdictional mergers; better apportionment of representation on county boards; internal reform and reorganization and establishment of a professional county executive position; and relaxation of the present state restrictions on counties in their ability to tax and spend and reorganize.

"Clearly," he said, "we have much to do in continuing a viable federalism—a federalism both creative and cooperative. This is our challenge—to make this venture work."

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"CREATIVE FEDERALISM"—STILL THE BEST

(By The Honorable HUBERT H. HUMPHREY)

Presidents Kennedy and Johnson declared "Creative Federalism" to be one of the first priorities of their administrations. And they worked to make this declaration a reality. The Decade of the 60s saw the beginnings of a host of cooperative programs—programs that today, despite financial malnutrition prescribed by the Administration, demonstrate the effectiveness of concerted efforts—yes, shared efforts of Federal, state, county and municipal governments.

There is now another form of Federalism—called *special* revenue sharing, and I don't like the proposed new form of Federalism-special revenue sharing.

First of all, it's not new. It's in the same pattern of the 1950's. Second, it's a planned dismantlement of everything that Democratic Presidents and Congress battled to achieve over the last 30 years.

Don't get me wrong, I support the concept of general revenue-sharing funds over and above all present grants. As you know, Congressman Reuss and I have our own bill on revenue sharing. But I don't want to see everything you and I have worked for over the years swept away in the name of "special revenue sharing," or "reorganization."

County administrators and leaders have studied those special revenue sharing packages.

You know these plans dissolve lines delineating various Federal-local cooperative programs. And when you look at total funding before consolidation and then look at it after, you see clearly the real meaning of "special revenue sharing." It means taking money you already have away from you and then giving less of it back to you, stripped of carefully worked out priorities and funding allocations.

Don't be tempted by the promise of more to spend.

Take a look at the Administration's present record of impounding funds actually appropriated by the Congress and make your own judgment.

As of February 23, 1971, the Executive branch had impounded $11,145,000,000. This is money that the Congress has declared should be expended during fiscal 1971. The Administration has not done so. I won't go into the Constitutional questions of impoundment here.

But in this time of pressing needs and scarce resources, when Congress appropriates funds for various programs, the Administration should realize those appropriations are pretty close to bare-bones and should expend all the funds.

In specifics, the Administration has withheld:

$200 million for urban renewal;
$200 million for water and sewer grants;
$192.5 million for low rent public housing;
$732.1 million for Model Cities programs.

That is a total of $1,324,600,000 being withheld just by the Department of Housing and Urban Development. This is unconscionable!

We are falling continually behind our goal of 2.6 million housing units per year. And yet the Department charged with overseeing that our national housing needs are met—the Department that should be helping our cities and counties during this time of financial crisis—is sitting on over $1.3 billion—and that is just for one fiscal year.

That's the record on H.U.D. Now add billions withheld from school milk programs, community education, regional medical programs, rural development, transportation systems, conservation and reclamation and the list goes on and on and on.

I worry about those proponents of special revenue sharing—they are the same people who fought tooth and nail to prevent these same programs from seeing the light of day. I don't want my legislative children handed over, in adolescence, to those that tried to prevent their birth.

As I demonstrated earlier, their record speaks for itself.

In testimony before the Joint Economic Committee of the Congress, I discussed some of my thinking about general revenue sharing.

I stated that I supported the concept of revenue sharing and would work with anyone to see that states and localities receive critically needed Federal funds—funds to help them stay alive.

Our cities are dying and our state and county governments are in constant fiscal crisis. They—you—need money and need it now. I shall do everything I can to see that you get these general revenue-sharing funds.

They can call it the Nixon-Humphrey Bill if they so desire.

One of the suggestions I made was that serious consideration should be given to a legislative package that combines revenue-sharing with a phased but complete Federalization of welfare funding across the Nation.

This would be fair to both types of jurisdictions. Counties and some large cities carry an extremely heavy welfare burden and would be helped substantially by Federalization.

Other jurisdictions would be helped through the revenue sharing part of the package. Both need help and both would receive the special fiscal aid they require.

Chairman Wilbur Mills, and members of the Ways and Means Committee have put together a tentative welfare package. It includes guaranteed annual income of $2400 for a family of four; food stamps would be phased out in favor of cash payments; minimum payments for individuals would scale up to $150, and a couple would receive $200 by 1974; the working poor would be covered and their total income could reach $4,320 before the $720 work-supplement would be erased by actual work income; day care centers would be provided for the children of those working; and up to 200,000 public-service jobs would be created. This Congressional program would save the states and localities approximately $2.2 billion.

I support this approach generally though I would like to see a gradual increase in total payments to meet the poverty level defined by the government.

Total Federalization of all welfare, both ADC and adult programs, is our goal for the early 70's, but we must establish goals within welfare administration itself.

We must devise improvements to provide cash benefits to those who are eligible but cannot secure public housing—bring total cash payments to the poverty level and upgrade this when necessary—remove present crudities from welfare and make it possible, for those who have no reasonable chance for another type of life, to live in basic human dignity. We must not fantasize. Welfare will always be with us in one form or another. Let us work together to make it grant basic dignity to the recipient and peace of mind to the taxpayer, through simplicity, equity, adequacy, and dignity.

Public service employment is part of the tentative Congressional welfare package. The bill would provide 200,000 jobs. Also the Senate has just passed S. 31, the Emergency Employment Act. I was an original cosponsor of this legislation and the National Association of Counties was one of its original endorsers. Should this pass the House, which I believe it will, and the President resists the urge to veto it, we will add another 150,000 jobs.

A total of 350,000 unemployed Americans can then contribute to our national economic and social growth in such areas as health, education, transportation, maintenance of public facilities and services, and community and rural development.

It is wrong to categorize these as "make work jobs." We are not manufacturing these needs. They are glaring in their reality. What we are doing by this type of legislation is to match these pressing needs with presently unused manpower. We will be permitting these men and women to contribute to society and the economy and restore their sense of pride in a job well done—in a job that is critically needed.

We have talked of welfare and revenue sharing and public service employment. I should make an aside here about the termination of the President's Council on Youth Opportunity. We find in March that unemployment nationally has climbed again to 6%. Unemployment among our youth is 28%. Forty-two per cent of our young blacks are out of work. The summer is approaching and the Administration terminates a program that when I was Vice President accounted for $680 million in expenditures and provided employment for more than 871,000 poor youth. These young people are yours. They live in your counties. You know how hard and successfully government and business and labor worked to find jobs for these young Americans. What are they going to do this summer—a summer when their fathers and mothers are also out of work—have lost jobs that dissolved during this manufactured and heartless recession? I hope you have some answers—the Administration seems to have nothing but terminations on its mind.

Part of the Humphrey-Reuss Bill on revenue sharing deals with governmental reform on the state and local level. The bill calls for submission of a master plan and a schedule for its implementatiton. I hope that

NACO will not only come right out and endorse the bill but will look carefully and positively at somt of the suggtsted structural and policy changes recommended.

I specifically would like to make the following suggestions for county governments. Counties vary greatly as we all know. Los Angeles County is vastly different from Westchester. Cook County, Illinois, differs from Newport County, Rhode Island. However, there are four basic needs that all counties have in common.

1. More counties must join together in providing services. Many counties today maintain a structure of government that was designed for the day when the county seat was a day's drive from the boundaries of the county.

That is obviously no longer the case, and you must change to reflect the realities of the 1970's and the needs of the people you serve.

2. County boards must be apportioned. The courts have applied the one-man-one-vote principle. Fair representation on county boards is just as essential as in other legislative and governing bodies.

3. Counties need internal reform and reorganization. New problems and the complexities of their alternative solutions require strong, professional administration. County boards must improve their relations with local elected officials and both, working together, should establish an executive position for professional management of the county—and select an individual skilled in county administration though still accountable to the board and other officials.

4. Lastly, counties must be freed from the restraints now placed on their ability to conduct their own affairs efficiently and with necessary independence. Restrictions on your authority to act, on your ability to raise revenues and provide services and on your ability to organize ourselves—these are areas where the bonds of state legislation must be eased, if counties are to meet the challenges of the 70's and 80's. Federalism is not just for Washington.

Before closing, I would like to mention that I am chairman of the Rural Development Subcommittee of the Senate Agriculture Committee. We need to develop a new way of thinking about the problems of rural America. We must achieve a national understanding and commitment to restore the economy and the living environment of our non-metropolitan areas.

We must apply desperately needed preventive medicine to what could become terminal illness for our cities.

Life should be attractive enough in rural America to offer a truly reasonable alternative to living in city or suburb.

I will be holding hearings throughout the Nation this year. I intend to find ways to revitalize rural America. The continued acceleration of metropolitan sprawl and congestion, coupled with rural population decline and rise in poverty will have a devastating impact upon our health and welfare, our environment, our economy, our government, and our social order.

Clearly, we have much to do in continuing a viable Federalism—a Federalism both creative and cooperative. This is our challenge—to make this venture work. Our goal and motto must continue to be: "The best politics is the politics of service."

Ladies and gentleman—that is our politics.

## PROPOSED TVA DEVELOPMENT IN WESTERN NORTH CAROLINA

Mr. JORDAN of North Carolina. Mr. President, throughout my years in the Senate I have stressed the overriding importance of public works projects for the conservation and development of water and land resources in North Carolina.

We have accomplished a great deal along those lines during that period and for that I am grateful.

Much still needs to be done, however, if the full potential of my State is to be realized.

And one of the major goals yet to be achieved is the implementation of a long-range plan by the Tennessee Valley Authority for flood control and water resource development in the Upper French Broad River area.

Only one of the 14 parts of this comprehensive plan has so far been funded by Congress and the money appropriated in 2 successive years to start that phase has been impounded by the Office of Management and Budget up to this point.

A clear and detailed explanation of the master plan is provided in an address by TVA Chairman A. J. Wagner in a recent address to the National Rivers and Harbors Congress here in Washington.

I think it will contribute much to the understanding of the scope and importance of this development. I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

REMARKS OF A. J. WAGNER, CHAIRMAN, TENNESSEE VALLEY AUTHORITY

Water has been a controlling factor in the patterns of man's living since he first set foot on this earth. It has both blessed him with abundance and cursed him with disaster. It has brought him great pleasure and it has caused him untold misery. But always, it remains vital to his existence. As he has learned to control it—at least in small measure—and to extend its usefulness, he has prospered and civilization has advanced.

In today's concern for the quality of our environment—and certainly this is a legitimate concern—there are some who advocate that we must stop the development and use of our natural resources, including our water resource. I am sure that we can all agree that there are some water courses where the best use that can be "developed" is to leave them in their natural state.

But there are other areas where alteration in the natural state of our water resource is essential if we are to meet the legitimate needs of a growing population and to provide the economic base that produces useful jobs and adds quality to all life. This may involve the construction of dams and reservoirs, the erection of levels, the enlargement of stream channels, the provision of irrigation systems or other kinds of treatment.

This broad perspective, this kind of flexible thinking, is the single most important factor in achieving reasonable, balanced and lasting solutions to the myriad economic and social problems facing this Nation today.

Here, we are rejecting the polarized premise that we must settle for *either* environmental quality *or* economic growth. We are recognizing instead that we can and must have *both;* that economic prosperity and a quality environment are not only compatible but vital, interrelated parts of this Nation's hopes for future progress and even survival.

For nearly four decades, TVA has followed what we call a unified or comprehensive approach to resource development. Simply stated, it means that all resources—air, land, water, as well as the human resources of region—are irrevocably interrelated, and therefore must be developed in planned interaction if they are to be developed successfully. I emphasize this point now, early in our discussion, because this unified concept of development is basic to understanding TVA's activities and programs. Moreover, the application of this unified concept is the one sure avenue I know of through which an area can achieve lasting economic gains while at the same time it preserves and enhances the quality of its natural environment. Indeed, it is the bedrock upon which today's ecological message stands. And more efficient use of our resources is at the root of virtually all of the economic advance achieved in the Tennessee Valley since the Great Depression.

The Valley lagged far behind the Nation in making the transition from an agricultural to an industrial economy. It has caught up. Private industry has invested some $2 billion along the shores of the Tennessee waterway alone, and 500,000 jobs have been added to factory payrolls across the region. Per capita income, only 45 percent of the national average a generation ago, is now 75 percent. Yet the Tennessee Valley—with its rolling hills, its now green pastures transformed from once erosion-scarred landscapes, its unparalleled mountain vistas—is still an area of rare environmental beauty. It is significant to note that, despite the rapid urban and industrial growth along its banks, the Tennessee River waters are cleaner and useful for more purposes today than they were a generation ago.

Here, too, it should be emphasized that any development program needs a unifying thread that can tie the whole package of resource efforts together—a key element offering both a place to begin and a continuing base upon which to build. The key element in the Tennessee Valley is water. The entire story of the Valley's progress centers on water—preserving its quality, controlling it and extending its supply over as many uses as possible. The gains we have just discussed indicate that in most instances we have managed well. But the job is far from finished.

There are areas across the region that still lag behind, facing frustrating, unsolved problems. Many of these areas lie along tributary streams where the water resource potential remains to be unlocked, where true and full quality in life is being denied for lack of a comprehensive, all-out attack on the obstacles to economic and social progress.

The Upper French Broad in western North Carolina is such an area. For nearly 200 years, the history of this fertile region has been one of frequent, devastating floods. Rising near the North Carolina-South Carolina border in Transylvania County, the French Broad River headwaters lie in an area receiving about 75 inches of rain in an average year. Seventy-five inches is a lot of water—enough, when controlled, to serve abundantly man's best purposes. But uncontrolled, it becomes a destroyer of homes, highways, bridges, plant sites, and farm land.

As far back as the late 1930's, TVA began working with the people of the area and their state agencies to find a solution. Early planning was devoted strictly to flood control. But as time went on new needs developed. And, with these new needs came new conflicts.

Fertile bottom lands continued to flood, especially when hurricane-type storms blew too far inland and spilled their slashing rains beyond the South Carolina foothills into the watershed of the Upper French Broad. The dollar damage became greater each year as growing population settled the bottom lands and brought more intensive agriculture. And as the floodwaters rushed on to Asheville the damage to low-lying industrial areas increased, too, as the city's growth thrust more and more industries and warehouses into the level reaches along the riverfront.

Population growth also brought increased business to water-using industries, raising their demands for water and adding to the volume of wastes they discharged into the river. More industries were needed to provide

jobs for young people growing up on the farms, but the water supply was becoming either inadequate or too polluted to fill their needs.

Added to these problems, the lack of controlled streamflows limited the potential for recreation of the area which otherwise had superior attractions in scenery, mountain streams, forests, and climate. The water resource had, in many ways, became a seriously limiting factor.

In 1961, at the request of the North Carolina Department of Water and Air Resources, TVA began to develop a plan for a comprehensive water control system for the area—one which would deal not only with the problems of the past but also would meet these needs of the present and the future.

The plan that evolved is truly a product of local participation. It is a classic example of the workings of democracy at the grass roots. I need not detail for men of your experience that man has never been able to develop a plan for anything, at any time, anywhere, that was not opposed by someone. And often for good and understandable reason. The only solution is to understand and weigh the conflicting demands, reconciling whenever possible and giving greatest weight to those factors which promise the greatest long-term benefits for the largest number.

This was the difficult but vitally important approach TVA took in working with the people of the Upper French Broad. The plan was coordinated with state and Federal agencies, with individual community leaders, with city councils and chambers of commerce and civic clubs. It was developed with the participation of private businessmen, wildlife organizations, and similar groups throughout the area. Together, we believe we have come up with an overall plan that will accomplish the maximum possible benefits with the smallest possible amount of dislocation.

After studying many combinations of over 50 different dam and reservoir sites, the basic components of the plan emerged. It will include 14 small dams on the tributaries and headwaters of the French Broad, some 74 miles of channel improvements and a levee to be built along the low-lying portion of the Asheville waterfront. Project cost is estimated at $115 million with a construction period of eight and one-half years.

In the proposal's cooperative planning and in the benefits it offers, the advantage of a comprehensive approach to resource development—and the flexibility inherent in such an approach—comes clearly into focus. The result is a multiple-purpose project for controlling floods, increasing water supply and enhancing water quality, boosting recreation potential and fish and wildlife habitat while at the same time offering greatly increased shoreline development potential.

Let's take a brief look at these individual benefits and what they will mean to the area.

Flood control remains a primary function, to be sure. Twin objectives of the plan's flood control design are to protect urban centers and to reduce farmland flooding sufficiently to enable the creation of new and expanded commercial farm enterprises in the area. This latter goal is urgently needed to increase farm income in the area. The system will control nearly 600 square miles of drainage area and provide a high level of protection to 13,000 acres of farmland as well as the major communities throughout the region. An appealing aspect of the flood control design is that no extreme reservoir drawdowns will be required—the kind that expose extensive bare areas along the reservoir shorelines.

Adequate water supplies is another crucial need. Growth of communities and the creation of new jobs in industries both now and in the future will depend on meeting this need and meeting it promptly. I understand that a bill now before North Carolina's General Assembly recognizes this fact, and is designed to promote regional water systems—systems, it says, which are needed now by 50 counties in the State. The Upper French Broad plan will provide a stored water supply to fill current and projected needs throughout the area. Recognizing this contribution, the State has assured repayment of the project costs allocated to providing the water supply storage.

The Upper French Broad not only needs *water* in abundant supply, it needs *clean* water in abundant supply. The water control system will improve present water quality in the area's streams by substantially increasing low flow volumes during dry seasons. Coupled with corrective action being planned and carried out by municipalities and existing industries in the area and an effective pollution control program applied to future growth, the plan can help restore the river's usefulness for generations to come. The achievement of this goal cannot be overemphasized. It is a measure of how far the collective efforts of the people of this area have carried them. Not many months ago some reaches of the French Broad were so polluted that they were fit for use as little more than an open sewer. Today, responsible and responsive public and private action is attacking the problem with vigor. Certain nutrient concentrations which defy practical methods of treatment remain a problem. But the proposed water control plan can reduce these concentrations and make a major contribution to the restoration and preservation of the river's ecology.

The lakes will provide an added benefit in the form of new and valuable recreation centers in an area already blessed with great scenic beauty. Boating, swimming, and lake fishing will be added to present attractions such as mountain hiking, trout fishing, and camping. The State has been quick to recognize this opportunity. Plans are underway for state construction and operation of recreational and fish and wildlife facilities around the proposed lakes at an estimated initial investment of $6.7 million.

And now a word about the status of this program—so important to the future of western North Carolina.

The planning is complete. The project has been studied and endorsed by such organizations as the Western North Carolina Regional Planning Commission, the North Carolina Department of Water and Air Resources, the North Carolina State Planning Commission, the State Wildlife Federation, and the State Wildlife Resources Commission. The plan also has the endorsement of Governors Scott and Moore, of the present and former county commissioners from each of the five counties in the area, of the city councils from every major community, and a host of other public and private groups within the region.

The Congress has appropriated some $2.3 million to start construction. Expenditure of these funds has been deferred by the Office of Management and Budget because, in the competition among the many needs for Federal funds, they believe that other needs carry higher priority at this time. TVA believes the Upper French Broad project is an excellent and badly needed development program, and we are ready to begin construction the moment the money can be released.

Inherent in my remarks today has been the underlying theme that our water resource—precious as it is—does not stand alone, as a separate entity upon which those of us interested in its wise development can concentrate with singular, narrow purpose. Planning for water use must, in this modern world, concern itself with planning for land use as well. One of the most useful values created when a reservoir is impounded is the new shoreland—those acres lying along that strategic line where land and water meet. These lands, properly utilized, hold almost unbelievable potential for economic growth.

One measure of this potential is illustrated by a 1967 North Carolina State Planning Report which projects a $200 million investment directly resulting from the Upper French Broad project within 10 years following its construction.

Viewed in the light of this kind of potential, the development plan for this region takes on sweeping new dimensions. The project is seen clearly not as an end in itself but simply as a new tool to be used by the people of the area to build greater quality into their lives. Success will hinge on the degree of cooperative planning that goes into this effort. And here it also becomes clear that the engineering expertise provided by TVA in this area was perhaps the least of our contributions. Of far greater import is the spirit of cooperation, the sense of working together achieved by the whole spectrum of local organizations and individuals who have been intimately involved in this project's development from the beginning. The local Upper French Broad Development Commission, with whom we worked most closely, is a case in point. This group has been composed of seemingly tireless men from throughout the region who fostered a spirit of cooperative attack on the area's problems that should be its greatest asset for the future, long after the water control structures are completed.

Here, then, is a project designed *for* and *by* the people of a region undergoing the stresses and frustrations of rapid change. Beset with the common economic and environmental problems facing most of Appalachia today, it is lagging behind. But its leaders know the value of resource development and they are ready to match positive development programs against the region's problems. They have an excellent project ready to move full-speed ahead the moment national priorities make it possible to do so. They have TVA's pledge of full support and assistance. They need your continued support as well in this never-ending quest to which all of us as public servants are dedicated—the quest to help bring quality to men's lives.

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## THE NEED FOR LEGISLATION TO CONTROL PESTICIDE USE

Mr. MONDALE. Mr. President, the Subcommittee on Agricultural Research and General Legislation recently conducted 4 days of hearings on pesticide-control legislation pending in the Senate.

The Senator from Wisconsin (Mr. NELSON) and the Senator from Minnesota (Mr. HUMPHREY) have introduced S. 660, the National Pesticide Control and Protection Act, to provide a comprehensive overhaul of the country's pesticide control laws.

Senator NELSON testified before the committee on the legislation, and his testimony is ar. outstanding statement on the issues involved in drafting improved pesticide controls. Of particular interest to me is his description of steps to encourage nonchemical means of pest control, including legislation that would establish pilot programs throughout the country to demonstrate that integrated biological and cultural practices will enable our farmers to grow better crops at less cost without chemicals.

Mr. President, I ask unanimous consent that Senator NELSON's testimony be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON

I wish to commend the committee for conducting these comprehensive hearings on the important issue of the use and effects of pesticides. It is quite obvious to students of the pesticides problem that there is an urgent necessity for rational policies to protect human health and the environment while assuring an adequate food supply.

The basic problem with the use of pesticides today is that there is rigid reliance on a single approach without regard for the adverse side effects to nature's eco-systems and to human health. There is a massive accumulation of evidence that in many areas of the globe there is serious disruption of the earth's life systems due to excessive use of pesticides. Predator insects have been eliminated along with the pests and the environment has been permeated with wide varieties of chemicals. Resistance has built up in pests, resulting in millions of dollars being spent to develop more compounds to replace those that once were advertised as cure-alls. There is convincing evidence that damage from the present practices of massive, indiscriminate introduction of pesticides in the environment have already have exceeded whatever temporary benefits we have received.

The dangers wrought by our recklessness with pesticides have been well documented. But little attention has been paid to the unfortunate situation where chemical companies have reaped billions from unwary farmers who have paid for a program of pest control which is self-defeating in the long run.

In the legislation introduced by Senator Humphrey and myself, those who administer our pest control programs would have the responsibility for seeking alternate solutions to the massive, indiscriminate dosages of vast quantities of chemicals. The legislation lays the foundation for reliance by administrators on the scientific knowledge that we have to protect crops and enhance yields by means that rely primarily on biological controls and various crop-management procedures.

The whole field of pesticides, from development right through to the use, is controlled almost exclusively by the chemical industry. The objective of this industry is to promote and sell chemicals to a wide variety of buyers who are given little choice between using and not using chemicals. This has resulted in a gross misuse of chemical-technology to the extent that one expert in the field, Dr. Robert van den Bosch of the University of California, has said borders on chaos.

We have an opportunity for change. And we have arrived at the point in time where it is imperative that the Congress provides the leadership to promote that change.

Along with the National Pesticide Control and Protection Act (S. 660) introduced by Senator Humphrey and myself and the bill (S. 745) introduced by Senator Packwood at request of the Administration, I believe we have the necessary ingredients for comprehensive solutions to our massive pesticide problem. At least, we have the beginnings of a total effort.

All of us are aware that when DDT emerged as one of World War II's most celebrated heroes, some entomologists gleefully suggested that the war against pests may very well be over. In favor of man, of course. In 1945 the earth was dusted with 33 million pounds of DDT. By 1951 this figure had more than tripled, to 106 million pounds. Resistence by insects to DDT and other chemicals soon became a substantial factor, and demand was created for development of more and more compounds. We didn't recognize the failure of chemical-technology to control pests. Today, more than *one billion pounds* of pesticides—including insecticides, herbicides, fungicides, rodenticides and fumigants—are produced annually in the United States. This already is five pounds for every American man, woman and child. But projections are that by 1985 this figure of one billion pounds will be increased six-fold.

Because of inadequate registration and records of use, we are not certain how many pounds of pesticides are utilized in this country and abroad. Clearly, however, the worldwide use is massive and the affect certainly will be catastrophic for the planet if our disastrous experiences thus far in this country are an indicator.

We now know that pesticides have been carried far beyond the area of application by wind and water and living organisms to the extent that residues have been found in the Adelie penguin in isolated regions of Antarctica and in dust high above the Indian Ocean. Biological magnification has caused high concentrations in the bodies or organisms high in the food chain. It has been shown, for example, that Americans carry in their bodies an average of 12 parts per million of pesticide residues, nearly twice the level allowed for most foods in interstate commerce.

A report by the Health, Education and Welfare Secretary's Commission on Pesticides and Their Relationship to Environmental Health (the Mrak Commission) concluded that, "Pesticides are now affecting individuals, populations and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of nontarget species."

The National Cancer Institute found that of 123 pesticide compounds tested, 11 induced a significantly increased incidence of tumors in laboratory animals. (The 11 included the insecticide Mirex.)

The Mrak Commission later added five chemicals to the list, and these are carcinogenic chemicals, aldrin, aramite, dieldrin, heptachlor and amitrole.

Dr. Van den Bosch, who is scheduled to testify at this hearing, has pointed out the ironic situation in which man is exposing himself and his environment to well-documented dangers of pesticides and at the same time actually creating more pests than are eliminated. Target pest resurgences, secondary pest outbreaks and pest resistence that follow the dissemination of broad spectrum poisons, are creating more pests that are physically better able to withstand massive pesticide dosages.

The United States Department of Agriculture has said (Misc. Publication No. 1065, in March, 1969) that insecticides have had harmful effects on agriculture in a number of instances. The department said the application of insecticides to protect cotton led to drift that destroyed the beneficial insect-complex in citrus groves, necessitating the use of insecticides to control certain pests of citrus that ordinarily were controlled by beneficial insects. The use of malathion to control and eradicate certain cereal, forage and forest insect pests has destroyed honey bees and other insects necessary for crop pollination.

The Department of Agriculture states further that the application of persistent insecticides on potato lands has led to residues in sugar beets grown in the same soil the following year. The department reports that Congress has authorized appropriation of $10 million to reimburse cranberry growers following confiscation of certain lots of cranberries found to contain illegal residues of a herbicide, which had been applied at the wrong time of the growing season.

Hundreds of thousands of dollars have been paid over the years to dairymen throughout the country as compensation for milk removed from the market due to the pesticide residues. Fish in farm ponds have been killed because of the drainage of insecticide wastes from nearby lands into these ponds following heavy rains. And the application of persistent insecticides, such as dieldrin for the eradication of the Japanese beetle, led to low-level but significant residues in livestock grazing in the eradication area.

The Mrak Commission concluded:

There is a serious lack of information available on pesticide-use patterns.

Much contamination and damage results from the indiscriminate, uncontrolled, unmonitored and excessive use of pesticides.

Pesticides are now affecting individuals, populations and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of nontarget species.

Within the organochlorine group of pesticides, there is a wide range of potential for acute toxicity for man.

The organophosphate pesticides, particularly parathion, phosdrin and TEPP, are health hazards because of their high toxicity and ease of absorption by ingestion and the dermal or respiratory routes.

The Mrak Commission also recommended that the usage of certain persistent pesticides—including DDT, aldrin, dieldrin, endrin, heptachlor, chlordane, benzene hexachloride, lindane and compounds containing arsenic, lead or mercury—be restricted to specific essential uses which create no known hazard to human health or to the quality of the environment.

The recommendation, of course, was not new. Back in 1963, the President's Advisory Committee, or the Wiesner Committee, recommended that: "The accretion of residues in the environment (should) be controlled by orderly reduction in the use of persistent pesticides. As a first step the various agencies of the federal government might restrict wide-scale use of persistent insecticides, except for necessary control of disease vectors. . . . Elimination of the use of persistent toxic insecticides should be the goal."

Volumes of scientific materials have been published on the misuse of pesticides, and the tragic result of the carelessness. The case is well documented. Commenting on the knowledge of one of man's most toxic pesticides, DDT, Dr. Charles Wurster of the State University of New York at Stony Brook, one of the country's leading experts on pesticides, has said: "Our understanding of the relationship between DDT and avian reproduction is now quite conclusive. It's unusual to have such solid evidence where there is such a subtle question of environmental pollution and where the cause of the problem is so remote from the effect."

I need go no further in discussing the myriad examples of needless damage that has been caused by pesticides. Later this week, several distinguished scientists, who are experts on pesticides, will provide this committee with scientific data and reports to back up findings on the large-scale problems with pesticides. In addition to the two I already have mentioned, Drs. Van den Bosch and Wurster, this committee will hear Dr. Joseph Hickey and Prof. Orie Louks of the University of Wisconsin, Dr. Robert Risbrough of the University of California at Berkely, Dr. Charles Black of the Michigan Department of Natural Resources, Roland Clement of the Audubon Society in New York, Dr. David D. Peakall of Cornell University, Dr. Lucille Stickel of the Patuxent Wildlife Research Center, Dr. George Woodwell of the Brookhaven National Laboratory in New York and Dr. Umberto Saffiotti of the National Institutes of Health.

Later in my statement I will outline the need for a comprehensive overhaul of the present Federal Insecticide, Fungicide and Rodenticide Act.

Right now I would like to discuss what I believe to be a rational approach to the pesticide problem, one that will help restore a

proper ecological balance and stop the senseless assault on the environment, but one that has demonstrated it can greatly enhance the economic position of the farm producer and assure an adequate supply of food and fiber.

Mr. Everett Dietrick of Rialto, California, has been in the business of integrated pest management for 11 years, in the Coachella Valley. Several distinguished scientists, who have conducted vast amounts of research in the field of integrated control, have called Mr. Dietrick's work to my attention. He has traveled to Washington at his own expense to be here today to relate his experiences in managing insects in the field to maintain the populations of certain species below pest status.

Mr. Dietrick is an entomologist who was on the faculty of the University of California for 15 years prior to starting his own insect management business at Rialto. His professional staff contracts with several farmers in the Valley to balance the insect population biologically and by various crop management schemes. The important part of the total program is that chemicals are used only when essential, and then they are used sparingly and selectively so existing insect populations are not destroyed. The result is a program that does not harm the environment but which still enables the producer to grow quality crops that are free of chemical residues.

In fact, Mr. Dietrick says one of the greatest problems with the integrated insect management program comes from nearby farms where chemicals still are used. These chemicals sometimes drift into the fields where the integrated program is underway, kill segments of the insect population and disrupt the entire program.

My staff has advised me that the committee would hear Mr. Dietrick, who is scheduled to return to California this evening.

In the last session of Congress, I offered an amendment to provide additional funds for research into nonchemical means of pest control. The Congress approved $1 million for that effort.

Of course, the United States Department of Agriculture is conducting some research in the area of integrated control. But it is abundantly clear that a high priority, accelerated program is needed.

I have begun to draft legislation, for this committee's consideration, that would provide funds for pilot projects in integrated insect management throughout the country. These pilot projects will be large enough and diverse enough so that the integrated control program can be adapted to the widely-varying crop situations.

Those who have conducted research and field work in the integrated control program point out there is a possibility for slight production decline during the period of transition from chemical use to the integrated program. One researcher described it as the "withdrawal period—something like getting a person off dope." The production decline, if it occurs at all, lasts no longer than a few months.

In the legislation that I am preparing, any farmer who would suffer any loss would be compensated for that loss, just as many are when their crops are removed from this market due to presence of pesticide residues.

I am confident that the integrated approach will work. Specialists in this program within the research division of the United States Department of Agriculture are similarly confident. In the case of Mr. Dietrick's work in California, it is known to work.

The legislation before this committee is a beginning to a rational pesticides control policy. Certainly, our present laws need revision to upgrade the controls we have over chemical pesticides. This need becomes more acute when we consider the manner in which our present laws, inadequate as they are, have been enforced.

In September, 1968, the U.S. General Accounting Office (GAO), in a report to Congress, cited the failure of the Agriculture Department to adequately enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act. GAO said the department was only seizing unsafe or ineffective pesticides from the initial site they were discovered without any further action to remove the same product from other locations.

In 1969, the House Government Operations Committee issued a discomforting report on the "Deficiencies in Administration of Federal investigations by its Intergovernmental Relations Subcommitte, under the chairmanship of Congressman L. H. Fountain.

The 71-page report represented a thorough indictment of the Agriculture Department's continuing failure to administer its responsibilities under the law in accordance with the intent of Congress.

Some of the findings:

1. Until mid-1967, the Agriculture Department's Pesticides Regulation Division failed almost completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act, intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the Act.

2. Numerous pesticide products have been approved for registration over objections of the Department of Health, Education and Welfare as to their safety without compliance with required procedures for resolving such safety questions.

3. The Pesticides Regulation Division has approved pesticide products for uses which it knew, or should have known, were almost certain to result in illegal adulteration of food.

4. The Pesticides Regulations Division has failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

5. Information available to Federal Agencies concerning pesticide poisonings is inadequate and incomplete. The Pesticide Regulation Division has failed to make effective use of even the limited data available.

6. The Pesticides Regulation Division did not take prompt or effective cancellation action in cases where it has reason to believe a registered product might be ineffective or potentially hazardous.

7. The Pesticides Regulation Division has consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

8. The Pesticide Regulation Division has no procedures for warning purchasers of potentially hazardous pesticide products.

9. The Agriculture Research Service failed to take appropriate precautions against appointment of consultants to positions in which their duties might conflict with the financial interests of their private employer. Facts disclosed by the subcommittee investigation raised a number of serious conflict of interest questions.

Mr. Chairman, this is essentially the background for the legislation that Senator Humphrey and I have introduced. The legislation, S. 660, amends the Federal Insecticide, Fungicide and Rodenticide Act of 1947, and changes its title to the National Pesticide Control and Protection Act.

There is little dispute over the inadequacies of the present laws. The National Pesticide Control and Protection Act would provide a rigid testing program for pesticides in use and those being developed, it would establish a registration system so that all uses are better controlled and recorded and it makes administrators of pesticide programs more responsive by enabling private citizens to gain easy access to information and to initiate court action to insure compliance.

In more detail, S. 660 would do these things:

It would transfer authority for pesticide regulation from the Department of Agriculture to the new Environmental Protection Agency—as is provided in the President's Reorganization Plan—with close coordination by the Department of Health, Education and Welfare. (Section 2)

It would revise the existing programs for testing (Section 8), registering (Section a, b, c) cancelling (Section 5-d), and suspending (Section 5-e, f) pesticides and pest control devices, and provide adequate emphasis on environmental and public health safeguards.

It would authorize the Administrator of the Environmental Protection Agency to require that potential users of certain hazardous pesticides obtain—prior to purchase—a certificate (Section 9) justifying the use. And some pesticides could be applied by qualified and approved pest control operators only.

It would require that all pesticides and pest control devices be thoroughly tested (Section 8) prior to sale by the Environmental Protection Agency and the Department of Health, Education and Welfare to disqualify potentially hazardous (Section 13) products before they are placed on the market.

It would establish a National Pesticide Research and Control Trust Fund, a fund which would be financed by assessments on pesticide sales, and which would be used to cover the expense of the regulation program, as well as the extensive research program (Section 18). The funding program proposed here is not altogether adequate. It is presented mainly for discussion purposes. Because of the obvious public interest in the testing and regulatory programs, substantial allocations from the general fund for these programs perhaps would be appropriate.

It would allow individual citizens to bring court suits against persons, companies or governmental agencies for violations of the Act or failure to enforce its provisions (Section 15).

It would enable interested parties to obtain access to government-held information on pesticide regulation and research except for data on formulas and formulations (Section 10).

It would establish control over all pesticides and pest control devices produced in the United States, regardless of whether they are shipped in intrastate, interstate or foreign commerce (Section 5). It should be emphasized that pesticides and devices that are exported must (Section 4) meet all requirements of registration in the United States before shipment for use in any other part of the world.

It would place emphasis on the review of biological and non-chemical means of pest control alternatives to the use of chemical pesticides (Section 2–9).

It would require the Administrator of the Environmental Protection Agency and the Secretary of Health, Education and Welfare to determine that benefits from the use of any pesticide would be substantially greater than potential detriments to the public health, safety and welfare and the environment before a pesticide registration would be approved (Section 5). In making that determination, the two officials would be compelled to consider the following criteria:

A. the specificity of the pesticide and the nature and extent of harm done to non-target organisms;

B. the persistence and mobility of the pesticide or its by-products and their incorporation into non-target organisms;

C. the toxic, carcinogenic, mutagenic, teratogenic and other health effects of the pesticide or its by-products;

D. the adequacy of the knowledge of its effects on the public health, safety and welfare or the environment; and

E. the availability of safe and effective biological and nonchemical alternative means of pest control to control the pests specified in the registration or registration application.

Instead of relying on the present procedure of reviewing research data supplied by industry, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education and Welfare would be authorized to conduct or contract for independent research on those pesticides desired to be registered.

The bill would streamline the present cancellation procedure by greatly reducing the period of time for administrative hearings and review of a proposed cancellation from upwards of 400 days under existing law down to 150 days under the new measure.

The suspension system itself is in need of revision. Under existing law, the Department has to determine that there exists an "imminent hazard to the public" before suspension can be ordered. This condition has been an obstacle to the immediate suspension of a number of questionable pesticides. Under the proposed legislation, suspension would be allowed when the Administrator of EPA or the Secretary of HEW determines that the use of a pesticide presents a serious actual hazard to man or the environment, or that it presents a serious potential hazard which may become a serious actual hazard before cancellation proceedings can be carried out.

The bill also provides a new authority for pesticide control—preliminary suspension. Under it, the Administrator of EPA or the Secretary of HEW could suspend use of a pesticide for up to 90 days if there is reason to believe that the pesticide may constitute a serious actual or serious potential hazard. The suspension period would allow time for obtaining information to support a firm determination.

If either the Administrator of EPA or the Secretary of HEW determine that use of a particular pesticide would endanger the environment or public health, safety, and welfare, the purchase and use of that pesticide can be restricted to persons who have obtained a certificate for such purchase and use from an authorized agent of the Administrator. In as many instances as possible, this agent will be the local county agent or his representative. The certificate will indicate the specific pesticide authorized for purchase, the maximum amount that may be purchased and the manner in which the pesticide is to be used.

In addition, the use of any pesticide can be limited to approved pest control operators if either the Administrator of EPA or the Secretary of HEW determine that use otherwise would constitute a serious actual or serious potential hazard to man or the environment.

In order to finance the expanded regulatory functions of the proposed legislation along with the new research responsibilities, a National Pesticide Research and Control Trust Fund is established. Assessments will be made on the sale of domestic pesticides and the importation of foreign products to provide revenue for the trust fund.

Under the present statute, it is not clear what the rights of individuals are for involvement in court actions with violators of the law or agencies not carrying out the law.

This bill would enable a person or group of persons who alleges injury or alleges substantial harm to the environment, or who alleges irreparable injury or harm will occur as a result of a violation of the Act to file a civil suit for damages or for injunctive relief in the district court of the United States.

In addition, an individual or group may file for injunctive relief against the Administrator or the Secretary of HEW if either official takes action inconsistent with the Act or fails to take action required by the Act.

The Agriculture Department has interpreted the existing act as forbidding the public release of virtually all information obtained by the agency in its regulatory function. For example, there is no present way for an individual citizen or an interested scientist to review the safety data submitted by a manufacturer to the Department either before or after a pesticide is approved for marketing.

The Administrator of EPA is required by this legislation to make available upon request by any interested party all records maintained in the administration of the Act except the formulas and formulations of pesticides that he determines to be a trade secret and not protected by a patent or other safeguard.

Present law does not provide regulation for pesticides manufactured, sold and used within a single state and specifically excludes pesticides produced in the U.S. for foreign export from the provisions of the Act.

This bill covers every pesticide and pest control device which is distributed, sold or offered for sale in any State, or which is shipped in any State, or which is received from or sent to any foreign country.

While it is essential that the present pesticide regulatory system be substantially improved, the main goal should be a greatly decreased level of use of chemical pesticides in the United States.

This legislation requires that before the Administrator can register a pesticide he must consider the availability of safe and effective alternative biological and nonchemical alternative means of pest control to deal with the pests to be eliminated by the pesticide. It also requires the authorized agent issuing the certificate for purchase and use of certain pesticides to review the possibility of areawide control of pests by biological and non-chemical means of pest control before issuing the certificate.

Reform of our pesticide law is justified now. The need for reform is now. In my judgment, this legislation can provide the foundation for reform.

## RURAL REVENUE SHARING

Mr. DOLE. Mr. President, rural revenue sharing is being examined by all segments of our Nation, rural and urban.

The rural plan is similar to the other plans in its intent to delegate the Federal regulating powers to the State and local governments. These government bodies are closer to the people who receive the benefits from the Federal programs, and therefore can be more responsive to the local need for these funds.

George L. Smith, a capable agricultural writer and editor of the Kansas Farmer magazine, discussed the potential of rural revenue sharing in the State of Kansas in a recent editorial in that publication. I ask unanimous consent that Mr. Smith's editorial be printed in the RECORD.

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

NIXON WOULD RECHARGE RURAL AMERICA

[Recently] President Nixon invited members of the farm press in the midwest to Des Moines for a briefing about agriculture and rural America. He brought with him four members of his Cabinet: Secretaries Hardin, Morton, Romney and Stans. The obvious purpose of the meeting was to explain the President's Special Revenue Sharing proposal to the farm writers knowing that we, in turn, would pass the word along to you.

A couple of my brother farm writers commented that the meeting was just a political exercise. Perhaps. . . . Politics or not revenue sharing for rural America appears to have some advantages for Kansans. Mr. Nixon is quite aware of our problems. He mentioned low farm income, inadequate housing, credit needs, poor health facilities, and more. He also pointed out the U.S. exceeds the rest of the world in agricultural production by a wider margin than we lead in any other area or industry. Recognizing the contributions agriculture makes . . . in terms of our high standard of living, and agriculture's importance to the balance of payments, he said, "For the first time agriculture and rural America will be given due priority, which it has not had in the past."

The President explained that it is essential for rural America to get fair and equal treatment; essential to develop a sound economy for the family farm, adequately financed. He said we must develop opportunities for education and employment or we will have the continuing problem of rural erosion (migration) which adds to the problems of the cities.

Mr. Nixon admitted all this is a big order and there is no simple answer. Progress can be made, he said, through Rural Development and Revenue Sharing. He called this a process, not a program. It calls for additional funds totaling $1.1 billion (an increase of 25 percent) to be spent in rural America for education, health, transportation, environmental improvements, housing, or for whatever local authorities may choose. Money would be shared with the states based on need. Need would be determined by such things as loss of rural population and rural per capita income. This, and other information, would be applied to a formula and the states would get the funds automatically. A state with high out-migration and low rural per capita income would receive more funds than a state with less out-migration and higher per capita income. Kansas would get about $20 million.

State and local governing bodies would determine how the money would be spent. The only Federal stipulation is that Special Revenue Sharing funds be used to benefit rural residents. We are not at the bottom in rural per capita income but we are near the bottom among the states in population growth which indicates a heavy out-migration from rural areas.

Revenue sharing is in keeping with the President's philosophy of returning government back to the people. He believes we Kansans know more about the needs of our state and its communities than do bureaucrats in Washington. I subscribe to that.

If some Kansas money should return home through revenue sharing, at least the State Legislature and other governing bodies will be bound to use it to benefit rural residents. That's one part of the President's proposal I like. We were told that emphasis will remain on trying to improve net farm income since that is the key to a better life for all rural citizens. I agree.—George L. Smith in the Kansas Farmer

## THE WORK OF THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, 1971

Mr. BAYH. Mr. President, as the new chairman of the Juvenile Delinquency Subcommittee, I should like to comment on the work that this judiciary subcommittee has done in the past 10 years under the chairmanship of Senator Dodd.

I will submit for the record some of the achievements the Senate has made toward the prevention of youth crime and

delinquency through the work of this subcommittee, and I urge Senators to take a few minutes to read it and see for themselves what must be considered a decade of fine achievements.

The subcommittee has been an important tool of this body in the war against crime, and for the young people of this Nation.

On a personal level it has been important to Senator Dodd because it represented a sizable portion of his life's work and his service to America.

In one way or another since February of 1961 when he became chairman of the subcommittee he has been involved in every major piece of delinquency control legislation that has come out of Congress.

It was this subcommittee that made the early proposals leading to the passage of the first Federal juvenile delinquency law, the Juvenile Delinquency and Youth Offenses Control Act of 1961. That act became the first major Federal program to fight delinquency and, in fact, a blueprint for the national war on poverty and on crime sponsored by the Johnson administration.

As Senators know the Subcommittee on Juvenile Delinquency first proposed gun control laws in 1963 to protect our people from the mail-order traffickers in firearms. In 1968, 5 years later and after 25 days of debate on the floor of the Senate, Senator Dodd finally obtained passage of two of the most far-reaching firearms laws in the history of this country.

During the first 18 months that these laws were on the books, there was an increase of 313 percent in arrests for gun law violations and the bulk of these arrests was made up of persons with previous criminal records.

After the 1968 act became law the subcommittee continued to survey the traffic in firearms throughout the Nation, particularly the law to control the criminal use of firearms. Thus the subcommittee considered a law to control the sale of certain cheap and inferior domestic handguns and S. 849, a bill introduced by the distinguished majority leader, proposing more severe penalties for the use of guns in the commission of crimes. S. 849 was reported out by the subcommittee and was passed by the Senate on November 19, 1969.

During the time when Senator Dodd was chairman the subcommittee conducted 40 days of public hearings on narcotics, dangerous drugs, marihuana, peyote, and LSD. It took testimony from 167 witnesses, ranging from addicts and convicts, through doctors, lawyers, attorneys, generals, and Governors. Experts were heard at every step of the way.

As a direct result of that effort on July 8, 1965, Congress adopted the Drug Abuse Control Amendments of 1965, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare. It was charged with protecting our young people from the unregulated traffic in literally billions of doses of dangerous drugs, such as the amphetamines, the barbiturates, LSD and other natural and synthetic substances. As has always been the case, this legislation was preceeded by years of subcommittee investigation and hearings.

The Bureau of Drug Abuse Control was merged with the Federal Bureau of Narcotics of the Treasury Department and by an Executive order of President Johnson was moved to the Justice Department as the Bureau of Narcotics and Dangerous Drugs. One-half of the Federal law enforcement personnel in existance today are the result of that 1965 bill.

The subcommittee recently requested an evaluation of the effectiveness of the Drug Abuse Control Amendments of 1965 from John E. Ingersoll, the Bureau Director.

I request unanimous consent that Mr. Ingersoll's reply be made a part of the RECORD at the conclusion of my remarks.

If arrest figures and convictions are any measure of an act's effectiveness, and I believe this to be so, then the 1965 amendments have been successful.

For example, in fiscal year 1968, arrests nearly doubled over the previous year, and convictions show a threefold increase for the same period.

The number of illicit dosage units of these drugs seized by Federal agents provides further evidence of the effectiveness of the 1965 act. The total number of units seized varied from some 9 million in 1967 to some 16 million in 1970, with 2 peak years in between during which some 33 million were seized in 1968 and some 29 million in 1969.

The Senate can take great pride in the fact that the 1965 act has proven to be most effective with regard to curbing diversions from the upper echelons of the chain of distribution down to the youthful drug abuser on the streets of America.

After extensive hearings in 1962, and with broad bipartisan support, Senator Dodd introduced Senate Journal Resolution 65, calling for the establishment of a joint Mexican-American Commission to get at one of the prime sources of illicit narcotics on the American market.

After extensive public hearings on the same subject in 1965, and again in 1966, he introduced a similar resolution. In April of 1966, at the request of the administration, the subcommittee convened a meeting of Federal, State, and local officials in San Diego, Calif., to assess drug smuggling along the Mexican border.

In addition, Senator Dodd conducted personal discussions on the problem with high-ranking Mexican public officials and civic leaders.

All of these efforts bore fruit with recent moves by the Mexican and U.S. Government to establish and expand marihuana and opium poppy field eradication programs.

The subcommittee played a major role in the White House Conference on Narcotics in 1961. One of the recommendations to come out of that conference was the establishment of a Joint Mexican-American Commission on Narcotics; the other was that Congress enact the Drug Abuse Control Amendments which Senator Dodd originally introduced in early 1961.

He introduced the Narcotic Addict Rehabilitation Act of 1966. The Juvenile Delinquency Subcommittee held extensive hearings and helped pass into law this legislation which for the first time enabled Federally convicted heroin addicts to get back on their feet rather than make them rot in prison.

Senator Dodd's Subcommittee helped write the congressional guidelines for the Drug Penalty Amendments of 1968 which raised penalties for the rampaging traffic in LSD.

In 1968, the subcommittee began investigating the current drug problem in addition to the reevaluation of the Federal narcotics laws. Hearings were held in March of 1968 and resulted in the introduction by Senator Dodd of the "Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969." The bill was a recodification of all existing Federal drug laws including the outdated 1956 Narcotic Act and the 1965 Drug Amendments. As such, it was the most comprehensive Federal law ever proposed and covered every phase of the drug traffic and abuse problem.

After 18 months of hearings and debate in the Senate and House, the bill was signed into law by the President on October 27, 1970 and is now known as the "Comprehensive Drug Abuse Prevention and Control Act of 1970."

Senator Dodd also introduced the latest Federal delinquency bill—Public Law 90–445—the Juvenile Delinquency Prevention and Control Act of 1968 which is an extension of the original 1961 act, and again, the Juvenile Delinquency Subcommittee devoted a great deal of time in perfecting and amending this law.

All of these bills represented new, sometimes novel approaches to the control of crime and delinquency. As one might expect, some of these measures were opposed by special interests.

Thus, title IV, the firearms section of the omnibus crime bill and the Gun Control Act of 1968 were passed only after years of constant confrontations with the firearms industry, the National Rifle Association and other special interest groups.

The early drug bills proposed by Senator Dodd and incorporated into the Comprehensive Drug Abuse Prevention and Control Act, were fought as bitterly by the drug industry as was the recent act.

Yet these measures were found necessary after painstaking investigation and research by the staff and the members of the subcommittee. They were enacted to help save lives and to preserve the health of our young people.

Between 1961 and 1964 the subcommittee investigated the television industry with the goal of protecting children from the excessive violence that existed in many shows. These hearings had a profound effect on the television industry's penchant for mayhem and while there is still violence on TV today, recent staff surveys show that the levels of crime, violence, and brutality are significantly lower than in the early 1960's.

In 1967 the subcommittee studied the staggering auto theft problem which faced the Nation. It found that auto theft was usually the first step on the

road to crime for thousands of young Americans while there were ways to make cars much more theft-proof. Many of the new antitheft devices on today's automobiles were the result of that investigation. In addition, the exposé of the criminal traffic in automobile master keys resulted in legislation prescribing criminal penalties for the illegal manufacture and interstate distribution of such keys.

In 1967 the subcommittee was responsible for the passage of a law to control the growing flood of obscene and pornographic materials which by way of the U.S. mails were reaching into American homes, unwanted by both children and adults. As a result of the subcommittee hearings, the law now gives the postal patron legal recourse against the mail-order smut merchants who operated through the anonymity of a sealed envelope. The effectiveness of this law is demonstrated by the fact that 262,676 persons requested, and got stop orders issued to mailers of pornography in 1969.

In late 1968 the subcommittee launched an extensive investigation of the conditions in correctional and other confinement institutions for juvenile and criminal offenders.

We held 23 days of hearings and heard 51 witnesses. To help correct the serious defects that exist in institutions in every part of the country, the subcommittee developed a comprehensive legislative measure, S. 2905, to aid States and localities in prison reform, in the development of rehabilitatiaon programs and in the construction of more adequate facilities.

The depth and intensity of the subcommittee's investigation in this field has led to a major breakthrough in the public recognition of the critical need for improvement of the conditions under which this society confines offenders.

In 1970 the subcommittee brought to national attention an investigation with respect to drug abuse in the military that had begun in 1966. These hearings made the Congress and the American people painfully aware of the frightening consequences of the drug problem we face. When the subcommittee unveiled the fact that thousands of drugged soldiers, seamen, and airmen posed a threat to our very security the Pentagon finally took drastic steps to come to grips with the problem.

As a result of this investigation Senator Dodd introduced legislation that would establish a far-reaching humane program for the improvement of the handling of military drug abusers. I am certain this bill will get the attention it deserves in this Congress.

Mr. President, the handling of criminal and juvenile offenders and of drug abusers is one of the most important tasks facing this Nation. It is these individuals who contribute to the serious problem of human pollution in our society.

We must take greater pains in the correction of offenders and the treatment and rehabilitation of those dependent on drugs, rather than allow them to contaminate and afflict others with crime and drug abuse.

But, today's prisons and training schools provide graduate education in criminality; and our ineptness in the management of drug abusers causes the victims to multiply in near epidemic proportions.

The majority of them are young people.

Under the 10-year leadership of Senator Dodd, the Juvenile Delinquency Subcommittee has displayed the talent and the experience of its members and its staff to provide effective solutions in these areas for the future just as it has in the past.

Mr. President, I ask unanimous consent that a more complete list of the subcommittee's legislative accomplishments during the Chairmanship of Senator Dodd be printed in the RECORD.

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

SUBCOMMITTEE LEGISLATION PASSED INTO LAW SINCE 1961

1961

S. 802—*The Juvenile Delinquency and Youth Offenses Control Act of 1961.* Introduced by Senator Dodd. Co-sponsored by Senators Kefauver, Carroll and Hart. Three days of hearings were held by the Juvenile Delinquency Subcommittee on this bill. Representatives of all of the major groups in the United States concerned with juvenile delinquency were heard. Referred to the Committee on Labor and Public Welfare. Reported to Senate as S. 279 on April 6, 1967, Senate Report 144. Passed Senate April 12, 1961, and referred to House Committee on Education and Labor. Passed House, amended, on August 30, 1961. Senate agreed to House amendments on September 11, 1961. Approved September 22, 1961. (Public Law 87–274)

S. 1953—A bill to amend Section 5021 of Title 18, United States Code, setting aside conviction of youth offenders released from probation. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to Full Committee and Senate.) Passed into law, October 3, 1961. (Public Law 87–336)

1962

S. 1691—A bill to provide that any juvenile who has been determined delinquent by a District Court of the United States may be committed by the court to the custody of the Attorney General for observation and study. Introduced by Senator Hruska. Bill processed by the Juvenile Delinquency Subcommittee (hearings, legislative report) and reported to the Full Committee and to the Senate. Passed into law, March 31, 1962. (Public Law 87–428)

1963

S. 1319—A bill to amend chapter 35 of Title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to the Full Committee and to the Senate.) Passed into law December 30, 1963. (Public Law 88–251)

1965

S. 438—*The Drug Abuse Control Amendments of 1965.* Introduced by Senator Dodd. Co-sponsored by Senators Burdick, Fong, Hart, Hartke, Robert Kennedy, Montoya, Ribicoff and Yarborough. This law was developed by the Subcommittee after several years of investigation into the uncontrolled and indiscriminate manufacture, sale and distribution of dangerous drugs. Seven days of hearings were held by the Subcommittee in three cities (Los Angeles, California; New York City; Washington, D.C.). It was reported to the Labor and Public Welfare Committee which held three days of hearings at which Senator Dodd was the major witness. Labor and Public Welfare reported the bill to the Senate on June 21, 1965 and President Johnson signed it into law on July 15, 1965. On that date President Johnson in his published remarks on the signing said: "Certainly, very special mention is due for the courageous public leadership offered to this cause (the control of dangerous drugs) by Senator Tom Dodd, of Connecticut. He was the author of the forerunner of the present Act, which passed the Senate last year." (Public Law 89–74)

1966

S. 2152—*The Narcotic Rehabilitation Act of 1966.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Burdick, Ervin, Fong, Gruening, Hartke, Javits, Lausche, Robert Kennedy, Ribicoff, Scott, Tydings and Yarborough. During 1966 the Subcommittee held 12 days of legislative hearings on S. 2152, "The Narcotic Rehabilitation Act of 1966," introduced by Senator Dodd on behalf of the Administration. This measure was signed into law on November 8, 1966. (Public Law 89–793).

1967

S. 1425—*A bill to amend Title 18 of the United States Code by prohibiting pandering advertisements in the mails.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Fong and Thurmond. Referred to the Judiciary Committee. Three days of hearings were conducted by the Juvenile Delinquency Subcommittee. A similar bill (based on the hearings of the Subcommittee) was passed as part of the Postal Revenue and Federal Salary Act of 1967. (Public Law 90–206)

1968

*Amendments No. 90 to S. 1—The State Firearms Control Assistance Act.* Introduced by Senator Dodd. Co-sponsored by Senators Clark, Fong, Edward Kennedy, Robert Kennedy, Smathers and Tydings. Referred to the Juvenile Delinquency Subcommittee. Twenty-one days of investigative hearings followed by eight days of legislative hearings were held by the Subcommittee on this legislation. The bill was ordered reported to the Judiciary Committee September 20, 1967. The legislation was passed as Title IV of the Omnibus Crime Control and Safe Streets Act of 1968. (Public Law 90–351, June 19, 1968.)

S. 3633—*The Gun Control Act of 1968.* Introduced by Senator Dodd. Co-sponsored by Senators Brewster, Brooke, Case, Clark, Fong, Griffin, Hartke, Inouye, Javits, Lausche, McIntyre, Magnuson, Mondale, Monroney, Muskie, Nelson, Pastore, Pell, Percy, Proxmire, Randolph, Ribicoff, Scott, Smathers, Spong. Tydings and Williams of New Jersey. Referred to the Juvenile Delinquency Subcommittee. Six days of legislative hearings were held by the Subcommittee and the bill was reported to the Judiciary Committee on June 12, 1968. The "Gun Control Act of 1968" was passed into law on October 22, 1968. (Public Law 90–618)

S. 2950—*Auto Master Key Bill.* A bill to amend Title 18 of the United States Code by prescribing criminal penalties for the illegal manufacture and interstate distribution of automobile master keys. Introduced by Senator Dodd. Five days of hearings were held by the Juvenile Delinquency Subcommittee. A similar House bill (based on the hearings of the Subcommittee) was passed regulating the mailing of master keys. (Public Law 90–560, October 12, 1968)

S. 1248—*The Juvenile Delinquency Prevention Act of 1968,* to provide for the training and recruitment of personnel in the juvenile correctional field to develop a model juvenile correctional system, to provide Federal assistance for juvenile courts, probation departments and correctional institutions and to incorporate new methods of delinquency prevention in the public school system. *Introduced by Senator Dodd.* Hear-

ings were conducted by the Subcommittee on Employment, Manpower and Poverty at which Senator Dodd gave the Juvenile Delinquency Subcommittee's position on this bill as the lead-off witness. (Public Law 90–445, July 31, 1968)

*Amendments to S. 1248*—to incorporate new methods of delinquency prevention in the public school systems of the United States. Introduced by Senator Dodd. The amendment was adopted by the Senate on July 8, 1968.

1970

S. 1895—*The Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969.* Introduced by Senator Dodd. To reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice. Hearings held before the Juvenile Delinquency Subcommittee September 15, 17, 18, 24, 25, 26, and 29, and October 20, 1969. Reintroduced by Senator Dodd along with Senator Hruska as S. 3246, *The Comprehensive Drug Abuse Prevention and Control Act of 1970.* Reported from the Juvenile Delinquency Subcommittee December 16, 1969 and signed into law on October 27, 1970. (Public Law 91–513)

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U.S. DEPARTMENT OF JUSTICE,
BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
*Washington, D.C., August 19, 1970.*

Hon. THOMAS J. DODD,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR DODD: In reply to your letter of July 20, 1970, requesting information on which to base the effectiveness of the Drug Abuse Control Amendments of 1965, we offer the following:

| | Federal DACA arrests[1] | Federal DACA convictions |
|---|---|---|
| Fiscal year | | |
| 1967 | 374 | 106 |
| 1968 | 666 | 349 |
| 1969 | 647 | [2]1,270 |
| 1970 | 490 | [2]1,145 |

[1] Not all arrests are prosecuted in same fiscal year.
[2] Combined narcotic and dangerous drug convictions. Separate breakdowns are not available. Total BNDD Federal convictions.

CLANDESTINE LABS SEIZED

| Fiscal year | Hallucinogens | Depressant | Stimulant |
|---|---|---|---|
| 1967 | 13 | | |
| 1968 | 49 | | 19 |
| 1969 | 24 | | 28 |
| 1970 | 27 | | 22 |

PURCHASES AND SEIZURES OF DACA DRUGS BY BDAC AND BNDDC, FISCAL YEARS 1967 THROUGH 1970

[In dosage units]

| | 1967 | 1968 | 1969 | 1970 |
|---|---|---|---|---|
| Hallucinogens | 1,750,086 | 1,559,780 | 24,579,436 | 7,127,742 |
| Depressant | 4,739,440 | 11,326,540 | 748,850 | 2,339,590 |
| Stimulant | 3,293,583 | 19,563,607 | 4,831,458 | 7,185,926 |

With regard to the availability of dangerous drugs since the passage of the Drug Abuse Control Amendments, there are three facets of this problem—diversion, illicit manufacturing, and smuggling.

The source for illicit depressant and stimulant drugs is generally diversion from legitimate commerce. Up until 1965–1966, the extent of diversion of these drugs was spread throughout all levels of distribution—manufacturers, wholesalers, pharmacies, and practitioners. The DACA provided certain record-keeping provisions which, for the first time, held these people accountable for the drugs they handled. Because of manpower limitations, BDAC (and later BNDD) concentrated its regulatory effort on the major handlers—the manufacturers and wholesalers, while regulating the retail level on a complaint basis only. The effect of this policy has been a marked reduction in diversion from the upper levels of distribution. Today, diversion is most prevalent at the retail level. While we still do not have the resources to fully regulate this retail level, we have embarked on a cooperative program with the various state authorities to assist them in regulating these handlers. This program consists of training and other support activities. To date, we have entered into formal agreements with 41 states.

Thus the DACA have had the effect of eliminating many big diversions, leaving for the most part a large number of small diversions, for which we are eliciting the support of state and local authorities in eliminating.

The major source for the hallucinogenic drugs is illicit manufacturing. In 1965–1966, hallucinogenics were relatively non-existent in the illicit traffic. The first of these, LSD, was just beginning to gain momentum. Hallucinogenic drugs are a far bigger problem today than they were in the early days of the DACA.

In combating the spread of these illicit laboratories, we have found the most effective tool to be liaison with chemical supply houses. The illicit laboratories rely on these firms as a source for essential precursor chemicals. We have established liaison with these firms to report suspicious orders for certain key chemicals.

This liaison approach, however, has not been totally effective in all cases. As you may know, these precursors are not subject to control under the DACA. We therefore must rely on these firms' voluntary cooperation. The proposed Controlled Dangerous Substances Act has provisions to alleviate this situation.

The smuggling of DACA drugs takes place largely across the Mexican border. This situation has three aspects:

First, we have domestically manufactured drugs exported to Mexican consignees. These drugs are then illegally purchased by persons who smuggle them back into the United States. These drugs are primarily diverted from the retail level. Quantities vary from a few dosage units to several thousand dosage units.

Secondly, we have drugs manufactured and distributed in Mexico by Mexican firms. These drugs are then illegally purchased in Mexico by persons who then smuggle them into the United States.

Third, we have the situation where drugs are ordered by fictitious Mexican consignees, delivered to export brokers in the United States, picked up at the export brokers and diverted before entry into Mexico.

The extent of the first two situations can be illustrated by the approximately 180 Customs seizures in 1969 of stimulant and depressant drugs at the Mexican border. Although it is suspected that most of these drugs were of legitimate manufacture, only 20 were positively identified by our ballistics laboratory as to specific manufacturer. Of the 20, four were identified as being manufactured in the U.S. and 16 were identified as being manufactured by legitimate Mexican firms. The remainder of the 180 seizures are unidentified as to source because our ballistics library lacks a complete collection of Mexican reference samples (we are in the process of obtaining these samples).

The third situation is illustrated by a case involving Bates Laboratories, Chicago, Illinois. In October, 1969, approximately 1.2 million amphetamines were consigned to a non-existent firm in Mexico. These drugs were seized in San Ysidro and San Diego, California. The shipments were the latest in a total of 3 million dosage units shipped from Bates Laboratories to Distribuidora Farmaceutica, Tijuana, Mexico. Distribuidora was a fictitious firm the address of which was the 11th hole of a Tijuana golf course. Drugs were ordered from the American manufacturer and were to be picked up at the export broker by the Mexican consignee. A similar case occurred in December, 1969 when Mexican Federal Judicial Police seized 50 kilograms of methamphetamine powder and eight drums of empty No. 5 gelatin capsules in Mexico City. Several persons were arrested by Mexican police, including an unemployed veterinarian. The shipment was brought to BNDD's attention by a drug firm in New York after it had received the order for 50 kilograms. Cooperation between the supplier, BNDD and the Mexican police brought the investigation to a successful conclusion.

Our efforts to cope with smuggling across the Mexican border have centered around talks with the Mexican Government. Through these talks we are attempting to obtain authentic samples of stimulant and depressant drugs from Mexican manufacturers and initiate a joint enforcement-regulatory program. This procedure will aid us in more clearly identifying persons involved in diversion. We have also published a regulation requiring that transport of stimulant and depressant drugs intended for export be limited to bonded carriers; and that a copy of the invoice covering the export accurately identifying the items in the shipment be left with U.S. Customs at the border crossing.

In response to your request for some significant case summaries over this period, we offer the following:

7/15/66—Two individuals were arrested in Atlanta, Georgia, operating a counterfeiting operation. A tabletting machine and 110,000 counterfeit amphetamines were seized.

9/24/66—An individual in Los Angeles, California, was arrested in possession of 300,000 dosage units of LSD.

10/1/66—Thirteen individuals were arrested in Dallas, Texas. Seized at the time of the arrests were 23,700 amphetamines. One of the individuals was a pharmacist.

1/3/67—Two individuals in Boston, Massachusetts, were arrested after delivering 4600 dosage units of LSD to an undercover agent.

1/25/67—A clue found in a truckstop in New Jersey was developed into a case against five individuals in North Carolina and a seizure of 96,000 amphetamines. This was then developed into a seizure of 3¼ million amphetamines hidden behind a false wall in a house in Virginia.

2/28/67—Five organized crime figures were arrested in Chicago, Illinois, and five million dosage units of drugs were seized from a wholesaler.

12/11/67—An individual in Chicago, Illinois, was arrested after delivering six pounds of barbiturate powder and four pounds of methamphetamine powder to undercover agents.

12/20/67—An individual in New York, New York, was arrested in his laboratory. Seized were 1½ pounds of methamphetamine, 14 pounds of mescaline, two pounds of mephobarbital, and ¼ ounce of ibogaine.

12/21/67—Six individuals (one of them was known as the "Acid King" of the country) were arrested in Orinda, California, in a clandestine laboratory. Seized were 570 grams of LSD and 180 grams of STP.

1/27/68—An individual in Lincoln Park, Michigan, was arrested in his laboratory. Seized were nine pounds of DET, two pounds of marihuana, small quantities of LSD, amphetamines, and barbiturates.

2/1/68—A general store owner in Donalsonville, Georgia, was arrested in possession of 130,000 amphetamines and barbiturates.

4/68—Three individuals sold 105,000 amphetamines and barbiturates to undercover agents from February through April. The three were arrested after delivering 29,000

amphetamines to our agents. One of them advised our agents that he had sold 1,000 hand grenades and other explosives and automatic weapons to various militant groups in Chicago.

5/2/68—Three individuals in Johnstown, Pennsylvania, were arrested for sales of dangerous drugs. One of them, the source, was a chiropractor. Another, a bail bondsmen, served with the local parole board, and once ran for Mayor of the city as well as the U.S. Senate.

9/26/68—A "minister" of the Church of Mystic Elation and eight others were arrested in their "church" in Greenwich Village, New York. Seized were 4500 LSD tablets, 10 pounds of marihuana, 10 pounds of hashish, 1500 STP tablets, and small quantities of other drugs.

10/6/68—Two individuals in Hopewell Township, New Jersey, were arrested in their laboratory. Seized were quantities of amphetamine base and powder, marihuana, and a revolver.

11/1/68—Three individuals were arrested in Kalamazoo and Lansing, Michigan. Their laboratory in Kalamazoo was seized along with 13 pounds of MDA.

12/12/68 — A vocational rehabilitation counselor at a state prison in Wichita, Kansas was arrested as he was smuggling one pound of DMT to inmates.

1/21/69—Two individuals were arrested in Chamblee, Georgia, while operating a methamphetamine laboratory.

2/22/69—Six individuals were arrested in Deer Park, New York, while operating a methamphetamine laboratory. Seized was ½ pound of methamphetamine.

3/17/69—Seven individuals were arrested in San Francisco, California, while in possession of two tableting machines, eight pounds of diluted LSD powder, 2000 LSD tablets, and two pounds of marihuana.

4/18/69—Three defendants were arrested upon landing a small plane in Cisco, Texas, with 200,000 amphetamine tablets aboard.

5/15/69—A pharmacist and two other individuals were arrested in Newark, New Jersey, following a joint investigation by BNDD and the Justice Department Strike Force. Seized at the time of arrest were 5000 LSD tablets, 225,000 amphetamine tablets, small quantities of other drugs, an automatic pistol, and counterfeit money.

6/5/69—Five defendants were arrested in Boulder, Colorado, for operating a methamphetamine laboratory. Seized was 3½ pounds of methamphetamine.

6/18/69—Two defendants were arrested in Los Angeles, California. Seized were 1,721,100 amphetamines and 361,000 barbiturates. One of these defendants was free on bond pending appeal of a previous BNDD case.

7/17/69—Six individuals were arrested in Denver, Colorado, for the sale of 4000 LSD tablets to an undercover agent.

8/4/69—Two individuals were arrested in an LSD laboratory in Weston, Massachusetts. Seized were large quantities of precursors and equipment.

9/16/69—A physician in South Bend, Indiana, was prosecuted for recordkeeping violations. BNDD audited the doctor's records at the request of state authorities, who were unable to prosecute their case.

10/1/69—Following the arrest of an individual for sale of STP, a search of his home revealed a methamphetamine laboratory. Information was developed that the STP was clandestinely manufactured by a commercial drug laboratory.

11/2/69—Two individuals were arrested in Evergreen, Colorado, in an isolated mountain cabin. Inside the cabin was a complete methamphetamine laboratory and 16 pounds of methamphetamine.

12/2/69—1,273,355 amphetamines were seized from a physician in San Francisco, California, based on recordkeeping discrepancies. The physician was the source for a known drug trafficker.

1/7/70—A physician in San Francisco, California, was arrested after making sales of dangerous drugs and narcotics to an undercover agent. Seized at the time of arrest were 18,000 amphetamines along with quantities of narcotic drugs, seven automatic weapons, and a vehicle.

2/11/70—A high official of a commercial drug firm in Cordele, Georgia, was arrested following sales to undercover agents. A civil seizure was made of 67,039 dosage units of dangerous drugs.

3/6/70—Three Bowdoin college students were arrested in Portland, Maine, as they delivered 12,000 LSD tablets to an undercover agent. An additional 12,000 LSD tablets were seized after the arrest.

4/23/70—Two individuals were arrested in Cleveland, Ohio, after a joint investigation by BNDD and the Department of Justice Strike Force. Seized were 40,000 amphetamines and barbiturates, ¾ pound of marihuana, 40 stolen office machines, eight hand guns, one silencer, and one semiautomatic weapon.

5/13/70—A physician in Jacksboro, Texas, was arrested after making sales of amphetamines to an undercover agent. Seized at the time of arrest were 9,000 amphetamines.

6/4/70—Two individuals were arrested in Los Angeles, California, after making sales, totaling 200,000 amphetamines, to an undercover agent. Information developed at the time of arrest resulted in the subsequent apprehension of three additional individuals and the seizure of 25,000 amphetamines and 1,000 barbiturates.

I hope the above information will serve your needs.

Sincerely,

JOHN E. INGERSOLL,
*Director.*

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## ESTABLISHMENT OF A WAGE AND PRICE REVIEW BOARD

Mr. CASE. Mr. President, for many months the Nation has faced the dual problem of how to control inflation without, at the same time, increasing an already high level of unemployment. Despite efforts by the Government to restore economic stability through fiscal and monetary policy, both inflation and unemployment continue to remain abnormally high.

The most recent Department of Labor statistics, for example, show that there are 712 labor markets in the United States that have been classified as areas of substantial or persistent unemployment. In New Jersey, these areas include Atlantic City, Flemington, Long Branch, Newark, Jersey City, New Brunswick-Perth Amboy, Paterson-Clifton-Passaic, Ocean City-Wildwood-Cape May, and Vineland.

Inflation continues to be a serious problem and, according to testimony by the President's Council of Economic Advisors a few weeks ago, will again this year run significantly above the postwar average.

This combination of persistent inflation and high unemployment has resulted in severe economic dislocation in many communities, personal and family hardship from loss of income, lack of job opportunities, and increased poverty. Clearly the time has come for more direct governmental action.

Though I have long felt that full-scale controls on wages and prices would be extremely difficult to enforce successfully over an extended period, I never have believed that the alternative is a "hands-off" policy by the Government. In this connection, the administration in recent weeks has moved toward wage and price constraints in the construction industry.

There seems to me, however, to be a need to develop wage-price strategy on a more comprehensive and systematic basis, as suggested earlier this year by the Chairman of the President's Council of Economic Advisors, and to consider the question of constraints in a broader context.

A proposal that I believe fits in with these objectives is the establishment of a high level wage-price board with powers to make recommendations in disputes and pricing situations that have national significance. The board would not have authority to impose mandatory controls, but, instead, would seek voluntary acceptance of its recommendations by labor and industry alike through governmental policies affecting wages, prices and employment, as well as through the mobilization of public opinion.

The establishment of such a board is supported by many economists, including President Nixon's former economic adviser and current Federal Reserve Board Chairman Arthur Burns and the Joint Economic Committee of the Congress.

I believe this proposal deserves serious consideration by the Congress and I urge that hearings on the whole question of wage and price controls be held as early as possible.

A wage-price board standing alone, of course, cannot solve the inflation-unemployment problem. Any long-term solution will require other actions by the Government, including creation of public sector jobs, extended unemployment compensation benefits and the use of Federal procurement policy in stabilizing prices.

Congress has already acted in several of these areas. Legislation extending benefits to unemployed workers, which I supported, was enacted by Congress last year, as was a bill, later vetoed, to provide several hundred thousand public service jobs. A similar public employment bill, which I am cosponsoring, has just been approved again by the Senate.

Congress has also granted the President an extension of the authority it gave him last year to impose direct wage and price controls for a limited period. This authority could provide, I believe, a useful stopgap pending the establishment of a wage-price board along the lines I have suggested.

The task of restoring economic stability, unfortunately, does not lend itself to accomplishment by any single segment of the economy. It is a problem for the Nation as a whole and its successful resolution will require the mutual cooperation of business, labor, industry, and Government.

Nevertheless, the Government, by virtue of its authority, its resources and its involvement in all sectors of the economy, has a special responsibility to insure the orderly operation of our economic system.

The next step should be the establishment of a wage-price review board.

## NEW GOVERNMENT PRINTING OFFICE MICROFILM PROPOSAL

Mr. JORDAN of North Carolina. Mr. President, I am sure that every Member of the Senate is aware of the staggering volume of work which the Government Printing Office is called upon to perform and that the load is constantly increasing.

Some Senators may be less familiar, however, with details of the GPO's proposal for streamlining its procedures by utilizing a high-speed microfilming system.

A recent issue of the Government Executive magazine features an article explaining the proposed plan, and since Congress will be called upon to appropriate funds for the system I commend the article to the attention of Members and ask unanimous consent that the text be printed in the RECORD.

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

REVOLUTION IN PRINTING: GPO GOES TO MICROFILM

(By Leon Shloss)

HIGHLIGHTS

1. The success of any enterprise depends in large part on satisfactory delivery of its printing needs. Without manuals, records, blueprints, etc., what would happen?

2. The U.S. Government Printing Office (GPO) has been swamped with printing requirements since the Civil War but it has managed to keep abreast.

3. Now, with quantum development of the microfilm, relief is in sight.

4. Not only will mounting costs be reduced and the specter of insufficient storage space eliminated, but the American public will have access to more information as, traditionally, has been the intent of Congress.

The snowstorm of paper generated by the printing needs of the U.S. Government may diminish into a shower.

This is the prognosis to be found at the Government Printing Office (GPO), the largest, most complete printing facility in the world.

The problem of massive Government printing requirements that had its genesis in the Civil War may be solved by the use of microfilm.

The program will be underway shortly, as soon as the Public Printer receives expected Congressional authorization.

The authorization will come from the Joint Congressional Committee on Printing—the "Board of Directors" of GPO. It will come to the new Public Printer, Adolphus Nichols "Nick" Spence, a career Federal employee.

Spence, who says he "was quite honored that the President would select a Government employee instead of going to industry or a political appointment," interprets the new program this way:

"The intent of Congress has always been that the people of this country should be provided all possible information at as near to cost as the information can be made available.

"Up until now, this has been difficult, with labor and material expense ever rising. But with the microfilm technology we now have we can put our average GPO document of 200 pages on one sheet of microfiche and sell it for 10 cents. The hard copy has been selling for two dollars."

The microfiche copies would be provided, at no charge, to 1,200 depository libraries which would have only to procure a satisfactory number of lap or table "readers" which would project the pages for the reader's benefit.

"Some inexpensive universal type reader is a must," Spence disclosed in an interview with *Government Executive*. "One such reader is nearing the market."

The microfiche documents would, of course, have distribution far wider than the libraries.

"Some potential customers," Spence continued, "are now doing their own microfilming, particularly in industry. They would achieve savings if the work can be done centrally. Another great potential saving could result from the reduced load on the Post Office Department. Right now, here at GPO, we have an underground conveyor belt which carries our daily mail load to the central Washington Post Office. We have to keep this belt working 24 hours a day. That should give you some idea of how mail delivery efficiency would be improved with microfilm."

Under the new system, all GPO-printed publications would be done in microfilm. Any of the 27,000 titles now on GPO shelves would be available on microfilm, on request. And, all forthcoming publications would also be available in the traditional "hard copy" form, on request.

Spence will hold meetings with public and private organizations which generate large amounts of printed material. The purpose of the meetings will be acquisition of a consensus on the reduction ratio to be employed.

Among these organizations are the Library of Congress, the Council of Library Resources, the Librarians Association, the Council on Scientific Technical Information (COSATI, a White House entity), the Department of Defense, the Department of Commerce, the Atomic Energy Commission and the National Aeronautics and Space Administration.

Spence personally leans toward a 48 to 50X reduction ratio, which in general would get the average book on one sheet of microfiche and would also allow utilization of existing "readers" with only a change in lens. No change in the machinery design would be required.

Spence points out that libraries cannot possibly accommodate all the literature being generated, but that they could handle everything if printed in microfilm. An example is the bulky, daily *Congressional Record*. The *Record* would continue to be printed in the traditional form for the Members of Congress, but other users could get it in microform. In this fashion users—including Congress—could establish a long-term file of the *Record*, something currently difficult if not impossible due to the bulk of the publication. Few organizations today can maintain an active file of the *Record* for more than one year.

"Microfilm use," Spence said, "is reasonably widespread in Government today, mainly as a space-saving storage medium for inactive files. In 1947, the use of microfilm as an active reference medium was pioneered by the Social Security Administration. Today SSA is believed to be the largest microfilm user in the world. Each year 30 million documents are received, microfilmed and the paper copy destroyed. SSA's microfilm library of 168 million accounts is in constant use for random search. This is in addition to 45,000 daily requests that are computer-searched on mag tapes."

Other large users of microfilm include the Library of Congress, the National Archives, National Library of Medicine, Internal Revenue Service, the Census Bureau, the Patent Office and the Navy, where Spence, after World War II duty, took over as Director of the Navy Publications and Printing Service in 1946. In 1949 he put on a second hat by becoming the first and only Director of Defense Printing Service.

"As for the use of microfiche," Spence said, "this was given a shot in the arm in 1964, when the Government decided to issue technical reports to the defense agencies in this form. The program has proved highly successful.

"But still only five Federal agencies are today involved in the production and dissemination of microfiche out of scores that could participate. The Clearinghouse for Federal, Scientific and Technical Information sold 671,000 microfiche in 1967, and 1.3 million paper copies. In 1970, however, nearly two million microfiche and 800,000 paper copies were sold.

"This would indicate that, if you will forgive the pun, the 'fiche market' is getting significantly stronger. So while the Government's interest, overall, is far from moribund, in my view it is lagging behind private interests which are now setting the pace. Within the complex infrastructure of Government, we still find a full spectrum of reaction to the microform concept—from enthusiastic support, through grudging acceptance, to active hostility. But progress is being made."

Spence recalled that GPO's Public Documents Division sold more than $21 million worth of Government publications in 1969—about 75 million documents.

"We also," he continued, "distributed about 12 million documents to the more than 1,000 Federal Depository Libraries in 1970. This business is still growing. As Government gets into more programs, the printing and publications which support and advance these programs add to the snowstorm of paper. It is only reasonable to suppose that the use and storage of this material would dictate the full employment of existing microform technology.

"Few enterprises, for example, issue an annual publication containing 25,000 pages. I marvel at how such a massive and unwieldy accumulation of paper can possibly be stored and used in printed form. Yet the Government does it, not in isolated instances but repeatedly."

Spence says that, in his view, two basic roadblocks impede the progress of micropublishing in Government: education and standardization. "We must educate the users inside Government to the advantages of micropublishing. Once they are exposed to the simplicity and the inherent economies of microforms, I would expect to see most everything printed by the Government made available in film or fiche."

"As for standardization," Spence said, "some common agreement must be reached universally as to the reduction ratios for fiche, superfiche, or ultrafiche. Some inexpensive universal type reader capable of employing all these ratios is a must. One such reader is nearing the market."

GPO, said Spence, will purchase fiche service commercially, will not attempt to establish an in-house capability.

"Many firms," he said, "are in this service-center business and I plan to set up an annual contract for providing our needs."

THE FICHE MARKET

Various estimates have placed the present microfilm market at $300 million to $1 billion and the 1975 market at $2–3 billion.

The well-known research firm of A. D. Little estimated the total 1968 market at $350 million and said "we believe the market will grow at an average rate of about 11 percent a year to a level of $595 million by 1973."

A study made by David R. Caplan of Glore Forgan Staats says "we expect the market will grow about 22 percent annually to a level of $1.4 billion by 1975. The greatest growth potential lies in Business Records Management and Micropublishing which we estimated will grow at 47 percent and 37 percent per year respectively."

The Caplan study lists 36 major industry suppliers. The "giants" are Eastman Kodak

and National Cash Register. Also in the upper bracket are 3M and Bell and Howell. The leading companies not only sell equipment and supplies but also service equipment and process microfilm.

THE FICHE STORY

The word can be found only in the newer dictionaries. One defines it thus:

"Fiche—a flat piece of microfilm that contains several images, as of printed matter."

In one mode, 3,600 pages of an average-size book can be placed on a four-inch by six-inch card. This card, when placed in a microfilm lap or table "reader," presents each of the 3,600 pages as clearly as the original pages from which they were reduced.

Since the early 1800s the photographic technique of reducing documents to microscopic size has been technically possible.

When microfilm was introduced in World War II, it was the first significant innovation in recorded communication since Johann Gutenberg published his *Sibyllenbuch* five centuries earlier. The new tool found many uses but the revolutionary role it was expected to play never came to pass, for a variety of reasons. Most significant, the quality of the recovered image was substantially degraded from the original.

Microphotographic production has been commercially marketed in the United States since 1928 under various nomenclatures—microfilm, microfiche, microcard, microform—according to the production method employed.

The nomenclatures reflect the reduction ratios, as:

Microfiche—up to 49:1 reduction ratio.

Superfiche—50:1 to 99:1 reduction ratio.

Ultra microfiche—100:1 and up reduction ratio.

In 1964 the National Cash Register Co. completed experiments with a light-sensitive dye to produce ultramicrofiche. The process does not replace conventional microfilm, but offers a new dimension to the art—a way of microfilming microfilm.

NCR ultramicrofiche was introduced to the industrial market in 1966, about 18 months after "The Smallest Bible in the World" had been exhibited at the New York World's Fair. The Bible replica is a two-inch by two-inch ultramicrofiche containing the complete text—1,245 pages—of the King James version of the Old and New testaments.

The advantages of fiche are manifold. Primary, probably, are reduced production costs and reduced storage space requirements. A 400-page book which now sells for $2 can be sold in fiche for 10 cents. The Ford Motor Co. can get its entire 7,600-page service catalog on three four-inch by six-inch ultrafiche.

High school guidance counselors will have available for their students over 51,000 pages of guidance material on 18 4" x 6" ultrafiche, updated annually.

From both the space and cost angles, a striking example is the current project being undertaken by the Encyclopedia Britannica's new subsidiary, Library Resources, Inc. The first collection to be marketed by LR is "The Library of American Civilization, Beginnings to 1914." It will be a 20,000-volume collection amounting to six million book pages and will sell for $19,500—less than a dollar per volume. Images Enterprises, Inc., of Los Angeles, was awarded the contract to produce the library for an amount in excess of $4 million—marking the first time a major publisher has realized microfilm's potential with a large financial commitment. Storage space required will be 1/400th of that of the books they replace.

One hundred fiche, containing up to 6,000 standard pages, can be filed in a linear inch of drawer space, a saving of 97 percent in storage space over paper copies.

Other advantages of microfiche:

Individual units of information are always accessible, not grouped with hundreds of others on roll film.

As pages on a fiche become obsolete, the entire fiche can be replaced for less than the cost of conventional updating.

Microfiche can be filmed directly from original material, without the costly, time-consuming preparation involved in printing.

Fiche are compatible with the most simple and the most sophisticated information retrieval systems.

Duplicate microfiche or hard copy prints can be reproduced on demand at any time, rapidly and inexpensively, it is unnecessary to maintain a large stock or attempt to estimate demand in advance.

How to fiche? Four steps. First, the original material is reduced to standard microfilm size on special film. Second, in the laboratory, the microfilm is reduced once again and the images—or pictures—are then arranged in rows and columns on a glass plate. Third, from this glass master the copies to be used are printed by contact photography. Then, these prints are laminated on both sides with a thin layer of plastic, which not only protects them from scratches, fingerprints and dust, but also makes them stiff enough to use without additional mounting, as well as nearly completely wearproof.

## SHOE IMPORTS CONTINUE THEIR PRECIPITOUS RISE AND AMERICAN SHOE WORKERS CONTINUE TO SUFFER

Mr. McINTYRE. Mr. President, the figures are now available on shoe imports for the months of January and February of this year.

These figures reveal that imports this year are up nearly 30 percent for the same period last year.

Not only are the numbers of shoes imported on the rise but the value of the shoes imported is also rising. The facts available indicate that the rise in value exceeds 30 percent over January and February of 1970.

What does all of this mean? It means that the American shoe industry has once again suffered a blow from imports. It means that more jobs will be lost by our shoe workers. They are the ones who suffer most from the imports.

I welcome the action last week by the President who authorized special assistance to some 3,000 shoe workers who have lost jobs because of the onslaught of shoe imports.

But I was disappointed that the President did not recommend a restriction of imports which I believe was within his power to do at the time.

The President's action to assist some of those who have lost jobs will help in 11 shoe plants, including four in New Hampshire: Jodi Shoes, of Derry; Evangeline Shoes, of Manchester; Foot Flairs, Inc., of Manchester; and Stage Door, of Raymond, N.H.

This kind of help is better than no help at all. But, the biggest help the shoe industry could get would be for the President to approve a modest shoe import quota bill.

The problem with retraining and relocation, which the President has offered, is not with the concept, but with its application.

When we talk about retraining a New Hampshire shoeworker, or the shoeworker from any State, for a strange new job, we must remember we are often talking about retraining and relocating someone who is in their fifties. In many instances we are talking about relocating a person who has a family, a home, friends, and close ties to a community. We would uproot them in middle age and force them to start a whole new life, in a new job, very often in a new community. We would force them to sell a home in one place—a home they may own—and force them into trying to find a new home at the presently inflated home costs.

The help given under the President's program is not above and beyond what the worker is entitled to under regular unemployment benefits. For example, if a shoeworker has been earning $100 a week, under the new program he would be allowed 65 percent of this weekly wage, or $65. However, under regular unemployment compensation he is entitled to $40 a week. This $40 is deducted from the $65 so that he would really only receive $25 in additional payments—a total of $65. He would lose $35 a week under this program. Few persons in the country could stand a 35-percent cut in their income and not feel severe restrictions.

I have introduced S. 37, which would bring some balance into shoe and textile imports. There are other proposals which would accomplish similar restrictions on the flood of foreign imports. I believe the Congress owes it to the workers in shoes and textiles—and the textile workers are being hard hit by imports—to act to give them some future in the jobs in which they have spent their lives.

Mr. President, so that the figures on recent shoe imports are available to all, I ask unanimous consent to have printed in the RECORD the latest report of the American and New England Footwear Manufacturers Association on shoe imports.

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

IMPORTS: FEBRUARY 1971, FIRST 2 MONTHS 28.7 PERCENT ABOVE LAST YEAR

Leather and vinyl imports of 26,419,700 pairs for the the month of February has brought the two months' total for 1971 to 56,013,300 pairs—a 28.7% increase over the same period last year. The value of this footwear amounted to $112,157,000 or an average value of $2.00 per pair, reflecting a 32.6% increase over the two months' period in 1970.

All major types of imports showed tremendous increases:

LEATHER AND VINYL IMPORTS (PAIRS)

| | 2 months | | Percent change, 2 months, 1971–70 |
|---|---|---|---|
| | 1971 | 1970 | |
| Men's, youths', boys' leather | 7,127,000 | 5,032,500 | +41.6 |
| Men's, youths', boys' vinyl | 4,264,600 | 2,384,600 | +78.5 |
| Women's and misses' leather | 18,545,800 | 14,172,900 | +30.9 |
| Women's and misses' vinyl | 19,776,100 | 16,674,100 | +18.6 |
| Children's and infants' leather | 1,961,000 | 1,302,600 | +50.6 |
| Children's and infants' vinyl | 1,973,900 | 1,759,000 | +12.2 |

With only the first two months' data in, it is quite obvious that imports are continuing to stabilize their growing entrenchment in the American Market, and it looks like our estimated total for 1971 of 282,000,000 pairs will be realized and possibly exceeded.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR (000 PAIRS; 000 DOLLARS)

| Type of footwear | February 1971, pairs | Percent change 1971/1970 | 2 months, 1971 | | | Percent change 2 months 1971/1970 | |
|---|---|---|---|---|---|---|---|
| | | | Pairs | Dollar value | Average dollar value per pair | Pairs | Dollar value |
| Leather and vinyl, total | 26,419.7 | +27.7 | 54,514.3 | 110,657.0 | 2.03 | +29.5 | +33.5 |
| Leather excluding slippers | 13,998.7 | +27.8 | 28,201.9 | 86,803.4 | 3.08 | +34.1 | +30.3 |
| Men's, youths', boys' | 3,606.7 | +36.6 | 7,127.9 | 28,842.1 | 4.05 | +41.6 | +40.5 |
| Women's, misses' | 9,050.0 | +22.2 | 18,545.8 | 53,498.3 | 2.88 | +30.9 | +25.4 |
| Children's, infants' | 1,045.3 | +55.3 | 1,961.4 | 2,664.5 | 1.36 | +50.6 | +49.6 |
| Moccasins | 55.5 | +57.7 | 86.9 | 108.7 | 1.25 | +16.6 | +29.4 |
| Other leather (including work and athletic) | 241.2 | +18.9 | 479.9 | 1,689.8 | 3.52 | +7.0 | +8.7 |
| Slippers | 16.3 | +25.4 | 23.0 | 65.9 | 2.87 | +11.7 | +24.1 |
| Vinyl supported uppers | 12,404.7 | +27.7 | 26,289.4 | 23,787.7 | .90 | +24.8 | +46.2 |
| Men's and boys' | 2,187.5 | +93.4 | 4,264.6 | 4,744.0 | 1.11 | +78.8 | +78.5 |
| Women's and misses' | 9,205.9 | +20.9 | 19,776.1 | 17,355.3 | .88 | +18.6 | +41.6 |
| Children's and infants' | 862.9 | +2.2 | 1,973.9 | 1,473.9 | .75 | +12.2 | +23.2 |
| Soft soles | 148.4 | +19.2 | 274.8 | 214.5 | .78 | +14.6 | +39.6 |
| Other non-rubber types, total | 668.5 | +27.6 | 1,499.0 | 1,500.0 | 1.00 | +5.5 | −11.1 |
| Wood | 176.9 | −9.7 | 256.3 | 669.5 | 2.61 | −42.9 | −37.9 |
| Fabric uppers | 387.4 | +39.7 | 908.5 | 583.1 | .64 | +3.9 | +16.4 |
| Other, n.e.s | 104.2 | +105.1 | 334.2 | 247.4 | .74 | +240.0 | +126.8 |
| Non-rubber footwear, total | 27,088.2 | +27.7 | 56,013.3 | 112,175.0 | 2.00 | +28.7 | +32.6 |
| Rubber Soled Fabric Uppers | 4,902.4 | +47.1 | 9,498.4 | 9,462.3 | 1.00 | +25.8 | +67.8 |
| Grand total, all types | 31,990.6 | +30.4 | 65,511.7 | 121,619.3 | 1.86 | +28.2 | +34.8 |

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from Census raw data. For further detailed information, address your inquiries to the association, Room 302, 342 Madison Avenue, New York, N.Y. 10017.

## SIX MYTHS ABOUT WELFARE

Mr. BAYH. Mr. President, during the last several months there has been an increasing amount of controversy over what has been referred to as the "welfare crisis" in America. At present, the House Ways and Means Committee is considering its 1971 version of a welfare reform measure. President Nixon has also proposed revisions in his family assistance plan. Taxpayers are screaming that the welfare tax load is too heavy. Welfare mothers, on the other hand, continue to demand that they be treated as human beings and not as people living off a dole.

In light of this increasing controversy, there have arisen a number of myths concerning the welfare issue. The existence of these myths has perpetuated an ugly bias among many Americans. In order to clarify these erroneous beliefs, the National Welfare Rights Organization in cooperation with the United Church Board for Homeland Ministries has produced a pamphlet entitled "Six Myths About Welfare." I am firmly convinced that the best way of ending welfare in this country is to begin by understanding the facts. I recommend that this pamphlet be read. I ask unanimous consent that the text of this short booklet be printed in the RECORD.

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

SIX MYTHS ABOUT WELFARE

Welfare.

To the average working man, it's a handout, something for nothing.

To the professional social worker, it's an archaic, frustrating bureaucracy.

To the ordinary taxpayer, it's a seemingly endless drain on his weekly paycheck.

To the political opportunist, it's the obvious scapegoat for governmental failure—for massive urban decay, maybe even inflation.

To the welfare recipient it's much simpler. It's poverty. Guaranteed annual poverty.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

We hear the words, read the words, even sing the words, every day. And believe the words—the words, the slogans, the myths, the lies that prevent us from ever really hearing or seeing or, most of all, understanding the reality of welfare: the reality of poverty.

For a moment, at least, let's tune out the rhetoric and take a look at that reality.

1. HARD WORK IS THE ANSWER TO THE WELFARE PROBLEM—IT'S A MYTH

Work might be a solution to the welfare crisis—if welfare recipients really were lazy men, dodging jobs. But the U.S. Department of Health, Education and Welfare (HEW) reports that less than 1% of the nation's welfare recipients are able-bodied men,[1] and these men have to be seeking jobs through their state employment agencies to be getting any welfare at all.

Considering that the unemployment rate in December 1970 was 6% of the labor force [2]—and the unemployment rate among blue collar workers even higher [3]—the number of able-bodied men receiving welfare is remarkably small.

Who really is on welfare?

According to a recent survey by HEW: [4] 24% are old-aged recipients (OAA), 8% are permanently and totally, disabled (APTD), 1% are blind (AB), 50.3% are children (AFDC), 2.9% are incapacitated parents in the home (AFDC–UP or AFDC).

The remaining 13% are mothers. One-fifth of these welfare (AFDC) mothers are in job training or are already employed but are making so little money that they still qualify for welfare.

Are welfare mothers employable?

Most welfare mothers are needed full-time by their own families. However, a small number, about 2.3% of all welfare recipients, could work—if certain conditions permitted.[5]

First, day-care services for children:

A crucial need when you consider that some 70% of all AFDC children are under twelve years of age.[6] But, right now, day-care is very scarce and very expensive—at least $1,915 per year for a pre-school child and $634 for after-school and summer care for older children.[7] A mother with one pre-school child and another one in school would have to spend over $2,500 a year for child care, which would probably be well more than half of her income. If she could find any day-care at all. Many women can't: as of last year, HEW estimated there were some 5 million children who desperately needed day-care; but there were only 640,000 spaces available in licensed facilities.[8] In other words, the need for day-care is already seven times greater than the supply. And the need is growing rapidly.

Secondly, improved education and training:

Another crucial long-term need; but right now, not a very immediate solution to the poverty problem. The fact is that only 18% of all AFDC mothers have ever completed high school. Nearly 34% have never gotten beyond the eighth grade.[9] Considering what it takes to find a steady job today, most unemployed AFDC mothers would have both to finish high school and to complete a training program before even trying to enter the job market.

Are decent jobs available for employable welfare mothers?

Even if a welfare mother could find child care, complete her education, and obtain a skill, she still would be hard put to find any work at all. The jobs simply are not there. For instance, last year in Cleveland, Ohio, there were some 16,175 jobs available to women. But there were 22,596 women looking for jobs (including 621 employable welfare mothers).[10]

Footnotes at end of article.

In Cleveland, as almost everywhere else in this country, there just aren't enough jobs to go around.

And the few jobs that are available rarely provide enough income to support a family. Although women in general are better educated than men, unemployment has been consistently more severe among women over the last decade. In 1967, for example, the unemployment rate for for women was 5.2% as compared to 3.1% for men.[11]

Not only are women discriminated against in hiring, they are also grossly underpaid for doing the same kinds of jobs that men do.[12]

INCOME OF YEAR-ROUND, FULL-TIME WORKERS IN 1968

| Occupation | Women | Men |
|---|---|---|
| Clerical workers | $4,002 | $7,034 |
| Operatives | 3,506 | 6,209 |
| Nonfarm laborers | 2,984 | 4,165 |
| Sales | 2,248 | 7,369 |
| Service | 2,226 | 4,820 |
| Private household | 806 | |

The problem is income, not jobs.

Having a job is no guarantee against poverty; among all women who worked 35 hours or more per week for 50 to 52 weeks in 1966, 26% had incomes from all sources (including alimony) of less than $3,000.[13]

Obviously, the problem is getting an adequate income, not just getting a job.

Although the number of able-bodied adults on welfare is infinitesimal and unemployment rates increasingly higher, the welfare system clings to the 19th Century notion that "putting them to work" is the answer. Under the relatively new Work Incentive Program (WIN), the welfare department can order a mother to take training or a job arranged by the state or local employment office, with the threat of cutting her off welfare if she does not accept it—force her to take any job, even if it's not covered by minimum wage laws. In the South especially, where cheap "domestics" are in greatest demand, the WIN program can be tantamount to involuntary servitude.

Should any mother be forced to leave her home and children for an outside job?

Whether or not one accepts the notion that child-raising should be "woman's work," the fact is that in most American families child-raising is woman's work—and hard work at that. If a woman's husband dies or leaves home, does child-raising suddenly cease to be "work"? In effect, that's what the welfare department is saying when it defines "work" solely as a job outside the home. The reality, of course, is that a woman who becomes the head of a household is doing more work, being both the father and the mother to her children. It's at least paradoxical, perhaps cruel, that a society which traditionally extols the virtues of motherhood is simultaneously forcing some mothers to leave their homes and children for low-wage, dead-end, outside jobs.

2. MOST WELFARE RECIPIENTS ARE BLACKS WHO HAVE MOVED TO NORTHERN CITIES JUST TO GET ON WELFARE—IT'S A MYTH

The majority of welfare recipients are White—about 55%, according to HEW. Thirty-nine per cent are Black, and 6% are American Indian and others.[14]

More importantly, the most recent studies refute the notion that black people who moved to northern cities did so to get higher welfare payments.

During the two decades following World War II, some 20 million Americans moved from rural to urban areas. About one-third of these migrants were non-white, and most of them (about 90%) did settle in the great northern industrial cities. But to get jobs, not to get welfare: during the peak migration period, 1950 to 1960, when large numbers of black people were moving to the North, the nation's welfare rolls rose only 17%—this despite the fact that male, nonwhite unemployment rates during the decade after the Korean War were particularly severe (9% to 15%).[15]

Significant increases in the welfare rolls (108% from 1960 to 1968) didn't begin to occur until long after the peak period of migration had passed.[16]

Black people may have moved north for a variety of reasons—in hope of better jobs, better education, less oppressive discrimination, or simply to be near friends and relatives who had already moved. But there is no evidence at all that black people—or rural poor people in general—have migrated to the North in order to get on welfare.

ALL WELFARE MOTHERS DO IS HAVE ILLEGITIMATE CHILDREN—IT'S A MYTH

And a particularly vicious myth, both because it grossly distorts reality and because it generates the widespread feeling that welfare recipients are the "undeserving poor" who should, apparently, be allowed to starve.

First, we tend to believe that welfare recipients have more children than the rest of us, lots more. The stereotypical welfare family of twelve. But actually, the average welfare family has only about three children.[17]

Secondly, we tend to assume that all welfare children are "illegitimate." The facts indicate that about 30% of the AFDC children are "illegitimately" born—which demonstrates, to begin with, that the myth is a vast exaggeration, but doesn't really respond to the suspicion that welfare recipients are more promiscuous than other Americans. To put this suspicion in perspective, we have to remember that an "illegitimate" birth is just one indicator of extra-marital intercourse. A lot of babies are conceived out of wedlock but are not born out of wedlock: timely marriages. In fact, a recent report for HEW showed that one-third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock; yet, by the time these children were born, nearly 66% of the mothers had married, making their children "legitimate" in society's eyes.[18]

There is further evidence of "illegitimate" behavior (extra-marital intercourse) which was not recorded in illegitimate births: it's been estimated that nearly one million abortions were performed in this country in 1969.[19]

We cannot even measure the illegitimate behavior that is "covered-up" by the use of contraceptives.

The point is, illegitimate births are recorded—illegitimate behavior is not. The illegitimate behavior of affluent people is more easily concealed through quick marriages, privileged abortions, and contraceptives (which are sometimes illegal, too).

Welfare recipients may or may not be more promiscuous than affluent people. We don't know. All we do know is that poor peoples' illegitimate babies are more likely to be recorded for public condemnation.

WELFARE IS THE GOOD LIFE—COLOR TV'S AND CADILLACS—IT'S A MYTH

An absurd myth really, though a particularly popular one, apparently even with President Nixon, who once requested the song "Welfare Cadilac" (sic) at a formal White House function.

The mystery—a mystery that neither the songwriters nor the President have yet explained—is how a Mississippi welfare mother manages to pay her rent, buy food and clothing for herself and three children and still purchase that new Cadillac on $59 per month.

Whereas the Mississippi welfare payment is patently absurd, New Jersey, the most "liberal" welfare state in the nation, pays a benignly inadequate $341 a month (July 1970).

Compared to Mississippi welfare payments, $341 may seem like a lot; but computations based on a U.S. Bureau of Labor Statistics (BLS) survey show that a family of four needs at least $458 a month ($5,500 a year—1969 prices) to live in minimal health and nutrition. That makes the New Jersey figure $117 a month short—$117 short of what it takes simply to survive.

The White House Conference on Food, Nutrition and Health endorsed the $5,500 figure as the ultimate solution to the hunger problem. Yet, even this is no bargain. A Gallup Poll reported in February 1970 that the American public, when questioned about the minimal cost of living, felt that a family of four could not get by on less than $520 a month.[20]

Whatever definition of adequacy you choose, the level of welfare payments in every state in the union is nothing but guaranteed annual poverty.

What do these facts and figures mean to a real welfare family?

They mean that the family will probably live in crowded, substandard housing, infested with rats and roaches. That they will send malnourished, ill-clothed children off to inferior schools. That they will eat starchy, unbalanced meals: try it yourself—on 18½ cents a meal. That they will probably be obese and eventually become ill. That day in day out, they will lead frustrating, frustrated lives; day in day out, living with the shame of poverty—feeling it their shame, not ours; day in day out, on the lowest rung of the ladder: on welfare.

Welfare is the "good life" only for those who have never experienced it.

MOST WELFARE RECIPIENTS ARE CHEATERS—IT'S A MYTH

Any taxpayer who wants to believe the other "good life" myths about welfare must also assume that recipients make fraudulent claims. ("How else could they buy those Cadillacs on their allowances?") But, again, the U.S. government's own facts refute the charge. In 1969, a government investigation of fraud established that only four-tenths of one per cent—or 4 out of every 1000—of all welfare cases were fraudulent.[21] Compare that figure to these statistics on national tax fraud and evasion: [22]

| | Reported income (billions) | Unreported (percent) |
|---|---|---|
| Farmers, small businessmen, and professionals | $12.0 | 28 |
| Wage and salary earners | 6.5 | 3 |
| Receivers of interest | 2.8 | 34 |
| Receivers of dividends | .9 | 8 |
| Receivers of pensions and annuities | .6 | 29 |
| Receivers of rents, royalties, and capital gains | 1.2 | 11 |

Cheating a little on your income tax is one form of casual, almost institutionalized fraud. There are many others, equally casual, "acceptable." From padding expense accounts to short-changing highway toll machines.

But that's beside the point.

The point is, that for America's 12 million recipients, the welfare system itself is a fraud; poverty, the only reality.

Given the temptation, given that a few dollars more or less welfare money may be a matter of survival, the prevailing honesty of welfare recipients—their fidelity to the rules of the very system which keeps them poor—is, to say the least, remarkable.

WELFARE TAKES MOST OF YOUR TAXES—IT'S A MYTH

The American Paradox—poverty amidst plenty. "Well, we'd like to do more, but most of our tax money is already going for welfare."

Is it?

Footnotes at end of article.

Take a close look at the federal budget. Here's where your taxes really go:

FISCAL 1971, FEDERAL BUDGET, $201,000,000,000

[Dollar amounts in billions]

| | Percent | Amount |
|---|---|---|
| Military programs | 36.7 | $73.6 |
| Foreign affairs | 1.8 | 3.6 |
| Space programs | 1.7 | 3.4 |
| Farm subsidies | 2.7 | 5.4 |
| Interest on debt | 8.9 | 17.8 |
| Public welfare, payments (includes AFDC, OAA, AB, and APTD) | 1.9 | 4.2 |
| Other programs | 46.2 | 92.9 |

Source: U.S. Bureau of the Budget, February 1970.

Thus, in fiscal 1971, the federal government is subsidizing a sub-poverty existence for nearly 12 million Americans on less than 2% of the federal budget.

Nor is the cost of this 2%, nor any other percentage of the federal budget, distributed equally among all Americans, as the ostensible tax structures would seem to claim.

The fact that the more a person earns, the more able he is to avoid paying his fair share of the cost of the nations governing. For instance, in 1967 tax loopholes allowed 155 Americans with incomes of over $200,000 each to avoid paying any federal income tax at all. In this group of "big welfare recipients," twenty-five had incomes of over $1 million per year.[23]

When someone else pays less, the rest of us pay more: 88% of all taxpayers earn less than $10,000 a year; yet this 88%—mostly wage earners and salaried professionals—bears the brunt of federal and state taxation.[24]

Nor is the phrase "big welfare recipients" mere rhetoric: because of discriminatory and inequitable tax concessions, a man making over $5 million a year may actually pay about the same percentage of his income in federal taxes as a man making only $20,000 a year.[25]

On the average, Americans—rich and poor alike—actually pay about 20% of their incomes in federal taxes.[26]

Such tax concessions to the few rich annually cost the U.S. Treasury $40 billion—or twenty times the amount we pay to support, in misery, the many American poor.[27]

There are direct subsidies to the wealthy, too. For instance, last year 415 farm owners received over $100,000 each in subsidies from the Department of Agriculture. These were not small, poor farmers; they included major corporations, banks, and large landowners. Senator James Eastland, alone, received over $146,000 for not growing cotton on his plantation in Mississippi.[28]

Our oil subsidy program (via depletion allowances) doesn't even appear in the federal budget as a subsidy; but it still costs the average taxpayer—costs all of us—at least $1.5 billion a year.[29]

On the state and local level, it's harder to generalize about the relative cost of welfare. But a couple of things are clear.

First, while no state in the union provides truly adequate welfare payments, some states are vastly more inadequate than others: $59 a month for a family of four in Mississippi; $341 a month for a family of four in New Jersey. The lack of a uniform, adequate federal welfare system means that some Americans are bearing a wholly disproportionate share of our common social responsibility.

Secondly, the same preferential concessions that make for inequity in federal taxation are often perpetuated on the state level. In addition, other state tax structures—the purely regressive sales tax, for instance—promote further injustice. The sales tax, for one, literally takes bread from the table of poor families, yet hardly affects the life style of the affluent at all.

While corporations and wealthy individuals are getting tax breaks, the welfare recipient who works is being taxed at a rate of 66⅔%,[30] a rate far greater than that actually paid by multimillionaires.[31]

For the welfare recipient, for the working poor, and for an increasing number of middle-class taxpayers, it's becoming clear that the biggest myth of all is the myth of "America, the Just Society"—the promise of a fair share for each of us in the country's general prosperity. The promise has not panned out: the top one-fifth of our society receives 43.8% of the nation's aggregate income; the bottom one-fifth receives only 3.7%.[32]

As some Americans move expectantly toward the promises of the 21st century, other Americans are left behind, mired in the miseries of the nineteenth. True welfare, the good life, is still really only for the wealthy. The poor are another story.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

Welfare recipients have been listening to the words for a long time. The derisive songs. The rhetoric. The charges. The myths. Listening for a long time, in silence.

But in 1966 the silence ended. All across the country, welfare recipients began to talk back, to organize.

Blacks, Whites, Chicanos, Puerto Ricans, Indians—now 125,000 poor people in 714 local groups in 50 states. Poor people speaking up for themselves, for their right as Americans to a fair share in the good things of our national life. Decent jobs with adequate pay for those who can work; adequate income for those who cannot.

This is the National Welfare Rights Organization. Poor people speaking up for themselves out of the pressing reality of their own lives.

Whether or not their voices are heard depends a lot on the rest of us. There's very little chance for change so long as welfare recipients remain invisible Americans, cut off from us by myths and prejudices we may not even be aware we hold.

It's only when we begin to question what we've been taught to believe about welfare, and begin to perceive things as they really are, that we together can begin to make things better.

To that beginning—to the process of separating the myths about welfare from the reality—this pamphlet has been dedicated.

If you want to help, contact: National Welfare Rights Organization, 1419 H Street, N.W., Washington, D.C. 20005. Telephone (202) 347-7727.

FOOTNOTES

[1] U.S. Department of Health, Education and Welfare (HEW), "Estimated Employability of Recipients of Public Assistance Money Payments," July 1968.

[2] U.S. Department of Labor figure, as reported in *The Boston Globe*, January 9, 1971.

[3] U.S. Department of Labor, "The Unemployment Situation: July 1970," August 17, 1970. The unemployment rate for blue-collar workers in July was 6.5%.

[4] HEW, "Estimated Employability . . .," *op. cit.*

[5] HEW, "Estimated Employability . . .," *op. cit.*

[6] U.S. Department of Health, Education and Welfare (HEW), Social and Rehabilitation Service, National Center for Social Statistics, "Findings of the 1967 AFDC Study: Data By State And Census Division," July 1970, p. 4.

[7] Day-Care and Child Development Council of America, *Components and Annual Operating Costs Per Child for the Three Kinds of Day-Care Facilities*, 1970.

[8] Data as of March 1969, collected by the National Center for Social Statistics, HEW.

[9] HEW, National Center for Social Statistics, "Findings of the 1967 AFDC Study . . .," *op. cit.*, Table 40.

[10] Manpower Planning and Development Commission of the Welfare Federation of Cleveland, "Employment Opportunities for and Employment Characteristics and Attitudes of AFDC Mothers in Cuyahoga County," July 1970, pp. ii and iv.

[11] Wage and Labor Standards Administration, U.S. Department of Labor, "Women in Poverty—Jobs and the Need for Jobs," April 1968, pp. 2-3. One should remember that unemployment rates don't include people who are "sub-employed"—people who have been so frustrated they've given up looking for work or who work only marginally. In central city slum areas, sub-employment rates are staggering: 36.5% in 1966 when the general U.S. unemployment rate was only 3.7%. (U.S. Department of Labor, *Sub-Employment in the Slums*, 1966.)

[12] U.S. Department of Commerce, Bureau of the Census, *Income Growth Rates*, P-60, No. 69, April 6, 1970, Table A-3.

[13] Wage and Labor Standards Administration, "Women in Poverty . . .," *op. cit.*

[14] Unpublished statistics obtained from HEW, Assistance Payments Administration Public Information Office, 1970.

[15] Piven, Frances Fox and Richard A. Cloward, *Regulating the Poor: the Functions of Public Relief*, to be published by Pantheon in May of 1971.

[16] Piven and Cloward, *op. cit.*

[17] HEW, National Center for Social Statistics, *op. cit.*, Table 5.

[18] HEW study reported in *The Boston Globe*, April 18, 1970.

[19] *The New York Times*, November 30, 1969.

[20] *The Boston Sunday Globe*, July 21, 1970, p. 47.

[21] HEW, Social and Rehabilitation Service, "Selected Data About Public Welfare," September 1969.

[22] Stern, Philip M., *The Great Treasury Raid*, Random House (New York: 1965).

[23] *The Boston Globe*, September 28, 1969.

[24] Stern, *The Great Treasury Raid, op. cit.*, p. 180.

[25] Stern, *The Great Treasury Raid, op. cit.*, p. 6.

[26] Stern, *The Great Treasury Raid, op. cit.*, p. 5.

[27] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[28] Senator John J. Williams, statement, *Congressional Record*, March 24, 1970.

[29] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[30] Under the current AFDC program, working people may retain only one-third of their earnings: an amount equal to 66⅔% of their earnings is subtracted from their welfare payment.

[31] Stern, *The Great Treasury Raid, op. cit.*, p. 23.

[32] The President's Commission on Income Maintenance Programs, "Poverty Amid Plenty: The American Paradox," November 1969, p. 38.

## CONFIDENTIALITY OF INCOME TAX INFORMATION

Mr. MATHIAS. Mr. President, on March 29 I introduced S. 1387, a bill to protect the confidentiality of individual income tax information by prohibiting the use or sale of such information for other purposes by a tax preparation service without the consent of the taxpayer.

During the past week great interest in this bill has been expressed by a number of individuals and firms engaged in income tax preparation services and activities. I am hopeful that, after reviewing S. 1387 in detail, they will be able to support this proposed legislation.

Today I should like to invite the attention of the Senate to information

which I have received since March 29 regarding the activities and policy of H. & R. Block, Inc., the Nation's largest tax preparation service.

First, I ask unanimous consent to have printed in the RECORD the report of H. & R. Block, Inc., for the quarter ending January 31, 1971, and an article from the Wall Street Journal of March 17, 1971. As noted in both of these statements, H. & R. Block, Inc., has discontinued a test program with Pennsylvania Life Co., of Los Angeles, for the marketing of life insurance and mutual funds.

Second, on April 1, Mr. Henry W. Bloch, president of the firm, released a statement endorsing the principle of the confidentiality of income tax information and supporting the enactment of protective legislation. I ask unanimous consent that the text of the statement also be printed in the RECORD.

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

MARCH 15, 1971.

*To our shareholders:*

We are happy to announce our 36th consecutive quarterly cash dividend, paid at the rate of $.09 per share to holders of record on February 15, 1971.

Revenues for the nine month period ended January 31, 1971 were $10,869,000, a 34% increase over revenues of $8,090,000 for the same period a year ago. This income was derived from increased January tax preparation volume, franchise and satellite royalties, Home Study Course revenues, interest income from short-term investments, and also reflects the continuing success of our Tuition Tax Schools, which have enrolled over 50,000 students during the current fiscal year.

Our net loss for the nine month period was $2,388,000, compared to a loss of $1,958,000 in the same period ended January 31, 1970. The Company's loss through January 31, 1971 increased by only 22% compared to the same period in 1970. Last year, our loss through January 31, 1970 increased by 76% compared to the same period in 1969. The increase in total revenues noted above and a lower effective tax rate this year largely account for the decrease in our rate of loss.

The bulk of our revenues and profits are produced during the 3½ months of tax season, and the Company historically operates at a loss during the balance of the year. Also, off-season expenses have tended to increase every year due primarily to expansion and normal growth.

This year H & R Block has 5,267 tax offices (unofficial), a substantial increase over last year's total of 4,349. The Company operates in all 50 states, Canada, Guam, New Zealand and Puerto Rico.

Our fledgling foreign expansion program got off to a modest start in 1971 with the opening of one office in Panama, and another in Nuremburg, West Germany. Management does not believe these new foreign markets will make any significant contributions to volume or profits in the forseeable future.

During the third quarter, the Company purchased its 7 office franchise operation in Rochester, New York. Also, our test program with the Pennsylvania Life Company to market life insurance and mutual funds was discontinued.

On February 24, 1971, the Company announced that an anti-trust action had been filed against it by its Birmingham, Alabama based franchisee. The suit was filed in California, where another franchisee action against the Company is pending, and contains substantially the same allegations as the pending suit. Management does not believe that the Company has violated the anti-trust laws, and the Company intends to contest the suit vigorously.

Although many firms have entered the tax preparation field in recent years, the Company believes it may well benefit from the broadened base such competition helps to create. H & R Block originated the concept of commercial tax preparation service, and continues to enjoy a very high repeat customer loyalty ratio.

From this firmly established base, we look forward to continued growth this year, and management is confident once again of higher revenues and earnings.

RICHARD A. BLOCH,
*Chairman of the Board.*
HENRY W. BLOCH,
*President.*

STATEMENT OF INCOME AND RETAINED EARNINGS

| | 9 months ended Jan. 31 (unaudited) | | |
|---|---|---|---|
| | 1971 | 1970 | 1969 |
| Revenues | $10,869,000 | $8,090,000 | $4,830,000 |
| Pretax net income (loss) | (4,760,000) | (3,235,000) | (1,743,000) |
| Net income (loss) | (2,388,000) | (1,958,000) | (1,111,500) |
| Per share income (loss) [1] | (.43) | (.36) | (.20) |
| Shares outstanding | 5,559,707 | 5,511,266 | 5,490,127 |

| | 12 months ended Apr. 30 (audited) | | |
|---|---|---|---|
| | 1971 | 1970 | 1969 |
| Revenues | | $54,918,000 | $37,278,000 |
| Pretax net income | | 13,260,000 | 8,224,000 |
| Net income | | 6,494,000 | 3,590,000 |
| Per share income [1] | | 1.18 | .65 |
| Shares outstanding | | 5,514,690 | 5,490,127 |

[1] Net earnings (loss) per common share based on weighted average number of shares outstanding during each period and includes shares issued in pooling of the Georgia and South Carolina acquisition.

H&R BLOCK TERMINATES TEST PLAN TO SELL MUTUAL FUNDS, LIFE INSURANCE

KANSAS CITY, MO.—H & R Block Inc. said it discontinued a test program with Pennsylvania Life Co., Los Angeles, to market life insurance and mutual funds. A spokesman for the tax preparation company said the package, which combined mutual funds and life insurance, was "too sophisticated" for the company's market at this time.

Also in the nine-month interim report to shareholders, the company said it purchased during the third quarter a seven-office franchise operation in Rochester, N.Y., for an undisclosed amount of cash. H & R Block said it has 5,267 tax offices this year, compared with 4,349 last year.

As previously reported, the company has a loss of $2.4 million on revenue of $10.9 million for the nine months ended Jan. 31, compared with a loss of nearly $2 million on revenue of $8.1 million a year earlier.

The bulk of the company's revenue and profit is produced during the 3½ months of the tax season, and the company historically operates at a loss the rest of the year. For all of 1970, the company earned $6.4 million, or $1.17 a share, on revenue of $53.6 million.

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STATEMENT BY HENRY W. BLOCH, PRESIDENT, H & R BLOCK CO., INC., APRIL 1, 1971

H & R Block, Inc., America's largest income tax service, favors legislation to protect the confidentiality of the financial data contained on individual income tax returns.

On Monday, March 29, Senator Charles McC. Mathias, Jr. (R-Md.), introduced a bill in the Senate designed to protect the taxpayer from the information compiled on his tax forms being utilized or sold by a private firm.

Henry W. Bloch, President of H & R Block, Inc., said today that while he has not seen the bill introduced by Senator Mathias, he heartily endorses the concept of confidentiality of tax information.

"The financial data contained on a tax return should be utilized only by the IRS and no one else," said Block. "The enactment of such a law will not affect the Block operation, but unquestionably will cause other firms to change their current policy," he added.

"I believe that the reputable firms are not utilizing tax information supplied by their customers but the few who do give the entire industry a bad name," he concluded.

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## REVENUE SHARING

Mr. GRIFFIN. Mr. President, through a series of statements the White House recently made available some important additional information on revenue sharing in six specific areas. Included were State-by-State breakdowns of funds to be allocated under revenue sharing.

I ask unanimous consent that the several statements together with materials attached be printed in the RECORD.

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

EDUCATIONAL REVENUE SHARING

HOLD HARMLESS BASE LINE

*Definition*

Each State's "Hold Harmless" base line was calculated by adding together the obligations expected to be allocated to the States in 1971 for the programs converted to Education Revenue Sharing.

*Sources of data*

U.S. Department of Agriculture
U.S. Department of Health, Education, and Welfare

EDUCATION REVENUE SHARING ALLOCATION

*Formula used*

Of the amounts appropriated for any fiscal year a minimum of ninety percent shall be apportioned by the Secretary of Health, Education, and Welfare.

For each State the number of children qualifying for Federal Impact Aid Type "A" (those who live on Federal property) is multiplied by sixty percent of the national average per pupil expenditure. Each local educational agency within the State is entitled to its relative share so calculated. The total for all States as calculated is removed from the amount to be apportioned.

Each State shall be entitled to a portion of the remainder of the amount to be apportioned determined as follows:

For each State a sum will be calculated representing:

(a) 1.0 times the number of disadvantaged children.

(b) 0.6 times the number of Federal Impacted "B" type children.

(c) 0.1 times the number of children of school age.

The entitlement for each State shall bear the same ratio to the amount to be appropriated as its sum calculated above bears to the sum of all States so calculated.

The State entitlement so calculated is to be distributed into the five national areas as follows:

For the disadvantaged the amount shall bear the same ratio to the State entitlement as part a. above bears to the sum of a., b., and c.

For the Federal Impact "B" type (those whose parents work on Federal property) the amount shall bear the same ratio to the State entitlement as part b. above bears to the sum of a., b., and c.

An amount bearing the same ratio to the State entitlement as part c. above bears to the sum of a., b., and c. shall be calculated:

One-sixth this amount shall be for handicapped.

One-third this amount shall be for vocational education.

One-half this amount shall be for support services.

*Discretionary amounts*

Each State may transfer up to thirty percent of the entitlement in each area with the exception of those funds passed through to local education agencies, to other areas.

An amount up to ten percent of the fund may be allocated at the discretion of the Secretary of Health, Education, and Welfare.

NOTES

The States are required to pass through to local education agencies the funds resulting from Type "A" Federal Impact and disadvantaged children.

All computations and determinations by the Secretary of Health, Education, and Welfare are final and conclusive.

EDUCATION REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | E.R.S allocation |
|---|---|---|
| Alabama | $72,232 | $72,232 |
| Alaska | 23,181 | 23,181 |
| Arizona | 31,615 | 31,615 |
| Arkansas | 41,433 | 41,433 |
| California | 261,451 | 263,136 |
| Colorado | 33,679 | 33,679 |
| Connecticut | 29,100 | 29,100 |
| Delaware | 6,689 | 6,689 |
| District of Columbia | 16,456 | 16,456 |
| Florida | 84,290 | 84,290 |
| Georgia | 83,210 | 83,210 |
| Hawaii | 18,642 | 18,642 |
| Idaho | 11,468 | 11,468 |
| Illinois | 113,941 | 113,941 |
| Indiana | 46,162 | 46,162 |
| Iowa | 33,033 | 33,033 |
| Kansas | 31,625 | 31,625 |
| Kentucky | 61,561 | 61,561 |
| Louisiana | 65,794 | 65,794 |
| Maine | 15,632 | 15,632 |
| Maryland | 62,174 | 62,174 |
| Massachusetts | 63,486 | 63,486 |
| Michigan | 90,983 | 90,983 |
| Minnesota | 45,954 | 45,954 |
| Mississippi | 63,291 | 63,291 |
| Missouri | 58,741 | 58,741 |
| Montana | 13,722 | 13,722 |
| Nebraska | 21,410 | 21,410 |
| Nevada | 7,300 | 7,300 |
| New Hampshire | 8,305 | 8,305 |
| New Jersey | 83,802 | 83,802 |
| New Mexico | 30,762 | 30,762 |
| New York | 289,302 | 289,302 |
| North Carolina | 99,014 | 99,014 |
| North Dakota | 13,728 | 13,728 |
| Ohio | 100,794 | 101,819 |
| Oklahoma | 45,895 | 45,395 |
| Oregon | 24,193 | 24,193 |
| Pennsylvania | 124,839 | 124,839 |
| Rhode Island | 13,424 | 13,424 |
| South Carolina | 61,908 | 61,908 |
| South Dakota | 15,715 | 15,715 |
| Tennessee | 67,992 | 67,992 |
| Texas | 171,026 | 171,026 |
| Utah | 18,438 | 18,438 |
| Vermont | 5,536 | 5,536 |
| Virginia | 94,897 | 94,897 |
| Washington | 43,914 | 43,914 |
| West Virginia | 32,928 | 32,928 |
| Wisconsin | $40,761 | $40,761 |
| Wyoming | 6,662 | 6,662 |
| Guam | 2,217 | 2,217 |
| Puerto Rico | 63,921 | 63,921 |
| Virgin Islands | 1,254 | 1,254 |
| Total allocated | 2,968,982 | 2,971,811 |
| Unallocated discretionary amounts | | 28,189 |
| Total | 2,968,982 | 3,000,000 |

Note: Totals may not be exact due to rounding.

LAW ENFORCEMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

*Definition*

The FY 1971 allocation of funds for grants to States under Part C of the Omnibus Crime Control and Safe Street Act of 1968 is the base. This was used because of the rapid growth this item has experienced, as indicated below:

| Year: | *Total in millions* |
|---|---|
| Fiscal year 1969 | $29.0 |
| Fiscal year 1970 | 184.5 |
| Fiscal year 1971 | 410.0 |
| Fiscal year 1972 | 486.7 |

*Source of Data*

Published LEAA allocation data. The allocations are based on current population data published by the Bureau of the Census.

LAW ENFORCEMENT REVENUE SHARING ALLOCATION

*Formula used*

Identical to that used to determine allocations under present law. The amount each State receives depends upon the size of its population, relative to total U.S. population. States are required to make a portion of the total funds received available to units of general local government. Until June 30, 1972, the amount of funds made available is 75 percent of the total sum received. Thereafter, the amount shall be that percent which total local expenditures for law enforcement constitute, relative to total State *and* local law enforcement expenditures.

*Discretionary allocations*

The methods for determining the allocation of discretionary funds among the States under L.E.R.S. has not been determined.

LAW ENFORCEMENT REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | M.R.S. allocation |
|---|---|---|
| Alabama | $5,645 | $7,104 |
| Alaska | 493 | 623 |
| Arizona | 2,933 | 3,656 |
| Arkansas | 3,157 | 3,967 |
| California | 32,999 | 41,155 |
| Colorado | 3,646 | 4,553 |
| Connecticut | 5,001 | 6,254 |
| Delaware | 909 | 1,131 |
| District of Columbia | 1,249 | 1,560 |
| Florida | 11,166 | 14,004 |
| Georgia | 7,518 | 9,466 |
| Hawaii | 1,253 | 1,588 |
| Idaho | 1,169 | 1,471 |
| Illinois | 18,368 | 22,924 |
| Indiana | 8,609 | 10,713 |
| Iowa | 4,670 | 5,827 |
| Kansas | 3,712 | 4,639 |
| Kentucky | 5,290 | 6,640 |
| Louisiana | 5,966 | 7,514 |
| Maine | 1,636 | 2,049 |
| Maryland | 6,485 | 8,090 |
| Massachusetts | 9,424 | 11,734 |
| Michigan | 14,692 | 18,306 |
| Minnesota | 6,307 | 7,848 |
| Mississippi | 3,614 | 4,573 |
| Missouri | 7,760 | 9,648 |
| Montana | 1,162 | 1,432 |
| Nebraska | 2,457 | 3,060 |
| Nevada | 807 | 1,008 |
| New Hampshire | 1,210 | 1,522 |
| New Jersey | $11,870 | $14,784 |
| New Mexico | 1,671 | 2,096 |
| New York | 30,093 | 37,520 |
| North Carolina | 8,305 | 10,482 |
| North Dakota | 1,022 | 1,274 |
| Ohio | 17,645 | 21,971 |
| Oklahoma | 4,182 | 5,279 |
| Oregon | 3,442 | 4,314 |
| Pennsylvania | 19,532 | 24,325 |
| Rhode Island | 1,544 | 1,959 |
| South Carolina | 4,223 | 5,343 |
| South Dakota | 1,107 | 1,374 |
| Tennessee | 6,425 | 8,094 |
| Texas | 18,393 | 23,094 |
| Utah | 1,775 | 2,185 |
| Vermont | 733 | 917 |
| Virginia | 7,604 | 9,588 |
| Washington | 5,612 | 7,032 |
| West Virginia | 2,849 | 3,598 |
| Wisconsin | 7,309 | 9,112 |
| Wyoming | 556 | 686 |
| American Samoa | 47 | 57 |
| Guam | 146 | 179 |
| Puerto Rico | 4,502 | 5,548 |
| Virgin Islands | 106 | 130 |
| Total allocated | 340,000 | 425,000 |
| Unallocated discretionary amounts | 70,000 | 75,000 |
| Total | 410,000 | 500,000 |

Note: Totals may not be exact due to rounding.

MANPOWER REVENUE SHARING

HOLD HARMLESS BASE LINE

*Definition*

A three-year average (1969, 1970, 1971—estimated) of previous levels of manpower funding is the base line.

The table shows hold harmless base line representing preliminary averages which are for the States only. The preparation of the hold harmless base line, as well as the MRSA allocation, for local governments and balance of the States is now in process and will be made available as soon as possible.

*Sources of Data*

Financial records of Office of Financial and Management Systems, Manpower Administration, U.S. Department of Labor.

MANPOWER REVENUE SHARING ALLOCATION

*Formula used*

Revenues shared among State and eligible units of local general government shall be amounts calculated in accordance with the proportions, equally weighted, which the number of persons in the labor force, the number of unemployed persons, and the number of low income individuals 16 years of age or older residing in each such jurisdiction bears to such total number, respectively, in the United States; provided, that the funds to be distributed to manpower consortia which constitute a defined labor market area shall be an amount 10 per centum greater than that to which such jurisdiction would be entitled under the formula provided in this subsection.

The allocation will be based upon 1970 Census of Population data which are not yet available for labor force, unemployment or low-income persons—the three factors to be used in allocation. The table presents State allocations calculated on the basis of available data on the labor force and unemployment collected by State employment security agencies of the U.S. Department of Labor and poverty data collected by the U.S. Office of Economic Opportunity.

*Discretionary allocations*

The Secretary of Labor shall have fifteen percent of the total appropriation under this act to assist State and local governments to develop capacity for carrying out the purposes of the act, to carry out a comprehensive program of manpower research and experimental, demonstration and pilot programs, to develop a comprehensive sys-

tem of labor market information, and for other purposes as specified in the bill.

NOTE

The differences indicated in the table, by State, between the hold harmless base line and MRSA allocation are not indicative of the differences which will eventually be disclosed for individual local governments and balance of the States when data for these latter areas become available.

MANPOWER REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | M.R.S. allocation |
|---|---|---|
| Alabama | $20,799 | $36,142 |
| Alaska | 4,120 | 4,120 |
| Arizona | 13,517 | 13,517 |
| Arkansas | 13,673 | 18,285 |
| California | 114,728 | 168,632 |
| Colorado | 8,137 | 17,643 |
| Connecticut | 14,513 | 23,182 |
| Delaware | 1,738 | 4,826 |
| District of Columbia | 34,119 | 34,119 |
| Florida | 22,889 | 59,263 |
| Georgia | 21,889 | 42,518 |
| Hawaii | 3,449 | 5,091 |
| Idaho | 2,646 | 5,315 |
| Illinois | 52,860 | 81,177 |
| Indiana | 18,112 | 40,999 |
| Iowa | 10,530 | 19,228 |
| Kansas | 8,522 | 15,508 |
| Kentucky | 26,500 | 26,500 |
| Louisiana | 19,688 | 37,006 |
| Maine | 4,558 | 8,798 |
| Maryland | 16,051 | 30,988 |
| Massachusetts | 28,747 | 43,188 |
| Michigan | 41,850 | 76,104 |
| Minnesota | 17,884 | 27,471 |
| Mississippi | 17,911 | 29,094 |
| Missouri | 24,335 | 40,195 |
| Montana | 3,710 | 6,283 |
| Nebraska | 6,901 | 9,979 |
| Nevada | 2,363 | 4,220 |
| New Hampshire | 2,577 | 4,847 |
| New Jersey | 37,589 | 53,506 |
| New Mexico | 8,272 | 9,158 |
| New York | 105,597 | 141,056 |
| North Carolina | 25,461 | 44,458 |
| North Dakota | 3,159 | 4,918 |
| Ohio | 43,373 | 77,796 |
| Oklahoma | 15,103 | 21,208 |
| Oregon | 8,779 | 17,802 |
| Pennsylvania | 45,852 | 87,794 |
| Rhode Island | 4,240 | 7,259 |
| South Carolina | 14,965 | 24,650 |
| South Dakota | 3,719 | 5,153 |
| Tennessee | 22,382 | 37,272 |
| Texas | 55,502 | 92,958 |
| Utah | 4,329 | 7,543 |
| Vermont | 2,347 | 3,567 |
| Virginia | 17,187 | 37,076 |
| Washington | 14,734 | 30,839 |
| West Virginia | 9,697 | 15,541 |
| Wisconsin | 18,163 | 31,409 |
| Wyoming | 1,443 | 2,741 |
| Guam | 285 | 300 |
| Puerto Rico | 52,893 | 52,893 |
| Virgin Islands | 721 | 1,000 |
| Total allocated | 1,095,109 | 1,742,135 |
| Unallocated discretionary amounts | 325,772 | 257,865 |
| Total | 1,420,881 | 2,000,000 |

Note: Totals may not be exact due to rounding.

## Rural Community Development Revenue Sharing

### HOLD HARMLESS BASE LINE

*Definition*

Each State's historical average share was calculated by adding together the obligations of the programs converted to Rural Community Development Special Revenue Sharing for that State during the period 1967–70 inclusive and dividing by the sum of obligations for these programs of the States during the same period.

Each State's "Hold Harmless" base line was calculated by multiplying the State's historical average times the obligations expected to be allocated to all of the States in 1971—$908,311,000. This procedure was used because in some programs the obligations to States are for specific projects rather than for support of services and therefore, in some years certain States received large amounts of funds and in other years their funding is small. To pick any one year as a base line would penalize some States and give other States undue advantage. The averaging effect of the four-year period ameliorates any inequities.

*Sources of data*

U.S. Department of Agriculture, Division of Budget and Finance.

U.S. Department of Commerce, Division of Budget and Finance.

Appalachian Regional Commission, Division of Budget and Finance.

### RURAL COMMUNITY REVENUE SHARING ALLOCATION

*Formula used*

Of the amounts appropriated for any fiscal year a minimum of eighty percent shall be apportioned by the Secretary of Agriculture among the States.

One percent of the amount to be apportioned shall be divided among the States in equal proportion.

Each State shall be entitled to a portion of the remainder of the amount required to be apportioned, and that portion shall be determined as follows:

Each State shall receive an amount equal to fifty percent of the remainder multiplied by a fraction the numerator of which is the rural population of the State at the most recent point in time for which appropriate statistics are available and the denominator of which is the sum of the rural populations of all States at the same point in time;

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the average of per capita incomes of all the States at the most recent point in time for which appropriate statistics are available less the rural per capita income of the State at the same point in time, such difference to be multiplied by the rural population of the State at the same point in time, and the denominator of which is the sum of the positive differences for each State multiplied by that State's rural population: *Provided, however,* that if the rural per capita income of a State is greater than the average of per capita incomes of all the States, the differences stated above shall be considered zero; and

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the percentage change in population of all the States less the percentage change in rural population of the State, such difference to be multiplied by the rural population of the State during the most recent and appropriate time period for which statistics are available, and the denominator of which is the sum of the positive differences for each State multiplied by that State's rural population: *Provided, however,* that if the percentage rate of change of rural population of a State during such period is greater than the percentage rate of change of the populations of all States during the same period, the differences stated above shall be considered zero.

*Discretionary allocations*

An amount up to 20 percent of the fund may be allocated at the discretion of the Secretary of Agriculture.

NOTES

All computations and determinations by the Secretary of Agriculture are final and conclusive.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | R.C.D.R.S. allocation |
|---|---|---|
| Alabama | $30,717 | $31,622 |
| Alaska | 6,005 | 6,005 |
| Arizona | 4,643 | 8,051 |
| Arkansas | 20,033 | 23,654 |
| California | 27,846 | 28,582 |
| Colorado | 10,157 | 10,157 |
| Connecticut | 3,007 | 3,633 |
| Delaware | 936 | 1,425 |
| Florida | 9,103 | 21,625 |
| Georgia | 37,549 | 37,549 |
| Hawaii | 927 | 1,876 |
| Idaho | 4,688 | 8,091 |
| Illinois | 22,786 | 29,853 |
| Indiana | 11,366 | 21,834 |
| Iowa | 14,554 | 28,626 |
| Kansas | 12,401 | 20,204 |
| Kentucky | 65,577 | 65,577 |
| Louisiana | 12,419 | 22,720 |
| Maine | 6,987 | 10,682 |
| Maryland | 12,701 | 12,701 |
| Massachusetts | 6,278 | 6,278 |
| Michigan | 16,808 | 21,082 |
| Minnesota | 16,153 | 29,529 |
| Mississippi | 33,624 | 34,608 |
| Missouri | 18,788 | 28,560 |
| Montana | 8,767 | 8,985 |
| Nebraska | 10,557 | 13,300 |
| Nevada | 1,590 | 3,306 |
| New Hampshire | 2,389 | 4,574 |
| New Jersey | 8,340 | 13,424 |
| New Mexico | 7,404 | 11,275 |
| New York | 43,364 | 43,364 |
| North Carolina | 36,450 | 47,309 |
| North Dakota | 9,667 | 10,289 |
| Ohio | 35,659 | 35,659 |
| Oklahoma | 22,141 | 22,675 |
| Oregon | 8,395 | 9,981 |
| Pennsylvania | 46,643 | 46,643 |
| Rhode Island | 1,726 | 1,726 |
| South Carolina | 21,314 | 26,286 |
| South Dakota | 7,550 | 9,947 |
| Tennessee | 42,555 | 42,555 |
| Texas | 45,499 | 51,113 |
| Utah | 5,351 | 5,351 |
| Vermont | 3,044 | 3,700 |
| Virginia | 24,730 | 26,976 |
| Washington | 11,756 | 11,756 |
| West Virginia | 65,177 | 65,177 |
| Wisconsin | 13,455 | 22,637 |
| Wyoming | 3,670 | 5,699 |
| Guam | 9 | 1,314 |
| Puerto Rico | 15,000 | 25,872 |
| Virgin Islands | 55 | 1,051 |
| Total allocated | 908,311 | 1,086,467 |
| Unallocated discretionary amounts | | 13,533 |
| Total | 908,311 | 1,100,000 |

Note: Totals may not be exact due to rounding.

## Transportation Revenue Sharing

### HOLD HARMLESS BASE LINE

*Definition*

*General Transportation Element*—This base line represents the funds that any state could have reasonably expected to receive in FY 1972 in the absence of revenue sharing. Existing apportionment formulas were applied to FY 1972 estimated obligational levels for those programs which have been incorporated in the general element: Federal-aid primary and secondary highway programs, grants-in-aid for airports, and highway safety and beautification grants. Where statutory apportionment formulas provide a large degree of flexibility or did not exist, the funds were allocated to the states in the same relative share as in the programs where statutory apportionment formulas did not allow any flexibility.

*Urban Mass Transit Capital Element*—This base line represents the actual average annual funding level in each state for FY 1967 through FY 1970 for the three programs included in the element, i.e., capital grants, technical study grants, and university research and training grants. An average was used rather than a single year's program level because the mass transit capital grant

program has exhibited significant variations on a state-by-state basis from year to year, due to approval of funds on a project-by-project basis rather than by formula distribution.

*Sources of data*

*General Transportation Element*—The source of data regarding the overall level of funds was the President's 1972 budget. The Bureau of the Census was the source of area and population data, while the Post Office Department provided data on star and rural route mileage.

*Urban Mass Transit Capital Element*—Urban Mass Transportation Administration records were the source of specific information on actual program levels on a state-by-state basis for 1967 through 1970.

TRANSPORTATION REVENUE SHARING ALLOCATION

*Formulas used*

*General Transportation Element*—The apportionment of the funds to be distributed among the 50 states, plus the District of Columbia and Puerto Rico, will be determined by the following formula:

*25 percent* of the funds will be distributed according to the ratio of each state's total population to the total population of the United States; *35 percent* will go to states according to the ratio of their population in urban places (over 2,500 in population) to the Nation's total population in urban places; *20 percent* will be given out according to the ratio of the geographic area of each state to the total area of the United States; and the remaining *20 percent* will be allocated according to the ratio of each state's star and rural post route mileage to the total of that mileage in the country.

Furthermore, no state will receive less than one-half of one percent of the total funds in this element. The territories of Guam and the Virgin Islands shall receive the level of funds provided for in the Federal-Aid Highway Act of 1970.

*Urban Mass Transit Capital Element*—This element will be allocated according to the following formula:

*80 percent* of the funds will be distributed according to each state's share of the Nation's population that lives in metropolitan areas (SMSA's) of over one million persons. The remaining *20 percent* will be allocated to each state's share of the Nation's population that lives in metropolitan areas (SMSA's) of less than one million persons. Every state would be guaranteed a minimum allocation of $250,000 annually.

*Discretionary amounts*

*Ten percent* of the funds included in the General Transportation Element are reserved for the Secretary of Transportation to disburse at his discretion. Among the uses of this fund is the capability to provide the amounts to hold each state harmless within total Transportation Revenue Sharing Fund. This fund will also be used to encourage planning, to fund research development and demonstration projects, to assist in the establishment of consortia of governments, and to finance other activities related to the development and implementation of national transportation objectives.

NOTES

The allocation makes use of preliminary 1970 census data rounded to the nearest thousand. As final data becomes available, minor adjustments can be expected in the allocations.

TRANSPORTATION REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | | T.R.S. allocation | |
|---|---|---|---|---|
| | General transportation element | Urban mass transit capital element | General transportation element | Urban mass transit capital element |
| Alabama | $31,276 | $7 | $31,306 | $3,114 |
| Alaska | 65,139 | 0 | 65,139 | 250 |
| Arizona | 22,559 | 16 | 23,111 | 2,284 |
| Arkansas | 21,014 | 0 | 21,173 | 1,028 |
| California | 130,388 | 26,889 | 145,221 | 84,649 |
| Colorado | 27,090 | 122 | 28,011 | 7,010 |
| Connecticut | 19,448 | 3,563 | 20,230 | 4,333 |
| Delaware | 6,477 | 427 | 9,184 | 668 |
| District of Columbia | 8,800 | 91 | 9,184 | 3,944 |
| Florida | 42,996 | 938 | 49,802 | 15,996 |
| Georgia | 37,945 | 658 | 39,815 | 8,787 |
| Hawaii | 7,676 | 305 | 9,184 | 1,088 |
| Idaho | 14,629 | 0 | 14,629 | 250 |
| Illinois | 82,064 | 25,578 | 85,030 | 41,503 |
| Indiana | 39,230 | 448 | 40,233 | 9,519 |
| Iowa | 31,789 | 260 | 32,609 | 1,735 |
| Kansas | 30,991 | 502 | 31,750 | 3,036 |
| Kentucky | 26,245 | 13 | 26,245 | 3,090 |
| Louisiana | 28,590 | 166 | 28,794 | 7,093 |
| Maine | 10,724 | 8 | 10,724 | 370 |
| Maryland | 23,737 | 2,567 | 25,545 | 17,060 |
| Massachusetts | 36,325 | 21,980 | 40,386 | 17,919 |
| Michigan | 65,526 | 906 | 65,609 | 26,389 |
| Minnesota | 39,892 | 2,513 | 41,064 | 10,060 |
| Mississippi | 22,550 | 2 | 22,550 | 682 |
| Missouri | 44,552 | 1,240 | 45,844 | 14,565 |
| Montana | 23,264 | 1 | 23,264 | 292 |
| Nebraska | 23,798 | 30 | 24,130 | 1,097 |
| Nevada | 14,877 | 0 | 14,877 | 682 |
| New Hampshire | 6,904 | 0 | 9,184 | 346 |
| New Jersey | $43,555 | $10,566 | $45,912 | $24,014 |
| New Mexico | 21,187 | 0 | 21,187 | 547 |
| New York | 123,672 | 19,098 | 123,672 | 72,022 |
| North Carolina | 37,754 | 256 | 38,105 | 3,279 |
| North Dakota | 16,037 | 5 | 16,037 | 250 |
| Ohio | 74,229 | 3,989 | 75,164 | 25,378 |
| Oklahoma | 29,616 | 169 | 30,640 | 2,215 |
| Oregon | 24,375 | 1,122 | 24,375 | 5,287 |
| Pennsylvania | 82,425 | 8,697 | 82,425 | 38,029 |
| Rhode Island | 9,020 | 262 | 9,184 | 1,388 |
| South Carolina | 20,407 | 69 | 20,407 | 1,758 |
| South Dakota | 16,933 | 3 | 16,933 | 250 |
| Tennessee | 32,929 | 546 | 33,854 | 3,319 |
| Texas | 105,947 | 689 | 111,705 | 26,572 |
| Utah | 16,143 | 229 | 16,143 | 1,422 |
| Vermont | 5,775 | 0 | 9,184 | 250 |
| Virginia | 34,637 | 79 | 36,217 | 8,112 |
| Washington | 28,998 | 1,278 | 29,986 | 9,401 |
| West Virginia | 15,160 | 10 | 15,160 | 832 |
| Wisconsin | 39,101 | 84 | 40,095 | 9,282 |
| Wyoming | 14,153 | 0 | 14,153 | 250 |
| Guam | 2,000 | 0 | 2,000 | 0 |
| Puerto Rico | 10,846 | 1,343 | 11,606 | 2,062 |
| Virgin Islands | 2,000 | 0 | 2,000 | 0 |
| Total allocation | 1,793,394 | 137,724 | 1,859,971 | 525,000 |
| Unallocated discretionary amounts | | | 185,029 | |
| Total | 1,793,394 | 137,724 | 2,045,000 | 525,000 |

Note: Totals may not be exact due to rounding.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

*Definition*

The hold harmless level will be established as the sum of the following:

(a) The annual average over five years (1966–1970) of urban renewal reservations;

(b) The latest action year program commitment under Model Cities;

(c) The annual average over five years of water and sewer grant reservations; and,

(d) The annual average over five years of rehabilitation loan reservations.

*Sources of data*

HUD program data.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING ALLOCATION

*Formula used*

(a) Population, as a proportion of total U.S. population in metropolitan areas;

(b) Population below the poverty line, as a proportion of total in metropolitan areas;

(c) The number of overcrowded housing units, as a proportion of total U.S. overcrowded housing units in metropolitan areas and,

(d) The number of housing units lacking some or all plumbing facilities, as a proportion of total U.S. housing units lacking some or all plumbing facilities in metropolitan areas.

These four factors are used to establish (1) an allocation to each SMSA and (2) a formula distribution to each central city metropolitan city (cities of over 50,000 population).

*Discretionary allocations*

There are three types of discretionary allocations:

(a) $100 million of the total is earmarked for cities below 50,000 population. This will be distributed by the Secretary giving particular consideration to those localities with a record of continuous past participation in the antecedent programs.

(b) 20 percent of the remainder is available for general discretionary allocation by the Secretary. First priority will be given to meeting "hold harmless" requirements.

(c) the portion of an SMSA allocation which is not distributed by the formula to metropolitan cities is available for discretionary allocation by the Secretary within the particular SMSA. First priority will be given to meeting "hold harmless" requirements. The balance will be distributed giving consideration to the same factors used in the basic formula.

NOTE

Strict hold harmless will be applied to cities over 50,000 population. Smaller cities will receive special treatment through the earmarked $100 million and the discretionary funds, particularly if the locality has a record of continuous participation in the antecedent programs.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING

[Dollars in thousands]

| State | Hold harmless base line | U.C.D.R.S. allocation [1] |
|---|---|---|
| Alabama | $15,947 | $33,607 |
| Alaska | | |
| Arizona | 6,070 | 15,809 |
| Arkansas | 8,562 | 11,040 |
| California | 108,794 | 186,016 |
| Colorado | 13,926 | 18,887 |
| Connecticut | 38,761 | 42,764 |
| Delaware | 5,189 | 5,189 |
| District of Columbia | 20,192 | 20,192 |
| Florida | 20,729 | 63,436 |
| Georgia | 24,817 | 31,128 |
| Hawaii | 13,384 | 13,384 |
| Idaho | 4,367 | 4,367 |
| Illinois | 62,006 | 88,503 |
| Indiana | 20,106 | 36,022 |
| Iowa | 9,735 | 12,634 |
| Kansas | 15,993 | 16,284 |
| Kentucky | 10,292 | 12,753 |
| Louisiana | 11,899 | 31,738 |
| Maine | 7,153 | 7,153 |
| Maryland | 28,566 | 28,566 |
| Massachusetts | 66,221 | 70,306 |
| Michigan | 58,809 | 70,390 |
| Minnesota | 31,608 | 33,048 |
| Mississippi | 2,469 | 7,423 |
| Missouri | 29,165 | 31,939 |
| Montana | 205 | 2,026 |
| Nebraska | 800 | 5,327 |
| Nevada | 682 | 3,591 |
| New Hampshire | 3,021 | 3,562 |
| New Jersey | 45,733 | 59,786 |
| New Mexico | 8,223 | 8,223 |
| New York | 154,343 | 182,594 |
| North Carolina | 29,758 | 36,697 |
| North Dakota | 1,174 | 1,174 |
| Ohio | 67,736 | 89,432 |
| Oklahoma | 23,263 | 23,691 |
| Oregon | 13,118 | 13,118 |
| Pennsylvania | 105,385 | 129,267 |
| Rhode Island | 9,949 | 10,398 |
| South Carolina | 1,251 | 16,768 |
| South Dakota | 1,827 | 1,827 |
| Tennessee | 23,475 | 32,370 |
| Texas | 58,793 | 124,868 |
| Utah | 3,579 | 7,515 |
| Vermont | | |
| Virginia | 29,995 | 37,725 |
| Washington | 9,139 | 18,768 |
| West Virginia | 5,247 | 6,972 |
| Wisconsin | 15,249 | 25,958 |
| Wyoming | | |
| Puerto Rico | 9,533 | 51,458 |
| Total | 1,256,769 | 1,785,693 |
| Multi-State S. M. S. A.'s balance which cannot be allocated to States | | 43,405 |
| Total allocated to S. M. S. A.'s | | 1,829,098 |
| Unallocated discretionary amounts | | 270,902 |
| Total | 1,256,769 | 2,100,000 |

[1] Discretionary amounts to satisfy hold harmless requirements included.

Note: Totals may not be exact due to rounding.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Pursuant to the previous order, the distinguished Senator from Indiana (Mr. BAYH) is recognized for not to exceed 15 minutes.

(The remarks of Mr. BAYH when he introduced S. 1532 and submitted Senate Resolution 98 are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order the distinguished Senator from Washington (Mr. JACKSON) is now recognized for not to exceed 20 minutes.

## NATION'S UNEMPLOYMENT AND ECONOMIC PROBLEMS REQUIRE A CREDIBLE RESPONSE FROM THE ADMINISTRATION

Mr. JACKSON. Mr. President, in recent weeks the country has been subjected to a blizzard of paper pronouncements out of the White House designed to obscure the fact that the administration has no real program to put America back to work and to get the national economy moving again.

The President announced a summer jobs program for youth, but the figures were juggled to make it look far bigger than previous years' programs even though it was less.

The President announced a $42 million program for retraining and job referral for unemployed workers in the aircraft and space industries, but no action was taken to create any jobs.

The President has expressed concern about unemployment among returning Vietnam veterans and personally announced a $1 million grant to hire ex-GI's who are attending school under the GI bill to recruit other ex-GI's to take training under the GI bill.

The President has even met with movie moguls to hold their hands about unemployment in the movie industry.

Mr. President, these are flimsy tinkertoy programs put forward at a time when substantial action is required. Millions of able-bodied American working men and women are out of work—not by accident or by some freak chance of fate, but because this administration planned it that way. They are the victims of a manmade disaster directed by the White House that has had a more devastating economic impact on the country than any natural disaster we have endured.

Millions of Americans have been forced to exist on the charity of their fellow Americans. They have been given a substitute for selfrespecting work by this administration—standing in the unemployment lines, the food stamp lines, the welfare lines. These are essential emergency relief programs. But unemployment compensation is no substitute for a job for the head of a family. Welfare assistance is no substitute for a job for an able-bodied man or woman. Food stamps are no substitute for a decent job for the family bread-winner.

These victims of the administration's manmade disaster do not want charity; they do not want relief; they do not want sympathy. They want to work.

Mr. President, the deplorable state of the economy and the intolerable unemployment levels we are experiencing are the logical, inevitable, and intended outcome of the policies this administration has consciously pursued since January of 1969.

The record is very clear to anyone who wishes to read it. The high interest rates of the past 2 years, the veto of the Public Service Employment Act last fall, the failure to institute wage and price guidelines, the freezing of funds appropriated to meet critical social needs, the virtual no new starts public works policy, and a whole range of other actions by this administration make it clear that today's unemployment and economic problems have been created by a series of conscious choices on the part of the President and his chief of staff for throttling the economy, Prof. George Schultz.

Many of the administration's actions have been taken in the name of "fighting inflation." Inflation is a matter of great concern, but the policies adopted to date and the cures which have been proposed are threatening to kill the patient. This administration has dealt with inflation by the simple-minded expedient of creating the highest levels of unemployment in 9 years to choke off consumer demand.

Instead of substantial purposeful action on the part of the administration, the public is offered patchwork policies and head-in-the-sand solution:

When a firm wage and price policy is needed, the administration launches a weak-kneed periodic "inflation alert" announcement;

When 50 major metropolitan areas are experiencing critical unemployment levels of up to 13.1 percent and when there are in excess of 5,000,000 people unemployed, the administration proposes a paltry $42 million program of job counseling;

When honest, hard working, skilled men and women are forced on welfare because unemployment compensation benefits have expired, the President vetoes legislation to create public service employment;

When the construction industry and supporting services lie idle in many regions of the country, and when unemployment in this industry stands at 11 percent, this administration refuses to spend $12 billion authorized and appropriated by the Congress to proceed with airports, Federal buildings, water resource projects, highways and other needed public facilities.

Mr. President, the working men and women in this country and the American public in general have had all they want of this band-aid, cosmetic approach to the employment problem.

The cynicism of this administration and its callous attitude toward the American workingman is nowhere better demonstrated than in the flat rejection and total repudiation of the national policy and the Congressional commitment set forth in the Full Employment Act of 1946. It is one thing for an administration honestly to seek to attain the goal expressed in this act and fail. But it is quite another for an administration to consciously reject a fundamental national goal of 25 years standing.

The tragic results of the administration's failure to take positive action are obvious. Look at the statistics for March of this year:

Unemployment again reached 6 percent, leaving over 5,000,000 people out of work. This is double the number of persons unemployed in February 1969.

Five major labor areas were added to the substantial unemployment list, bringing the total number in that category to 50, the highest level since 1962.

Sixteen of the 150 major labor areas have unemployment rates of 9 percent or more.

Five major labor areas have unemployment rates exceeding 11 percent.

The unemployment rate alone does not give full indication of the actual number of persons affected. For example, the unemployment rate in Los Angeles is 7.8 percent, affecting a total of over 259,000 people. This is an increase of over 100,000 people from the previous year. Certain sectors of the labor market are more severely affected than others:

Unemployment rates were up to 11 percent for construction workers, 9.6 percent for blacks, and 6.8 percent for factory workers.

In little over 1 year, aerospace and related employment levels have declined 15 percent from about 2.7 million in 1969 to 2.3 million in early 1971, affecting an estimated 450,000 workers. Projections for 1972 indicate that an additional 400,000 will become unemployed if the present trends continue.

But the statistics do not tell the full story. The full story is not quantitative and is not found in the Labor Department's monthly releases. The full story is qualitative. It involves the tragic loss of self respect and human dignity of skilled workingmen who are forced to try to support their families on welfare or on unemployment compensation. It is a story of bankruptcies, mortgage foreclosures on homes and retail installment credit firms repossessing automobiles, boats, furniture, and appliances. It is a story of the sons and daughters of working people who planned to spend this year in college, but who are now looking for work and hustling to make some small contribution to keep their families in food and shelter. In short, Mr. President, what these statistics tell us, and what they represent in human terms, is that this Nation, because of the policies adopted by this administration, is taking a long step backward toward the deplorable social, economic, and employment conditions which generally existed in the great depression of the 1930's.

The quality of family life in this country is consciously being eroded as a matter of administration policy. An irreplaceable national resource in the form of trained engineers, scientists, and skilled blue collar workers lies idle and forgotten while the Nation's cities, transportation systems, and natural environment continue to decline and degrade.

Mr. President, the highest duty of the Federal Government is to promote the general welfare, the security, and the well-being of our citizens. This duty is now being neglected. Instead of a national commitment to full employment, high productivity and a rising standard of living, we have a Presidential commitment to policies which have created an employment and an economic disaster.

Last year the Congress adopted a Comprehensive Disaster Relief Act to provide a comprehensive and coordinated Federal response and assistance program to areas stricken by natural disasters such as hurricanes, earthquakes, and flood. This act provides that when a natural catastrophe strikes which, "in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government", the President may make a wide variety of programs of Federal assistance available to the people of that area.

The United States Government recently invested over half a billion dollars through various disaster relief programs to help alleviate the effects of the earthquake in California. It was a very laudable and justifiable investment. But just try to get White House approval for a half-billion dollar program to create jobs for the victims of their planned recession disaster. It can't make it through the Office of Management and Budget. The second most powerful man in the country today is the Director of the White House Office of Management and Budget. George Schultz—Nixon's Dr. No—right now sits on $12 billion worth of work the Congress approved and appropriated money for last year.

Mr. President, I believe the country would be benefited if a high rate of unemployment were to occur in the Office of Management and Budget. The economic policies of the last 2 years have proved a notable and tragic failure and President Nixon should undertake a thorough Spring cleaning at the White House. The most immediate stimulus for Americas' sagging economy would be the replacement of the architects of this man-made economic disaster by a new battery of Presidential advisers. In particular, the President would be better advised if he had a "Dr. Yes We Can" rather than a "Dr. No. We Can't."

Mr. President, the employment and economic disaster brought into being by this administration is surely deserving of at least the same kind of response we extend in times of natural disasters. I will be introducing a "Regional Economic Disaster Area Relief Act" later ths week to provide a program of Federal assistance to stimulate regional economies and relieve unemployment.

One of the hardest hit areas in the country is in the State of Washington. Today the Economic Development Subcommittee of the Senate Public Works Committee is holding hearings in Seattle on the tragic economic and employment conditions the Seattle region is experiencing.

Part of the economic pinch in Seattle could have been averted if a State-county-city proposal for assistance had not been pigeon-holed by the Office of Management and Budget. It was very apparent early in the new administration that their monetary policies would cause heavy damage to the Northwest's lumber, commercial aircraft and farming economy. The local governments, with full cooperation from the Federal regional offices, responded with a specific, detailed program which still hasn't been implemented.

I particularly welcomed Speaker ALBERT's statement of April 8 that Congress can no longer "afford to be mere sideline critics, nor can we wait longer for the President to take the lead. The Speaker said that—

We do not believe that inflation alerts, selective controls on single industries, and the massive impounding of appropriated funds are the correct actions at this time, and we accept the responsibility of providing the national leadership so urgently needed to end our prolonged economic slump.

There are a number of very specific steps which the administration can and should immediately take to relieve the present situation. These include:

First, release by May 1, 1971, at least one-half of the $12 billion in funds appropriated by the Congress for fiscal year 1971, but frozen by the administration. Priority attention should be given to areas having the greatest need for new and improved public services—sewage treatment, public housing, urban renewal—and to geographical areas experiencing substantial unemployment;

Second, establishment of direct Federal action teams drawn from the Departments of Labor, Commerce, HEW, HUD and Defense to visit areas of high unemployment and low economic activity to work with State and local governments to develop and coordinate a Federal effort which is responsive to local problems.

Third, implement wage and price controls previously authorized by the Congress and apply them in a comprehensive manner rather than the piece-meal effort now underway which is directed at only one industry.

Fourth, review the Department of the Treasury's proposal to allow accelerated depreciation write-offs for industry and hold up implementation of the proposed regulation until explicit criteria have been prepared which will prevent large private windfalls and insure that tax relief will only be granted on a selective basis in cases where it will provide new employment and boost the economy.

Congress, unfortunately, is not well suited to the development of a comprehensive and coordinated economic policy. Managing the economy for the good of all of the people is a function which the Presidency is best equipped to perform. But when the President fails to act or, having acted, only exacerbates the problem, Congress must take the initiative.

Congressional action on the following measures should be completed as soon as possible and funds to implement the programs authorized should be appropriated in this session of Congress:

First, amendments of the Public Works Acceleration Act to provide additional and accelerated funding for certain public works projects in areas suffering from high levels of unemployment and economic stagnation.

Second, adoption of the "Emergency Employment Act of 1971" to provide public service employment with State and local governments for some of the Nation's 5 million unemployed.

Third, extension of legislation authorizing the Appalachian and other regional commissions for area economic development.

Fourth, enactment of legislation to increase the Federal minimum wage to $2.20 per hour.

Fifth, adoption of legislation to provide for direct Federal assumption of welfare costs now borne by financially

pressed units of State and local governments.

If implemented by the Congress and the President, I believe that the actions listed above will go far toward getting the Nation through the present economic and employment crisis. But a great deal more must be done if we are to avoid returning to the cyclical boom or bust economic pattern of the late 19th and early 20th century.

In the next few days I will be introducing legislation designed to deal with one important aspect of the national employment problem. This measure, the Federal Conservation Employment Act of 1971, will provide direct Federal employment for unemployed workers, on a temporary basis, in the country's national parks, forests, recreation areas, and public lands. It will build upon the proven and tried concepts found in the Civilian Conservation Corps of the 1930's. Priority will be given to those areas of the Nation which have high levels of unemployment and a need for more intensive timber, recreation, and resource management on Federal lands.

Where there is a high level of unemployment but no direct work opportunity in a particular geographical area, the act will provide relocation assistance to bring people to jobs on both a temporary and a permanent basis.

The Environmental Service Corps established by the act will not solve all of the Nation's unemployment problems. It will help, however, by directly creating jobs to deal with the high-priority national need to replant our forests, to eliminate disease, to prevent erosion, to abate pollution, to guard against fire, to protect our parks, to add new facilities—trails, bridges, camping areas—in our recreation areas, to enhance watershed management, and to make the beauty and grandeur of our public lands accessible to the American people. There is a tremendous backlog of important work which can be undertaken while we await congressional enactment and implementation of measures which will restore in the private sector of the economy the national pledge of full employment which this country made in 1946.

Many of the Federal public lands in the West are located close to major metropolitan centers such as Seattle, Portland, Los Angeles, Salt Lake, Phoenix, and Denver. In such instances, employees could live at home and commute daily. In the more remote areas, work camps would be necessary.

One of the most important features of this proposal is that it does not require a great deal of start-up time. The work is there. Federal foresters, park rangers and land managers in regional offices all across the country have on their desks long lists of specific work assignments which need to be done. Most of this work is planned and programed. It does not require expensive machinery. It requires only people to do the job and the money to pay them.

Natural resource management and environment improvement program needs now stand at an all time high. Consider for a moment these statistics on the immediate needs of our conservation and environmental protection agencies.

The U.S. Forest Service currently has over 5 million acres of highly productive forest land awaiting replanting. Another nearly 12 million acres are not producing adequately for lack of proper forest management. Another 3 million acres are essentially unproductive and will remain so until erosion is curbed. A conservative estimate by Forest Service officials reveals that to reduce their backlog of essential conservation work would require 240,000 man years of labor.

The manpower needs of the Bureau of Land Management, the National Park Service, the Bureau of Sports Fisheries, the Bureau of Indian Affairs and the Environmental Protection Agency to perform essential work on public lands and facilities are also very great.

The work is not glamorous. But it is good clean, hard outdoor work. The Environmental Service Corps means that the Federal Government can give a man a choice between welfare dole and self respect; between hopeless days of frustration and the opportunity to do meaningful work that a man can take pride in.

The difference in the public cost of creating these jobs and the public cost of the welfare and unemployment compensation that will be incurred if jobs are not created is de minimus. But the difference in terms of national benefit and in terms of human dignity is immense.

Mr. President, this measure is a logical and necessary complement to the "Public Service Employment Act of 1971" which the Senate recently adopted. I invite the cosponsorship of other Members of the Senate.

Unfortunately, the negative reception in the White House to previous initiatives from the Congress makes the prospects for implementation of the Environmental Services Corps and other new legislative efforts discouraging. This is one of the major reasons why we need a change of attitude and a change of advisers in the White House. It is also a major reason why Congress must now take the initiative to put people back to work and to get the nation's economy moving again.

## ORDER OF BUSINESS

Mr. STENNIS. Mr. President, am I recognized under the previous order?

The PRESIDING OFFICER. Under the previous order the Senator from Mississippi is recognized for not to exceed 60 minutes.

Mr.. STENNIS. Mr. President, I ask unanimous consent, without losing the floor, the time to be charged to my 1 hour, that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, I shall speak on what is a very important subject today, and my speech that I have prepared will extend beyond 15 minutes. I ask unanimous consent that when I do get the floor beyond this 15 minutes today, my remarks may all appear in the RECORD consecutively, and that any colloquy appear at the end of my more formal remarks.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for an inquiry?

Mr. STENNIS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I am going to ask the Senator not to yield, because I do not wish to start a series of requests for unanimous-consent requests which deal with morning business. I do not want the Senator to yield. He has only a few minutes.

Mr. STENNIS. I thank the Senator. I have only 15 minutes.

## NATIONAL POLICY ON PUBLIC SCHOOLS

Mr. STENNIS. Mr. President, I shall speak today concerning a national policy for our public schools.

We are a nation that has lost its way with regard to a national school policy. We have lost our way because instead of seeking one school policy for the Nation, we have followed such false signposts as "de facto" and "de jure"; such guideposts as "official segregation" in the South, and "racial isolation" in the North—which, intentionally erected or not, have led us astray and to different, but equally disastrous school policies in different parts of the country. Our public schools in many parts of the country are in chaos as the result.

Within a very short time now, we will again have before us proposals in various forms to authorize and appropriate a $1.5 emergency fund, as proposed by the President last year, to assist in school desegregation and related matters. This body had the wisdom to reject consideration of such proposals that were hurriedly presented, with little background, in the hectic final hours of the last Congress.

But this time, when this matter comes before us, the critical issues involved must be met head on with the courage to find ways to equitably resolve them—for this matter of racism and the divisive manner in which racial segregation and desegregation are being handled in our public schools is a central cancer threatening to bring the whole educational system down around our heads. Money will not solve it, or make it disappear—nor will it improve education while the situation exists as now.

The hour is too late—and the situation too grave—for evasion, equivocation, pretense, hypocrisy, or circumvention.

The administration, the Congress—and, yes, the Federal courts—can no longer afford to put off dealing forthrightly with matters which so deeply concern the lives and future of our chil-

dren—which is also to say, the future of our country.

Historically, as is well known, our system of public education—of which we once had reason to be proud—was developed, in the main, by professional educators on a State-by-State basis, but governed—very considerably—through our democratic process, by elected school boards which reflected the concern of the parents and the local communities for the welfare of children.

Even today, with the population explosion and big government, the strength of this concept is revealed in many of our metropolitan areas of the North, where the parents of children in the inner cities and ghettos are demanding and obtaining a greater degree of local community control from the far off city hall and the State capital—in almost disregard of the policies and programs on the Federal Government.

The United States has been called the great melting pot. But it was common knowledge, long before Professor Coleman's study for the HEW, that as new waves of immigrants of differing nationalities and races reached our shores, generally those who dispersed thinly throughout already established communities—although frequently confronted, at first, with considerable bigotry and prejudice—fared much better and, with their children, made the transition to full-fledged Americans long before compatriots who flocked to impacted areas, or ghettos. And it was also common knowledge that benefits from their coming generally enriched the communities into which they settled.

The Supreme Court, in the 1896 Plessy case, decreed that the "separate but equal" doctrine and legally segregated public schools were constitutional. Whatever may be said about the 1896 decision in retrospect, it was the law of the land until 1954.

As with other minorities, those Negroes who sparsely dispersed throughout predominantly white communities of the country, fared the best and made greater progress. In the South and everywhere else in the country, wherever the Negro race was present in substantial numbers, special problems not encountered by other minorities have existed.

When the Supreme Court, in 1954, handed down the Brown decision declaring segregated public schools unconstitutional and holding "that in the field of public education the doctrine of 'separate but equal' has no place"—it must be remembered that it was dealing with cases arising in Kansas, Delaware, Virginia, and South Carolina, and not just with the South, because such conditions existed throughout the Nation. The Supreme Court clearly recognized that racial segregation in the public schools was a nationwide problem and not merely one of sectional concern; and that racial segregation in the public schools was inherently unequal, wherever it existed, although its impact was greater when required or permitted by law.

My purpose today is not to reargue the Brown decision. What I want to examine, among other things, today is what has happened since the 1954 Brown decision to frustrate its effect and to develop the chaotic and disruptive situation in which we presently find ourselves.

I would like to examine why racial segregation in the schools of the South is so unconstitutional—but all right in other sections of the country—why, if racial integration is so good for the minority children and for schools of the South, it is not good for the minority children and the schools of the North and West—why the Federal Government has thrown so much of its resources and sustained effort into racial integration of the schools of the South, and has done practically nothing about racial segregation and racial discrimination prevailing in the schools of the North and West. The 1954 Supreme Court Brown case does not suggest that these differences should exist, or that there should be a double standard. Quite the contrary.

I wish to make very clear indeed that I am not attacking the case of Brown against Board of Education, nor the principle of prohibiting racial discrimination by law. I am attacking the integration of public schools as a principle. These principles are here to stay in some form.

I do attack the subterfuges that are being used by the Federal Government to force the total and massive integration of public schools in the South, regardless of consequences to the children and the quality of the education, while at the same time virtually ignoring the same and worse conditions outside the South. Further, I state that in the South we will live with any pattern, and try to make it work, that is applied to other areas of the country beyond the South. I am frank to say, further, that I do not believe that the parents in areas beyond the South will submit to the total, massive, forced desegregation of their schools of the type that is being forced on us in the South by the Federal Government. The parents beyond the South have not agreed to this pattern, and there has been no real effort to require them to submit. They have sufficient political power and strength to keep it from being done—and no administration, present or future, will dare undertake to apply the same massive pattern to desegregation beyond the South that is now applied in the South.

At the time of the 1954 Brown decision, most—if not all—of the Southern and border States had laws on their books—which laws were legal until then—providing for, or permitting, separate schools and racial segregation; but, the record also shows that the great majority of Northern and Western States, particularly where there was any appreciable percentage of Negroes, also had had laws providing for segregation by race in the schools—either on a statewide or local option basis. And, many of these Northern and Western States, until just shortly before the 1954 Supreme Court Brown decision, had laws that were identical in effect to those in the South in this regard.

The principal concern of the Federal Government since the 1954 Brown decision appears to have been the elimination of the so-called vestiges of legal official racial segregation and racial discrimination in all public schools in the South. However, the record shows that the Northern and Western State school districts were just as implicated as the schools in the southern and border States, because the so-called vestiges of legalized racial segregation, in one form or another, remained in the North and West quite as much as in the Southern and border States. Of course, segregation in the North was not as overt as in the rural South, where there was integrated housing but separate schools and buses. In the North and West—where there never has been any real integrated housing on a racial basis—more diverse, discreet, and surreptitious methods prevailed to maintain the segregated quality of the Negro schools—methods which were quite as official as in the South and which have proven to be highly effective in preventing racial desegregation, to say nothing about racial integration.

In the Northern States, there prevailed a laissez-faire policy which permitted arriving Negroes to continue to pack into already overcrowded slums and ghettos, but took the most elaborate precautions—through official means and otherwise—to see that they did not desegregate from there into white majority neighborhoods, or attend white schools in any numbers.

Also, in Northern and Western States—at least, some of them—it appears that all that was necessary to escape the sanctions of illegal racial segregation in their public schools was to make a high blown proclamation, or pass a law, that there was going to be no more racial segregation in their schools—and then keep right on maintaining the same official practices and policies which assured the continuation of segregation.

For example: In Boston, racial segregation was "abolished" in 1855, although, according to the Supreme Court decision in the Plessy case, the principle of "separate but equal" schools for Negro students was first legally established by a Massachusetts State Supreme Court decision of 1850 involving a Boston case. However, in 1965, apparently due to the degree of racial segregation in the public schools, Massachusetts enacted a strong racial balance law, reputedly the toughest in the Nation. Yet, HEW statistics on the Boston school district for the fall of 1968, compared with the fall of 1969, reflect that segregation of Negro students in the Boston schools was going from bad to worse. Although Negroes make up only about 25 percent of the total enrollment in Boston, 76.7 percent of them were in predominantly minority schools in 1968, as compared to 78.5 percent in 1969; and 43.1 percent of the Negro students were in 90 to 100 percent segregated schools in 1968, as compared to 45.5 percent in 1969. And, I suspect that if I ever receive the HEW fall 1970 IBM statistics on the Boston schools—which I requested several months ago—it will be found that the situation there is becoming still worse—or at least no better.

Mr. President, another example: New Jersey issued a proclamation in 1881 that racial segregation was being abolished,

but, according to the Civil Rights Commission, New Jersey cities and counties persisted in maintaining separate schools for black students well into the 1950's. What the Civil Rights Commission seems to have overlooked is the fact that they still do. There are still scores of public schools in the State of New Jersey which are, for all practical purposes, completely segregated.

So—in spite of the 1881 proclamation—on November 5, 1969, the Commissioner of Education of the State of New Jersey again issued a resolution—based upon the 1947 State constitutional mandate, the 1954 Brown decision, and a 1965 New Jersey Supreme Court decision—that the maintenance of "racially imbalanced" schools was a violation of the law and against public policy of the State of New Jersey.

That proclamation was issued within a week or 10 days after the State of New Jersey's record on this subject was placed in the CONGRESSIONAL RECORD in the speech that the Senator from Mississippi made.

Now back to the State of New Jersey—when in the fall of 1970, an attempt was made to implement this policy of the New Jersey State Board of Education—to which I have referred—in just three schools in the State capital of Trenton—a majority black school district—by the transfer of merely 100 black children and 55 white children—there occurred violent disruption, by both blacks and whites; boycotts; the imposition of a curfew; the calling in of State police; and the temporary closing of the Trenton schools. Following a court injunction, and pursuant to court order, the Commissioner of Education for New Jersey, after hearings on January 14, 1971, held that—

> Meaningful school integration cannot be achieved by involuntary busing of children in urban areas where the majority of public school youngsters consist of the children of the nation's minority groups.

In effect, the decision said to forget about desegregation, or the racial balancing of school districts in New Jersey which have a majority of black students, unless means can be found to cross district lines to include adjacent counties and school districts with majority white enrollments.

Such a decision cannot occur in the South. It is unconstitutional there.

Mr. President, I want the best schools possible for all, but I am old fashioned enough to believe that what is good for Charlotte, N.C., is good for Trenton, N.J., and what is good for Jackson, Miss., where they have massive busing, would be good for Trenton, N.J.

Mr. President, I do not cite these two examples because they are either unique or outstanding, but because they typify what has been going on in the school districts of any number of Northern and Western States.

I think it is fair to say that wherever substantial percentages of Negro students were found in public school districts—whether in the North, South, East, or West—there has been racial segregation—comparable segregation. The difference has been one of degree, depending upon conditions peculiar to the particular areas and circumstances.

Beginning in 1955, the first legislative response to the Brown decision was the enactment of pupil placement laws by most of the Southern States, and there was litigation over the years and strong resistance to a policy of one-sided, sectional, racial desegregation.

In the 1955 Briggs against Elliott case—which was one of the cases involved in the original Brown decision, Judge Parker, in explaining what the Brown case had decided, stated that:

> Nothing in the Constitution, or in the decision of the Supreme Court, takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs from voluntary actions. It merely forbids the use of governmental power to enforce segregation.

On the basis of this decision, most of the southern school districts turned to freedom-of-choice plans. However, even though a host of lawyers and scholars still feel this is sound law, the Briggs decision apparently was overruled in 1968 by the Supreme Court's decision in the Green case, which held that a freedom-of-choice plan which did not result in effective desegregation was unconstitutional.

Mr. President, following is some history: When the Civil Rights Act of 1964 was enacted, it prohibited discrimination in the schools—all schools—on the ground of race, color, or national origin—title VI. It defined "desegregation" as meaning "assignment of students to public schools, and within such schools, without regard to their race, color, religion, or national origin," but stated that desegregation shall not mean "the assignment of students to public schools in order to overcome racial imbalance."—Title IV—It also prohibited any official or court of the United States from using any order seeking to achieve racial balance in any school by requiring the transportation of students.

In spite of the clear language of the 1964 Civil Rights Act, the HEW, for all practical purposes, completely ignored racial segregation in the northern and western State school districts where all sorts of racial discrimination existed and where subtle forms of official racial segregation were known to exist, as well as those so-called vestiges resulting from previous laws which had provided for, or permitted, separation of the races. As a prerequisite to receiving Federal funds, these northern and western State school districts were required only to sign, on good faith, a simple assurance form stating that they would not engage in racial discrimination.

In contrast, the HEW reviewed every school district in the Southern and border States and wherever concentrations of Negro children were found to exist; it required such school districts not only to sign an assurance that they would not engage in racial discrimination, but, as a further prerequisite to receiving Federal funds, to submit a racial desegregation plan.

Ironically, these required plans were called—and still are called—"voluntary" plans. Ironic also is the fact that one of the types of plans permitted by the HEW was a "freedom of choice" plan. However, as previously indicated, based upon the 1968 Green decision, "freedom of choice plans"—at least in the South—were not acceptable to the Court.

Under the Civil Rights Act of 1964, the Department of Justice also had an important role in stamping out racial discrimination in the schools—and it, too, for all practical purposes, completely ignored racial discrimination, official racial segregation, and those "vestiges" of former legal separation by race, in the schools of the North and West. It ignored them, but concentrated on the South. As in the case of the HEW, it appears to have been politically expedient to do this.

And beginning in 1970 the coup de grace was delivered to the Southern and border States school districts. With all of the great resources of the Federal Government, it has just about succeeded in its mission—but, in so doing, it has gone a long way toward destroying public education in many areas of the South. To do this it has taken colossal hypocrisy on the part of HEW and the Department of Justice from a sectional or area standpoint in dealing with the desegregation of the public schools. There has been the most tortuous Federal court reasoning in the Nation's history to distinguish between so-called de jure segregation in the South as contrasted with so-called de facto segregation in the North.

There have also been startling failures on the part of the Federal courts—even the Supreme Court—to decide on, or review, cases involving serious situations of racial discrimination and/or racial segregation in the schools of the North and West. In a speech on the 5th day of May, 1970, beginning on page S6586 of the CONGRESSIONAL RECORD, I pointed out and discussed four major school cases from outside the South involving the legal status of so-called de facto segregation, which cases the U.S. Supreme Court declined to accept for consideration and decision. Nor has the Court yet passed on the question.

Those four cases to which I have referred were disposed of by the court with the terse words "Petition for writ of certiorari denied." This means, of course, that the court refused to consider the case on the merits.

But again, of greatest significance is the absence of action by the Federal Government and the courts against rampant racial discrimination and segregation existing in many Northern and Western State school districts.

The Federal Government has virtually taken over the public schools of the South Over 80 percent of the school children of the 11 Southern States are in districts that are either under court order or so-called "voluntary" plans required by the HEW. Over two-thirds of the children in the 17 Southern and border States are either under court order or in voluntary plan districts. There are no "voluntary" plans or court order districts in the school districts of the North and West.

The Federal Government has taken the authority away from the local school boards and local communities of the South, and in the name of racial desegregation—racial integration and the balancing of children by race—has greatly affected the public schools of the South. By forced integration, it has fanned hatred, fear, misunderstanding, strife, flight, and disruption.

The rapidity and the massive demand for complete integration now, regardless of reason, and the zeal of many of those representing the HEW and some of those representing the Department of Justice has been the very opposite approach of an approach in the interest of education.

It is like trying to win a ball game, but they use different rules for that ball game in the South. In fact, they did not use any rules at all in the North except in a very token way, which I shall outline and describe later.

The Federal Government has done an excellent job in forging a double standard, two-policy system for the public schools of the Nation, and, of course, Congress gave a big assist to all of this by rejection of my amendment of a year ago providing for a single national policy. For the South, it seems that the Federal Government has acted with an unrelenting vengeance in a monumental exercise with its only goal being higher standards of integration—with ever-lessening concern for the facts of educational policy or local sentiment. Freedom of choice has not been enough. Neighborhood schools which were integrated as far as practical were not enough. When the demands became so great, and some schools became intolerable to students and their parents, they simply abandoned the public schools for private schools, and in many school districts there has resulted greater racial segregation than during the interval when freedom of choice was permitted.

I say that deliberately, based upon facts that I know of myself with reference to school officials, teachers of long standing, principals, superintendents, classroom teachers, and children of both races. There has been an entire abandonment by these Federal officials at times of the whole concept of education, the quality of the education, the welfare of the children, and the better training of the children.

As I say, it is like playing a ball game and trying to make a showing for some other part of the country by changing the rules before election day.

I invite the attention of all Senators to the records to which I am referring. I wish all Senators would examine them for themselves. These are astounding facts concerning what has been happening in the name of education in one area of the country when virtually nothing is being done along that line in other areas of the country.

This dual policy and failure to develop a national school policy has also done irreparable damage to the public schools of the North and West. It has encouraged—you might say, subsidized—northern and western school districts to hide behind the nonsensical excuse of "de facto" segregation, and has permitted these areas to exercise unlimited powers to increase racial segregation in the public schools through residential zoning, school district zoning, overloading black schools, strategic locations for new school construction, and a myriad of other official and quasi-official devices to deprive the Negro and other minority children of their rights to attend schools of their choice. The result has been not only a sharp increase in racial segregation and discrimination in the schools of the North and West, but, by the enforcement of one set of laws in the South, and, in effect, encouraging opposite practices in the North and West, such duplicity has contributed materially to disrespect for the law and to the encouragement of disruption in both the North and the South.

The almost unbelievable situation that has resulted from the double standard employed by the Federal Government with respect to racial discrimination and segregation in the public schools can only be realized by citing some examples.

For instance:

First. Racial segregation in the schools of the South is, per se, illegal—unconstitutional.

In the North and West, where identical conditions exist in public schools, it is called "racial isolation" and is permitted as legal.

Second. In the schools of the North and West, regardless of the degree of racial segregation, or its cause, racial discrimination must be proved to make a case and the Federal Government is making no effort to prove it, or very, very little effort.

In the South, racial discrimination is presumed, and the Federal Government, through HEW, the Justice Department, and the Federal Courts—has used this contrived presumption to force massive integration to the ultimate.

Third. In the South, although it has been 17 years since the Brown Supreme Court decision, and in spite of all that most of the Southern school districts have done to comply with Court decisions and HEW directives, racial segregation is still labeled as "de jure" segregation and too commonly is referred to as "official" segregation, or "deliberate" segregation.

In the North, racial segregation in the schools—regardless of "vestiges" remaining from previous laws and various methods employed to perpetuate segregated schools—is officially labeled "de facto" segregation and variously called "accidental," "fortuitous," or "segregation due purely to housing patterns."

Voluntary racial concentration in the South is not recognized. It is treated as illegal and unconstitutional racial segregation.

In the North, one would be made to believe that all racial segregation is "adventitious."

Fourth. In the North, freedom of choice to go to the school of one's choice within the school district of residence is not only permitted by the Federal Government, but is fortified in a number of States by recently passed State statutes in New York and other States.

In the South, such freedom of choice, unless it results in "effective racial integration of the school district," is prohibited as illegal and unconstitutional by Supreme Court decision. And, in the South, when some States attempted to pass laws identical to those of Northern States, such laws were immediately declared illegal by action of the Department of Justice and the Federal Courts.

Fifth. In the North, the busing of school children to achieve racial desegregation is considered "racial balancing" and is prohibited.

In the South, forced busing of Negro students away from the neighborhood schools to majority white schools—even against their will—and similar busing of white students to majority Negro schools, is common and is required by HEW and express court orders as a part of the desegregation process allegedly required by the Constitution.

Sixth. In the North, parents who wish to avoid sending their children to racially integrated public schools freely move to suburbs where such conditions do not exist, or send their children to private schools.

In the South, the Federal Government devised procedures for filing school desegregation suits in clusters which took in a group of counties or school districts in order to prevent or discourage flight from school districts where there were heavy concentrations of Negro students.

In the North, where, according to HEW statistics, between 20 and 25 percent of the children of elementary and secondary school age are educated in private schools—most of them so-called lily white—no question has been raised as to why there are not more Negro or other minority children in such private schools, nor has any remedial action been taken.

In the past, the South had few private schools—attended by only about 5 percent of the children. In recent years, however, when private schools were established and attended by many of the white children because of the extreme measures used and the excessive degree of integrations required in the public schools, especially on such quick demand, there was an immediate hue and cry to have any tax benefits taken away from such private schools—which were labeled "desegregation academies"—on allegations that they were established to circumvent integration and these tax benefits were taken away from many of the private schools in the South. None have ever been questioned in the North.

Seventh. As I pointed out earlier, upon the passage of the Civil Rights Act of 1964, school districts of the North and West had only to sign a simple assurance that they would comply with the act in order to qualify for Federal funds—this, regardless of existing conditions of racial discrimination and segregation, or the past history of legal or other official discrimination in such school districts. The districts of the North have never been disturbed except in only a very few instances that I will refer to later.

In the Southern and border States, every school district was checked, and wherever minority racial concentration existed, a special assurance form was required as a precondition to receiving Federal funds—which assurance called

not only for compliance with the Civil Rights Act and regulations but the filing of an acceptable plan to bring about racial desegregation.

Eighth. In the South, over 90 percent of the minority students are either in so-called "voluntary plan" districts or "court order" districts, where the Federal court had taken over authority from the local school boards in matters of school desegregation.

No voluntary plan or court order was required for any school district in the Northern and Western States, regardless of their previous background or present conditions of racial segregation and discrimination.

The results which have accrued from the difference in application of policies and laws in the South, as contrasted with the North, have reached ridiculous proportions and would be comical if they were not so tragic.

While the Federal Government has been concentrating its resources on integrating the schools of the Southern and border States, it has been making pronouncements as to what it was doing and going to do to remedy racial discrimination and segregation in the schools of the North and West.

In the March 1, 1969, report of the Secretary of HEW entitled "Establishing a Nationwide School Desegregation Program Under Title VI of the Civil Rights Act of 1964," submitted pursuant to section 410 of Public Law 90–82 (the Labor-HEW Appropriation Act of 1969), it was stated, in part:

Additional staff has been assigned to the elementary and secondary school compliance program outside the 17 Southern and Border States. Totals as of March 1, 1969: North and West, 53 persons; South, 51. These figures compare with 32 persons assigned to the North and West and 67 to the South in October 1968. . . . (p. 1)

Nondiscrimination provisions in the Elementary and Secondary School Compliance Policies issued by HEW in March 1968 apply to all schools in all States, including those which never had formal dual school systems as well as those which formerly were racially segregated by law. Uniform enforcement procedures are based on information received by HEW from nationwide school enrollment surveys. There have been reviews of 40 school districts in 13 Northern and Western States. Officials in six school districts in six of these States were notified of apparent Title VI violations and two other districts were referred to the Department of Justice for possible court action. (p. 1)

The HEW made it clear that it intended to administer and enforce title VI of the Civil Rights Act of 1964 with equal emphasis and by like methods in all States of the Union.

On July 3, 1969, HEW Secretary Finch and Attorney General Mitchell made a joint statement, excerpts from which follow:

The implication of the *Brown* decision are national in scope. The problem of racially separate schools is a national problem and we intend to approach enforcement by coordinating administrative action and Court litigation. (pp. 3 and 4)

Racial discrimination is prevalent in our industrial metropolitan areas. In terms of national impact, the educational situation in the North, Mid-West, and West require immediate and massive attention. (p. 5)

In the HEW's "Civil Rights Progress Report" of September 14, 1969, which principally concerned itself with the progress of desegregation in the South, it was stated, however, at page 8:

In terms of activity, we initiated 13 preliminary reviews of Northern school systems under the new Administration, the same number as in the comparable year-earlier period. But we conducted six full field reviews in the first 7½ months this year, compared with only three last year, and we negotiated to try to encourage desegregation plans in five more districts, compared with two a year earlier. A full field review normally involves a minimum of six professionals a minimum of two weeks in a given district gathering information, compared with as little as one man spending one day in a preliminary review. Thus, the involvement in more full reviews this year, as well as following up on reviews conducted last year, has more than doubled our activity in the North.

That is a significant statement. They say they had three full field reviews of northern school systems for the previous year, I believe it was, and they had instituted six full field reviews in the North in 1969. Then they say they had more than doubled their activities. But there are literally thousands of districts in the North—the area they are talking about here—and six is a mere pittance. But the reports and the press releases say that they had more than doubled their activities. That is something that sounds big, but it is a phony when it comes to the total substance of what has been done and what is sought to be done.

I continue to read from the report:

*So far, we have taken one district* into administrative proceedings in the North, Ferndale, Michigan. That case is now pending before the Hearing Examiner, extensive hearings having been held. Because it is necessary to prove discrimination in the North (not difficult in states where a dual school system once existed, since the Supreme Court in 1954 said the dual school system was inherently discriminatory), reviews and subsequent action take much longer per school district than Southern compliance steps ever took.

Ferndale shows very well why the extra effort on the North does not produce a comparable result in desegregation plans or citings for administrative proceedings. While Ferndale has only 8,100 students in 12 schools, 9.5% of the students are members of minority groups, and only one school which is a compliance problem, the reviews, investigation, correspondence, negotiation and hearing took 35 man weeks of professionals' time, not counting the considerable time which attorneys in the Office of General Counsel of HEW spent on the case. This compares with four man weeks for the average Southern school district.

Thus it is not surprising that we have expanded our effort greatly in 1969, while we have not significantly expanded our geographical spread or the number of districts with which we are involved. We have dealt with 50 Northern systems since we dropped the complaint-response procedure in early 1968 and began initiating reviews to achieve compliance in an orderly fashion. Thirty-four of our reviews began in 1968, and so many of them have kept our expanded manpower force busy, that we were able to initiate only 16 more in 1969. (pp. 8 and 9)

On May 15, 1970, the Secretary of Health, Education, and Welfare, in response to my letter of April 27, 1970, requesting information on the administration's national school desegregation policy and related matters, stated, on page 3:

In a joint statement issued on July 3, 1969, by the Attorney General and myself, the Administration took note of the fact that racial separation in the schools was and remains a national problem. The Administration is committed to the fair and firm nationwide enforcement of the Title VI school desegregation requirements.

Now, let us look at what the Federal Government has accomplished pursuant to this "fair and firm nationwide enforcement" of the Civil Rights Act and the Brown decision with respect to racial discrimination and segregated schools, and what was the extent of the "massive attention" that was to be given to the schools of the North, Midwest, and West.

On December 22, 1970, I addressed letters to both the Department of Justice and the HEW requesting information on the progress of the school desegregation program, North and South, and I am using the information sent me by these Departments on January 5, 1971, as the basis for my analysis.

The Department of Justice reported that it had entered a total of 235 school desegregation suits since fiscal year 1965, 200 of which are still pending, and that six of these suits—all of which are pending—were against school districts outside the Southern and border States. Just think that is six suits in the North and West compared with 229 in the Southern and border States.

The HEW reported that there had been 4,349 school districts in the Southern and border States which had filed, and were implementing, desegregation plans under either title VI or pursuant to court order; that of these, 492 were under court order; and that 73 of the districts were not operating under either a voluntary plan or a court order. They advised that outside the Southern and border States, the HEW had required nine school districts to file desegregation plans. Again, only nine school districts in the North and West were required to file desegregation plans, as compared with 4,349 districts in the Southern and border States.

That covers several years, but after all the claims and promises as to the same kind of activity outside the South, after all this time and all the claims they have made, we learn that only nine school districts outside the South have been required to file plans for desegregation, as compared with 4,349 districts in the Southern and border States.

The Department of Justice and HEW were also requested to furnish the names of the school districts outside the Southern and border States where Federal suits had been filed and where the HEW had required desegregation plans, respectively, together with the status of these cases.

As far as the background of this matter is concerned, I placed statistics in the RECORD in late 1969 and early 1970 showing the monstrous amounts of segregation in the schools of the Northern and Eastern States—and I speak with great respect of them—but they come forward with six desegregation cases outside the South.

The Department of Justice information on the six school desegregation suits brought in Northern and Western States is as follows:

First. Pasadena, Calif. Filed November 28, 1969. Tried and decided by the district court. Desegregation plan being implemented.

Second. Waterbury, Conn. Filed October 13, 1969. Not yet tried.

Third. South Holland, Ill.—District 151, Cook County. Filed April 25, 1968. Suit tried and decided in district court. Desegregation order affirmed by court of appeals. School district has filed petition for review with the Supreme Court.

Fourth. District No. 12, Madison County, Ill. Filed July 7, 1969. Related to faculty desegregation only. Final order entered by district court.

Fifth. East St. Louis, Ill.—District 189, Suit filed September 6, 1968. Related only to faculty desegregation.

Sixth. Indianapolis, Ind. Suit filed May 31, 1968. Not yet tried, but interlocutory order regarding faculty desegregation entered.

I think it is quite significant that the Department of Justice saw fit to enter only six lawsuits relating to school desegregation in all of the 32 Northern and Western States. The total school enrollment in these six districts was only approximately 184,000 students, including about 66,000 Negro students. The other minority students in these six districts aggregated less than 5,000. Of these six school districts, the action taken on three related only to faculty desegregation; two of the larger cases have not been brought to trial; and in only one of the two cases tried—Pasadena, Calif.—has a desegregated system actually been implemented, without appeal.

In schools that are 95 to 100 percent minority segregated there are 1.3 million, or about 44.8 percent of all Negro students in the Northern and Western States, according to HEW's preliminary fall 1970 school survey figures. And there are nearly a million, or 30.6 percent, that are in 99 to 100 percent segregated schools. Yet, the Department of Justice has concerned itself with only six districts which include only about 71,000 minority students. There are also, of course, numerous school suits by private individuals which have been brought in Federal courts in the Northern and Western States testing the validity of State laws prohibiting busing, involving racial discrimination, and the issue of freedom of choice, but the Department of Justice apparently has not seen fit to enter into any of these.

By contrast, in the Southern and border States, there were 5.3 million students, including 1.9 million Negro students, in some 492 school districts that were under court order, according to HEW's fall 1969 school survey.

The record of accomplishment of the HEW with respect to compliance and enforcement relating to racial discrimination and racial segregation in the schools of the North and West, if possible, is even worse than that of the Department of Justice.

The Secretary of Health, Education, and Welfare, in his reply of January 5, 1971, to my letter of December 22, 1970, reported that the nine Northern and Western State school districts allegedly required to file desegregation plans were: Union Township, N.J.; Penn Hills, Pa.; Wichita, Kans.; Ferndale, Mich.; Bakersfield, Calif.; Sequoia High School, Redwood City, Calif.; Middletown, Ohio, Dayton, Ohio; and Kankakee, Ill. It is recalled that HEW reported, in its March 1, 1969, report, that it had taken action on six of these nine cases.

Of the nine school districts in the North and West allegedly required to file desegregation plans, two related to faculty assignments only; in two, administrative proceedings were begun, but in these two cases no final decision has been reached. In one school district, HEW was still negotiating for an acceptable plan. The total enrollment of these nine school districts, according to HEW's 1968 survey figures, approximated 208,000, including 42,000 Negro students and approximately 8,000 other minorities; but, if you exclude the two cases where final decision has not been reached in HEW administrative proceedings, the two cases involving faculty assignments only, and the one case where negotiations are still going on—then, only four districts in all of the 32 Northern and Western States, with a total enrollment of 42,703 students, including 4,605 Negro and 777 other minority students, as of HEW's report to me on January 5, 1971, have actually desegregated pursuant to HEW Office of Civil Rights requirements.

If you take the figure of 4,605 Negroes enrolled in the four school districts in which HEW has effected desegregation, you find it represents less than four-tenths of 1 percent of the 1.3 million Negro children attending 95 to 100 percent segregated schools in the North and West, and only five-tenths of 1 percent of those Negro children attending 99 to 100 percent racially segregated schools in the North and West.

Think of those figures, Mr. President. Here are 1,300,000 minority Negro children attending schools in those States that are 95 to 100 percent segregated, and suits have been filed there, or action has been taken by HEW, concerning only four-tenths of 1 percent of those 1,300,000 students; and still they say "We are going to have a uniform national policy, and we are pursuing it and working to that end."

Moreover, only one-half of 1 percent, in that area outside of the South, of the children who are attending those 95 to 100 percent racially segregated schools—only one-half of 1 percent—have even been touched.

This hardly supports the administration's claim of massive attention to the schools of the North, East, and West—or its claim that it was administering title VI of the Civil Rights Act of 1964 with equal emphasis and by like methods, North and South. The facts show conclusively that only slight attention is being given to this area.

Whatever excuses may be given, it is just not a fact that anything more than slight attention is being given to the schools of the North and West.

The facts I have cited—which I would welcome anyone to refute—amply document that the HEW and the Department of Justice have done practically nothing about racial segregation and racial discrimination in the public schools of the North and West. Just how much manpower do you think it has taken to accomplish what the Department of Justice and the Department of Health, Education, and Welfare have done in bringing the six lawsuits and the two HEW administrative proceedings—and in negotiating changes in seven relatively small school districts in the 32 Northern and Western States?

Whatever the estimate, compare it with the legions of Department of Justice civil rights attorneys, assistant U.S. attorneys, FBI agents, U.S. marshals, HEW Office of Civil Rights title VI compliance officers, HEW Office of Education title IV professional advisers and desegregation plan drafters, Federal judges, and great numbers from private civil rights organizations who have participated in racially desegregating and racially integrating the 4,349 school districts of the Southern and border States.

Does this comparison suggest that the Federal Government has administered and enforced title VI of the Civil Rights Act of 1964 "with equal emphasis and by like methods in all States of the Union?"

Does not the statement regarding "monumental hypocrisy" which the senior Senator from Connecticut made in his courageous speech a year ago in support of my amendment for a single national policy on public school desegregation take on even greater meaning?

Further, does not the fact that the Federal Government has not really done anything about racial discrimination and racial segregation in the schools of the North and West to date demonstrate—or at least strongly indicate—that they do not intend to do much of anything?

Mr. President, when I use the term "Federal Government" all the way through this speech, I am not talking about just the present administration. The same thing has been true of previous administrations. There has been talk, and there has been smoke, but there has been very, very little fire. I have worked on this for years. I have talked with many HEW Secretaries and many of their staffs. I have come in contact with them in many ways. Over these years, this claimed activity outside the South has been clearly demonstrated by these facts to be a monstrous sham.

The March 1, 1969, HEW report stated that 40 Northern and Western State school district reviews had been made. A later HEW progress report, of September 14, 1969, stated that 34 of these reviews were made in 1968 and the number had been increased by only 16 in 1969; that, in all, HEW had dealt with only 50 school districts in the Northern and Western States since it had "dropped its complaint-response procedure to achieve compliance in an orderly fashion."

The number of school districts which the HEW's Office of Civil Rights has dealt with in this so-called orderly fashion after dropping its "complaint-response

procedure" in the North and West has not increased by very many since the progress report of September 14, 1969. This was not because the HEW field review teams did not turn up serious civil rights violations, such as gerrymandering and other acts of racial discrimination in a high percentage of those northern and western school districts which received competent reviews. It was because of the almost complete bottleneck in the HEW general counsel's headquarters office which was required to authorize any action taken by the regional offices against violations by school districts of the North and West. When I called this to the attention of the Secretary of Health, Education, and Welfare by letter of April 27, 1970, I was advised, in reply, that they "have been aware for some time that the Office of the General Counsel should have increased ability to provide legal services to support the shift in Office of Civil Rights emphasis to the northern, eastern, and western areas."

The Secretary further indicated that, effective February 1, 1970, legal services were reorganized to provide two equal education units—one for the South and one for the northern areas. Whatever they may have done, I have failed to note any improvement, and the letter from HEW dated January 5, 1971, previously referred to, corroborates this.

As in the case of the administration's trumpeting about the "massive attention" it was going to give the schools of the North and West, and the equal treatment in the administration of title VI, much has been said about additional assignments made to the compliance staff of the northern regions of the HEW Office of Civil Rights, and that, in numbers, they now exceed the compliance personnel assigned to elementary and secondary education in the Southern and border States. But, again, where are the results? What type of personnel was assigned? Have they been experienced investigators, or were they sociologists? Perhaps this is something which should be examined. If the administration were to really dig into the violations in the school districts of the North and West, they would find out how bad conditions really are there, and they would have to do something about it—perhaps. But if they make a lot of noise and spin their wheels, accomplishing nothing, then, they can go on integrating the South and largely giving "lip service" only to the North. Actually, there are more HEW personnel working on school desegregation compliance in the South today than there are in the 32 States of the North and West.

Mr. President, I noted with interest some weeks ago two illustrations of the practical side of what I have been talking about. The first was an item published in the Washington Post of March 7, 1971, datelined Atlanta, Ga., written by a Washington Post staff writer. It reads as follows:

SOUTH'S SCHOOL INTEGRATION PROGRESS LAUDED

ATLANTA.—Seven Cabinet-level officials flew here today to review what one member of the group described as "a record of remarkable progress" in Southern school desegregation.

Elliot L. Richardson, Secretary of Health, Education and Welfare, offered that glowing appraisal in the course of a closed meeting between members of the White House Cabinet Committee on Education and leaders of seven state advisory committees set up by President Nixon last year to help smooth school integration in the South.

Speaking to reporters gathered outside the meeting place, Richardson added, "Desegregation has been carried out on an entirely unprecedented scale." He added, "As far as the actual achievement of desegregated school systems . . . the South now has proportionately more black people attending desegregated schools than the North has."

The only demurrals—and they were slight—came from some of the black cochairmen of the state committees.

"I would concur with him," said Dr. Horace Tate, of Georgia. But he pointed out several remaining "problems." Among them, he said, are the dismissals and demotions of black teachers and principals in newly integrated school systems and the "white flight" of white students to private, white academies.

Dr. Gilbert Mason, vice chairman of Mississippi's advisory committee, said the departure of whites had been particularly pronounced in his state, but he added that whites had returned to the public schools in many of Mississippi's districts at the beginning of the present semester.

The state's private schools he said, "can't sustain themselves from one (fund-raising) barbecue to another."

Budget Director George Shultz, who is chairman of the Cabinet committee said at a news conference after the meeting that "white flight" could be cured by "improving the quality of education" in public schools.

Southern school integration, Shultz said, has been accomplished with "a very minimum of violence, much less than anyone had anticipated."

Besides Shultz and Richardson, other cabinet-level officials at the meeting were George Romney, Secretary of Housing and Urban Development, presidential counselors Donald Rumsfeld and Robert Finch, Attorney General John Mitchell and Postmaster General Winton Blount.

The administration now has sent Cabinet, and sub-Cabinet officials to Atlanta to celebrate a "victory" for integration that the administration has achieved in the Atlanta schools, and they greatly compliment the people of Atlanta as well as other southerners. But, Mr. President, you have not read where the administration has sent Cabinet-level officials to Pittsburgh or to Cleveland or to St. Louis, or to New York City, or to Chicago to celebrate a "victory" for integration in the schools of those cities, and the bestowing of compliments for the officials of those cities or their States.

The hard facts are, there have been no accomplishments there. Neither have you read where Cabinet-ranking officials have been to those cities, or to any other cities outside the South.

Without being personal at all, I point out that I have not read in the press where any Cabinet-level officials have been to Boston to point with pride to the great progress being made in desegregating of the schools in that city, in spite of the fact that two members in the present Cabinet are from Massachusetts and, in fact, are former Governors of that great State. One of these Cabinet officials is the present Secretary of Health, Education, and Welfare, whose Department is charged with the responsibility of administering the Federal drive to desegregate the public schools—including those in the North and West—under the Civil Rights Act of 1964, which a former Secretary of Health, Education, and Welfare, the Honorable Robert Finch, and the present Attorney General, the Honorable John Mitchell, both honorable men, have said requires "immediate and massive attention." The full facts are that virtually nothing has been done in Boston, or anywhere outside the South.

I say I have the greatest respect for these men. I have the greatest respect for these cities, too, and I do not want to see any school in trouble anywhere or any time. But I shall read again, if I may, from the Washington Post, this time from an article published on April 4, 1971, and another on April 11, 1971. The first is an article written by Mr. Peter Milius, a Washington Post staff writer, datelined Boston. The other is written by Mr. Robert C. Maynard, also a Washington Post staff writer, and also datelined Boston. The first article relates to testimony before a special education committee, when the Senator from Arkansas (Mr. MCCLELLAN) inquired of Attorney General Mitchell about a uniform policy, and what was being carried on outside the South.

Reading from the article of April 4:

APARTHEID IN URBAN SCHOOLS—BOSTON TYPIFIES BATTLE OVER INTEGRATION

If Boston, Mass., were Little Rock, Ark., Sen. John L. McClellan (D-Ark.) gruffly told the witness at a hearing in Washington last August, "you would be down there tomorrow."

The witness was Attorney General John N. Mitchell. He had just testified that, in his opinion, Boston's "open enrollment policy," a shaky exercise in the simultaneous appeasement of both whites and blacks on school integration, was unconstitutional.

The policy is a system under which black children are allowed to transfer out of black schools into white ones; it is a citywide invitation to integration. Yet it is also, as the senator had pointed out, a system under which white children, too, are allowed to escape into white schools if they are somehow assigned to black ones; it can and often does also lead toward segregation.

The South, as everyone in the room knew, had also had an "open enrollment policy." Its kind had been known as "freedom-of-choice," and it, too, had allowed black and white children to attend integrated schools, but only as they chose to.

Freedom-of-choice had been attacked by the Justice Department and struck down by the federal courts. What was Mitchell going to do now about open enrollment, McClellan asked.

There was nothing he could do, Mitchell said, because no Boston parent had complained.

The 75-year-old Arkansas senator exploded. "Now that," he said, "is a double standard in America today."

The Department of Health, Education and Welfare has, since McClellan's outburst, quietly dispatched a small team of civil rights investigators to this Northern city. It says today that Boston is one—the largest—of about 50 Northern school districts in which it has looked or is looking intensively for violations of the federal civil rights laws.

It is one of the ironies of today's politics that a senior Southern senator should have helped spur on these investigations. Yet the whole episode—McClellan's scathing remarks, the government's halting response—is

a telling summary of some powerful new truths about school integration in this country.

The first of these truths, and the most basic, is that the integration background has shifted. Today it is in the big cities. More than 50 per cent of the nation's 6.7 million black school children now attend its 50 largest school districts according to federal figures. Technically at least, and though problems still abound, the rural and small-town school districts of the South, the scenes of the big battles of the 1960s, have desegregated. The South's classic dual school system is no more.

And in some cities, the issue is rapidly becoming moot in any case. Washington, D.C. is an example. Its school system is 95 per cent black, and there is no way to integrate.

The second truth is that, however they got that way, the cities of the North and South are today the same. Little Rock is where President Eisenhower had to send armed troops in 1957 to safeguard the right of black school children to attend formerly white schools. Boston, as McClellan wryly noted at that hearing in August, "is the city often represented as the cradle of American liberty."

Yet in both today, there is something approaching educational apartheid. Blacks go primarily to black schools in black neighborhoods, white the reverse. The only apparent, immediate way to break up the pattern is to bus. But in both today, Boston and Little Rock, North and South, whites and increasingly, blacks as well, are resisting busing. For many blacks, integration is no longer the pathway to better education. Black control is.

The third truth is that integration thus is at a crossroads. Lawyers, judges, and the government used to make a distinction between "de jure" segregation—the deliberate, official kind, which is illegal—and "de facto" segregation—the kind that reflects residential patterns, and which is not illegal. The South was de jure, the North, for the most part, de facto. Yet today, in the cities at least, there is no difference between them. There is a widely recognized need for a new set of standards, one that would be both urban and national.

I read from the article written by Mr. Robert C. Maynard, published in the Washington Post of April 11, 1971, regarding the Boston schools:

BOSTON SCHOOL CRISIS DEEPENS

Nearly a decade ago, a storm was touched off in the schools here when a white teacher was discharged for teaching his black students a Langston Hughes poem that advocated rent strikes.

Jonathan Kozol, the teacher, was later to write a book, "Death at an Early Age," charging that the schools of Boston were crippling children for life by the persistent inadequacies of the system.

Now, five student strikes later, the Boston public schools are in their deepest crisis in the decade since the Kozol incident. Monday marks the beginning of the 11th week in which more than 1,000 black students—half of them high school seniors—have been out of school, "absent without leave," as some school officials put it.

"What goes on in those schools," said Gloria Joyner, a mother of two children in the Boston school system, "is not education. It's police state—with policemen patroling the halls—and a nightmare. I'd just as soon have my kids home."

She is co-chairman of CHANGE, the coordinating committee for the current boycott.

Marc Bell, a high school student, said that it is easier to be a dope addict in some Boston high schools than a student.

"You go into the lavatories and you see the guys shooting up or smoking reefers. I would say that half of the school kids are involved with some kind of dope. You just can't get an education, you just can't."

And if black students try to get an education at some schools, said Linda Brown of Girls High School, they are frustrated by the lack of a curriculum that they feel will be of any use to them.

"We want to learn things we can use," Miss Brown said. "We want to learn subjects that will help us get to college and we want to learn something about our own history and culture."

That demand, one of five being made here in Boston, is growing in black communities across the country, as it did among black college students four and five years ago. It is one of several forces that is contributing to high school unrest in big cities of the North and in small cities of the South that have recently desegregated their high schools.

Ahmed Narradine, a 15-year-old New York City public school student, is typical of the youngsters demanding more about blacks in the curriculum.

"The only time we ever hear about our black heroes," Narradine told a visitor to Harlem's James Fenimore Cooper Junior High School, "is when they are either in jail or dead."

Narradine was one of several students who confessed that he had participated in a choral tribute to Whitney M. Young, Jr. on the day of his funeral in New York, without having any idea who Young was.

One of his companions in the choral tribute said that her history class was then studying the Russian revolution and she had learned "more about the power struggle between Josef Stalin and Leon Trotsky than I know about the struggle of black people here in America."

The lack of black studies is not the only major complaint of black high school and junior high school students.

Linda Brown complains that in all of the 18 high schools in Boston, seven of them with substantial black populations, there are few black teachers, no black guidance counselor.

"The white counselors steer us away from the college preparatory courses," Miss Brown says. "They tell us there is no point in taking this or that course because we aren't going to college anyway."

Of all of the complaints about the schools of Boston, many blacks believe that the problem of the guidance counselors is one of the most serious.

Jack Robinson, the new president of the Boston branch of the NAACP, is a businessman and was a Boston school teacher for nine years.

"I remember when I was a high school student, I told my guidance counselor that I wanted to prepare for college," Robinson recalled recently. "I was told my talents would be better served in the print shop. So that's where I spent three years of my high school."

In part because of his own experience as student and teacher in the Boston system, Robinson has placed the student strike here at the top of his list of NAACP projects.

The branch, more activist under Robinson than most NAACP branches are—here or anywhere—is supplying legal assistance and other forms of support to the strike, one of the factors that has helped to keep it going.

Robinson, who took office in January, is attempting to bridge the gap between the NAACP and youth in his community, and he has tried to run the branch the way he runs his nine corporations—as a business.

He has hired salesmen on a commission basis to go door-to-door soliciting memberships, and he has introduced the first civil rights-on-credit plan known to exist in the country. He can sign up new members with their choice of Master Charge or Bank Americard. "Yes, sir," he said, "You can do anything else on credit, so why not civil rights?"

To have the "muscle" to win the school battle or any other, Robinson argued, "you have to have the troops, members, and we intend to get them by every means that any modern organization would use to attract them."

But blacks here believe, muscle or not, that they are facing a long struggle to redeem their schools. They see no easy or quick solution.

"As one parent," said Walter Thomas, a man with a deeply lined face and graying hair, "the only solution I can see is to have an all-black school board to run the schools of the black community. We just don't think we can depend on the white school board for a fair shake."

Perhaps the most famous of Boston's school committee veterans is Democratic Rep. Louise Day Hicks.

It was Mrs. Hicks who became known as the staunch opponent to busing here when that was one of the demands of a previous school strike by black parents and students.

"You know where I stand" was a regular refrain of hers when she spoke in white community meetings on the topic of busing. She lost her bid for mayor to Kevin H. White, but the school busing issue nontheless made her name a household word in Boston and elsewhere.

Jack Robinson is among many blacks who ruefully confess that "the NAACP helped to make Louise Day Hicks. Everyday there was a charge and countercharge, a running word duel between Mrs. Hicks and the NAACP."

Drumming his fingers on his desk for emphasis, Robinson declared, "You better believe we aren't going to make that mistake again."

The blacks see a special irony in the fact that school busing became the focus of the controversy over education here.

"Boston Technical High School," Mrs. Joyner said, "is right here in the center of the black community. Right in the middle of it. There are 1,600 students at Technical and 157 of them are black. Could you imagine a white community in Boston having a school in the middle of it that was 95 per cent black? Just go look at those buses. They bring white kids into our community by the busload every day. But they oppose the busing of blacks to schools in the white community."

But busing is out as a demand now and community control is in. And although it is the national policy of the NAACP to favor school desegregation, Boston's chapter is backing the demand for community control.

"Call us a renegade branch if you want to," Robinson said, "but we see community control as the only answer to the problems of the Boston schools at this time."

The alienation here among the striking students, their parents and other supporters and the white school system is total.

Several parents said they don't care whether their children gain diplomas this year because, as one mother put it, "the diploma isn't worth the paper it's written on. My child hasn't learned anything and I know it. Who's a diploma gonna fool?"

So the strike against the Boston schools is likely to go on. The first of the demands is a meeting in the black community with the full school committee, so far not granted.

Now, the striking students and their parents are talking of escalating their protest, with a motorcade downtown. The strike could easily go on for another month, to the end of the school year.

"If they wait us out until the end of the year," said the NAACP's Robinson, "they'll just have to deal with us in September."

Mr. President, these points have been made here many times by those of us representing the Southern States—that

this matter of massive integration is something that the colored people are not overwhelmingly in favor of, that they do not look upon it as the path to better education. A great deal of this is not wanted by them, it is being resisted by them. I think that resistance will be more and more.

I am impersonal about this. But we had these statements, press releases, pictures, and visits to these southern cities, praising them for integrating, complimenting the people, sending it out in such a way implying that there is no segregation anywhere except in the South; and, as a matter of fact, in their own backyard—the backyard of these two cabinet officials—according to press reports coming from that great city, Boston has the worst condition to be found anywhere in the country. It was only after they were publicly chided for no activity there that this so-called team was sent there.

We recall, also, that several years ago somebody at HEW thought they meant everything they said. He sent a notice to the Chicago city schools that they would have to integrate the faculty. Approximately 2 days later, a telegram or telephone call came to the White House, during the previous administration, from Mayor Daley. He might have come, himself. Anyway, that is all it took to stop them, and it was taken under advisement. Nothing was done. It was revised later, about 2 years ago, but, as I understand, nothing has been done yet.

Those are the hard facts of life, and that is why I say it is a shambles so far as really trying to do something about it is concerned.

Mr. President (Mr. ALLEN), I move on to other matters about statistics. I am trying to implement with statistics everything I have said here about these glaring examples of the actual records, and to other matters about statistics. I am told they are not easy to obtain. But I have found that the records of HEW, when they finally send them in, stand up, and they are quite revealing.

I do find that since we got the first records for the year 1968, they have changed the system of setting up those records.

The administration's handling of HEW's school survey statistics on racial and ethnic segregation also seems consistent with the administration's double standard of integrating the schools of the South while really doing nothing about segregation in the schools of the North and West.

I am quite reluctant to say this, but the manner and timing of the presentation of HEW's school survey statistics reflecting racial segregation suggests the possibility that "sleight of hand" may be being practiced. This is a whole story in itself, but it is necessary to say this about it.

The HEW's fall 1968 school survey statistics on racial segregation were published in full, with various summary breakdowns—by race and ethnic groups, by degree of segregation, by State, by geographical region, and by the 100 largest cities. The problem is that the HEW has been using and relying on these 1968 statistics—particularly when it suited their purpose—ever since, although these statistics are now over 2½ years old and two HEW surveys—fall 1969 and fall 1970—have been made since then.

For example, it was the HEW's 1968 statistics which were used this last December when the $1.5 billion emergency school aid bill was up for consideration in the House and Senate.

The fall 1969 HEW survey was limited to predominantly segregated minority school districts, but it nevertheless included the great percentage of all Negro and other minority students. To my knowledge, the 1969 survey was not publicly released, but was available—at least partially—upon specific official request. The 1969 statistics were primarily classified by so-called "court order districts," "voluntary plan districts," "441 districts," and the 100 largest cities, and this setup was sufficiently different from the 1968 survey to make comparisons with the 1968 survey difficult. The term "441 districts"—as used here—is almost synonymous with northern and western school districts. However, if you obtained the 1969 figures, it was apparent, even by a cursory comparison of the 1968 and 1969 statistics, that there had been a sharp decrease in racial segregation in the Southern and border State school districts, and an appreciable increase in racial segregation in schools of the North and West.

The fall 1970 HEW school survey was a complete survey which should have been easy to compare with the 1968 survey. Returns on this survey were due October 15, 1970. However, the HEW press release of January 14, 1971, with schedules reflecting preliminary statistics on the fall 1970 survey, did not break down the statistics in the same manner as in the 1968 survey and did not give the same information on the degree of racial segregation. What is more, the figures released on the number of children and degree of racial segregation in the Southern and border States were based 90 percent upon actual fall 1970 enrollment, while the figures for the Northern and Western States were based only 52 percent on the actual fall 1970 enrollment, with 1969 and 1968 figures being substituted for the remaining 48 percent of the children in this region. It was reported that the reason there were not more actual 1970 figures on northern and western school districts was that figures from the larger cities were not in as of November 20, 1970, the cutoff date for preparing the January 14, 1971, press release. Further, HEW reported that it does not intend to release the actual figures of the fall 1970 survey until some time this summer—the summer of 1971. Of course, the great majority of the districts where the actual 1970 figures were not included, were those districts where racial segregation was on the increase and those districts which were the most highly segregated districts in the North and West—indeed, in the whole country.

Think of that. Changing the rules of the game, choosing a method with respect to the statistics so that it is almost impossible to compare accurately the figures for 1968 and 1969 with those of 1970 in the northern and western schools. But it develops that in many of these areas segregation was increasing in these nonsouthern schools.

Although HEW and the administration are asking Congress to vote billions of dollars in authorizations and appropriations for education and school desegregation, with the expectation that such legislation will receive timely attention, the fall 1970 survey figures have not been released in time for them to be used, unless they have been released in the last day or two. I hope the sponsors of that legislation have been able to get these figures. Such legislation should not be passed prior to having the benefit of these latest figures—because these statistics, which reflect the degree and trend in racial segregation in the schools, go to the very heart of the problem. The statistics should be made available for use in consideration of such legislation, for if HEW could obtain the figures it did for the January 14, 1971, press release, it should have been able to produce all of the figures by now.

We are still talking about the 1970 school year survey.

Why can we not have the 1970 survey figures broken down by racial and ethnic groups and the various degrees of segregation, by geographical region, by the 100 largest cities, and so forth, in the same form as was supplied in 1968, so that valid comparisons may be made? The basic information on all school districts was, or should have been, available by October 15, 1970. Why are these figures being withheld? If they were favorable to the administration, I believe they would be available now. They would already have been available.

Mr. President, this is no idle thing. This is another illustration of this dual system, double policy—one thing for one region and another for another region—the issuing of voluminous press releases, claiming credit here, taking credit there. But when it comes to a simple thing such as making vital statistics available to the legislative branch of the Government that is being asked to supply more billions of dollars for schools, we cannot even get the facts. I hope they will come in, but there will be little time to analyze them, because I understand that this bill perhaps will be made the pending business later in the week, for next Monday. I will not object to that. I will not object to that, but the statistics certainly should be brought to the attention of the Senate and the country. I might say, based on the mail I have received from people all over the Nation, that they were stunned—I repeat, stunned—in December of 1969 and January of 1970 when I placed in the RECORD the actual tabulations as to the extent of the segregated schools in all the States beyond the South. It was unbelievable to them, but the facts have not been contradicted. They have not been denied. I cited figures from some of the cities and States showing that since 1968, the increase in percentages of segregation are steadily going up in great States like New York, which claims to be cooperating with the case of Brown against Board of Educa-

tion and with HEW and the Attorney General—yet, is passing laws to defeat the purpose of Brown against Board of Education.

We have heard here in debate what the great State of New York did and I cited what the great State of New Jersey has done since the figures were exposed, which show that they really have not made any headway even though 2 years have passed.

Mr. President, in order to permit more realistic analyses and comparisons than are possible from the HEW's January 14, 1971, release on the fall 1970 survey, HEW was requested to furnish Negro-white student racial breakdowns in the 95- to 100-percent and 99- to 100-percent categories on the same basis that other categories had been set forth in the HEW release. HEW had this information available and furnished it.

This additional information, together with the information originally supplied by HEW on table I, "Negro Pupils in All Districts, Fall 1968, Fall 1970," reflects the following:

There are 44.8 million students in U.S. public schools, of which 6.7 million, or 15 percent, are Negro students.

In the 32 northern and western States, there is a total enrollment of 29.2 million, of which 2.9 million, or 9.8 percent, are Negro students and, of these, 27.7 percent attended majority white schools and 72.3 percent attended predominantly minority schools; 57.4 percent of the Negro students are in 80- to 100-percent segregated schools; 50.7 percent are in 90- to 100-percent minority schools; 44.8 percent in 95- to 100-percent minority schools; and 30.6 percent in 99- to 100-percent minority schools.

In the 11 Southern States, there is a total enrollment of 11.7 million students, of which 3.2 million, or 27.2 percent, are Negro students, as compared with 9.8 percent in the North and West. However, 38.1 percent of the Negro students in the 11 Southern States go to majority white schools, compared to 27.7 percent in the schools of the North and West. It follows that 61.9 percent of the Negro students in the 11 Southern States attend predominantly minority schools, compared with 82.3 percent in the North and West; 41.7 percent of the Negro students are in 80- to 100-percent minority schools, as compared with 57.4 percent in the North and West; 1,042,803, or 32.7 percent, of the Negro students in the 11 Southern States attended 90- to 100-percent segregated schools, as compared with 1,283,370, or 44.8 percent, in the North and West; and 26.6 percent of the Negro students in the southern schools are in 99- to 100-percent minority schools, as compared with 30.6 percent in the Northern and Western States. It is only in the 100-percent minority segregated school that the numbers and percentages are higher in the South than in the North and West—341,354, or 11.9 percent, in the North and West, compared with 587,172, or 18 percent, in the South.

Of course, it should be remembered that many Northern and Western State school districts make a practice of token desegregation in order to get away from 100-percent black schools. Washington, D.C., which, although classified with the southern and border State schools, is an excellent example of such tokenism. With a Negro student enrollment of 94 percent, it reported that only 27.8 percent of its Negro students are in 100-minority schools.

The figures for the six border States, plus the District of Columbia, appearing on HEW's table I, are not deemed appropriate for comparison, as the figures are completely distorted by the inclusion of Washington, D.C., with its 94-percent Negro student enrollment.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks, for those who wish to make a further analysis of the inconsistencies in HEW's statistics: First, the 1968 statistical tables released by HEW; second, the fall 1970 statistics released by HEW on January 14, 1971; third the schedule I have had prepared which reflects information in addition to that supplied in HEW's table I; and fourth, a comparison of HEW 1968 and 1969 school survey figures on 36 northern and western school districts out of the 100 largest school districts in the United States.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. (See exhibit 1.)

Mr. STENNIS. Mr. President, some 14 months ago, the Senate by a vote of 56 to 36 adopted an amendment that I had offered that carried the simple statement that integration would be enforced in the public schools in the South and areas beyond the South in the same fashion or policy, regardless of whether the segregation arose from the so-called de facto or the so-called de jure background of facts.

Both the President and the conference committee, and I speak with great deference to all of them, adopted, though, and brought forward a plan that had been conceived theretofore by someone whom I do not know, but the substance of the idea was to enforce the integration in the South and leave the North alone. It was a pure fiction, and the words used to carry out the fiction were the terms "de jure segregation," as heretofore had been required in the South by law, and "de facto segregation" as they claimed existed in the North, but not required by law. As a matter of fact, in many of these States beyond the South there were laws that did require the separation of the races in the schools, at some time or another, and these laws continued in many of them for many years as well as in the State of Indiana until 1949. If there is any basis for this, which I do not believe there is, the courts are party to the same sham. The U.S. Supreme Court will not hear the cases, and I mentioned four of them in particular earlier from outside the South that raise the question as to the validity, in law, of the de facto segregation. A dual system, by whatever name called, that applies one policy to the South and a different one to that area outside the South, is a sham and a pretense when it is called a uniform policy.

Last year, in a series of floor speeches, I gave a great mass of data in State after State after State, which showed the massive segregation of the schools in States beyond the South, and showed by the uncontradicted facts that virtually nothing was being done about it. Now, in this extended statement I further outline what the practices and the conditions are in those States, and I believe that no defense of these existing situations will be given by any Senator, nor will the facts be denied.

I recall that the Senator from Pennsylvania (Mr. SCOTT) said in opposition to the amendment I offered last year that if my amendment was adopted in areas outside the South, it would require an army to enforce such a policy.

Others opposed my amendment, giving various excuses, but no one has denied the fairness of the principle of my amendment nor the truth of the facts I presented in support thereof. No one has given a defense on the merits. With all deference, I believe that they are against my amendment because their people do not want it and will not stand for it.

Lest anyone attempt to explain away the significance of these startling racial segregation figures in the schools of the North and West by saying that in the North and West segregation is de facto, and so forth, and that in the South it is de jure—in addition to what I have already said on this subject, I cite the testimony of Stephen J. Pollak, former first assistant in the Civil Rights Division of the Department of Justice, in a statement to the Senate Select Committee on Equal Educational Opportunity, on August 11, 1970:

> The Department of Justice has much learning about the anatomy of segregation in Northern communities. It has initiated six suits—in South Holland, Madison, and East St. Louis, Illinois; Indianapolis, Indiana; Pasadena; and Waterbury, Connecticut. In every case, the Department found school board action to segregate teachers and students. We learned that the distinction between de jure and de facto segregation has little meaning. Once the facts were pursued, the Department found that what had been justified as de facto segregation was in reality caused by governmental action."
>
> The present Administration has spoken much about northern school desegregation, but its two court actions indicate that few resources have been committed to this need. Indeed, these two suits were substantially prepared when I resigned from the Department.
>
> The point I would make is this; there exists in many northern communities school segregation which is the result of conscious school board actions based upon race. This segregation is unlawful. It is contributing to educational deprivations of blacks and whites there, just as it did in the South. The United States has a responsibility to move against it with the same vigor that it has moved elsewhere.

But to get back to the administration's timidity, and hemming and hawing about doing anything substantial about racial segregation and racial discrimination in the schools of the North and West, while integrating "root and branch" the schools of the South, I think it may be appropriate to touch upon a few of the things that were happening in many of the Northern and Western States during this period which lend weight to the proposition that little or nothing is done because the people in the area are opposed to anything being done.

New York State, in 1968, repealed a law which empowered the commissioner of education to require a certain amount of busing in the interests of racial desegregation and passed a law prohibiting anyone except an elected school board from ordering the busing of children for such purposes against the will of their parents. While this New York statute was ruled unconstitutional last October 1, 1970, by a three-judge Federal Court, this decision was appealed by the State of New York on February 16, 1971, to the U.S. Supreme Court where the case is still pending.

I say there is active legislation that expressly prohibits the thing that the Department of Justice and HEW are imposing in the South. I just believe, still, that if busing is legal in Charlotte, N.C., or required by law, it should be legal and required by law in New York City.

In 1969, the New York State Legislature passed an act which dismissed the existing New York City School Board, appointed an interim board, charged it with the function of rezoning and decentralizing the New York City schools into numerous subdistricts, thus giving greater autonomy to the local district areas. This has now taken place and, as a result, it is reported that there will be even less racial integration, or desegregation, of the city schools.

In Philadelphia, Pa., in 1969, under mandate of the Pennsylvania Human Rights Commission, the school board drew up what it considered to be a modest desegregation plan which called for some interchange of black and white students. There were violent protests and disruptions throughout the city until the plan was withdrawn. A recall election followed and the school board members who had voted for the plan were recalled and thus put out of office. Reportedly, the Philadelphia desegregation plan is presently being largely ignored.

I did not get to check whether any Federal money was involved but my guess is that no money was withdrawn, or anything else, from those schools, in spite of this action.

In Chicago, Ill., you will recall that several years ago, about 1967, when the Secretary of Health, Education, and Welfare notified the Chicago School Board to show cause as to why Federal school funds should not be cut off because of numerous violations of the Civil Rights Act of 1964—as I said a moment ago—it reportedly took only a telegram or telephone call from the mayor to the then President to have the matter called off. To date, in spite of the excessive degree of racial segregation in the Chicago schools, practically nothing has been done about the situation either by HEW or the Department of Justice, except a stalled attempt to bring about some teacher reassignments. This demand was promptly rejected, and so far as I am able to find out, the situation rests about there now.

Under sanction of State law, Detroit, Mich., in 1970, undertook to carry out a moderate school desegregation plan. The school board presented various alternatives to the people, but when it appeared that the board was about to adopt one of the plans, there were violent protests by both black and white parents, disruptions in the schools, and a movement to recall those members of the school board who had voted for desegregation. Later, in a special election, those members of the board who had voted for the plan were recalled. Also, the Michigan State Legislature forthwith repealed existing State law and passed a law calling for the reorganization and rezoning of the Detroit schools, which law had the effect of killing the desegregation plan. A private suit was brought in Federal Court to question the constitutionality of the Michigan law, but the Department of Justice did not become a party as was the practice in similar situations in the Southern and border States.

Mr. President, again, I emphasize that I do not like to bring up these matters where any area is having trouble of any kind, particularly in schools. I am strong for schools and always have been. However, these are conditions that constitute reality and reflect the attitude of the people, both the white and the black.

It is downright ridiculous to try to force people into a pattern regarding their schools that is not in keeping with their general living conditions, their needs, their desires, and their particular case. And I am referring to both the black and the white or any minority group. We cannot legislate from the Department of Health, Education, and Welfare, the Justice Department, or from this floor and control and regulate every school district in this country, particularly in a matter like this, and expect to have quality education. We pay great tribute to our schools but we are working in the other direction.

In Denver, Colo., much the same thing occurred in 1969. The school board proposed an integration plan; there was an election which recalled the board members who had voted for it. In that case, however, through a private suit in Federal Court, the plan was reinstated—but the case is presently on appeal. Again, the Department of Justice took no official part.

Los Angeles, Calif., the second largest school district in the Nation, has had a State desegregation suit pending against it since 1963. In 1970, there was a decision by the trial court ordering complete desegregation of the school district—which would require massive busing. This suit was appealed and this stayed the implementation of the plan. The California Legislature, in the interim, passed a law prohibiting the busing of school children against the will of their parents. Numerous private suits, including Federal Court suits, have been brought to test the constitutionality of the California law, but, to my knowledge, the Department of Justice has taken no part in these cases.

I have already mentioned the experience which the State of New Jersey and the school district of Trenton had in the 1970 attempt to partially desegregate the Trenton, N.J. schools.

From all the facts, it is quite apparent, by any standard, that the people of the North and West—and, for the most part, black as well as white—just will not accept forced desegregation or legally forced integration in school districts with substantial percentages of Negro or other minority students, when it is not worked out democratically within the school district and particularly when it is attempted by outside forces, including the Federal Government. Perhaps it is because common sense dictates to those in the North and West that forced integration is just as unconstitutional as forced racial segregation; and they have the political influence to back up their convictions and to back up their stands. We are talking about these people in the large States with the massive electoral votes that cannot be ignored in the elections for President, Vice President, and Members of the Congress.

Yet, this neither solves the problems of the schools of the North and West—with their ever-mounting percentages of racial segregation of the minority groups and ever-increasing strife and disruption—nor the problems of Southern and border State schools which have had racial integration forced upon them with increased intensity and degree.

Neither does it appear that we can expect any real solution from the President in solving the growing racial problems and mounting tensions in our public schools. I speak with the greatest deference of the President, both the person and the office. But facts are facts and have to be stated pointedly.

On March 24, 1970, the very date on which the Senate began debating the conference-adopted, double standard, de jure-de facto desegregation policy for the schools of our Nation, in lieu of the so-called Stennis amendment, which had called for one policy and had passed the Senate by a vote of 56 to 36—the President, in a long and comprehensive statement on elementary and secondary education, took the almost identical position of the congressional proponents of the de jure-de facto double standard. In many respects it was a remarkable statement. At the outset the President recognized that—

> Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

The President devoted a considerable part of his statement to a review of "What the Supreme Court Has Said," "What the Lower Courts Have Said," and "What Most of the Courts Agree On." This summary reflects the amazing amount of inconsistencies, contradictions, and confusion in the Federal Court holdings. It appears that the President attempted to reach for the consensus view, but in attempting to make distinctions, employed the fallacious terms of de jure and de facto segregation. On page 7 of the statement, in summing up his impression of what the courts had said, and the area of agreement, he said:

To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

*De facto* segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may*, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

He further stated:

Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

*De facto* racial separation, resulting generally from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate schoolboard gerrymandering exists in the North as in the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West. (P. 14.)

But, of course, the law is not being applied equally in the North and the South, and it never has been.

The Civil Rights Commission is certainly not a southern organization—in a statement of April 12, 1970, commenting on the President's statement, called attention to the President's drawing such a sharp distinction between de jure and de facto school segregation, particularly his statement that "School authorities are not constitutionally required to take any positive steps to correct imbalance." The Commission stated:

This statement represents a strict interpretation of existing Supreme Court decisions.

It can be argued, however, that the Supreme Court's decision in *Brown* warrants a broader interpretation. For one thing, while the holding of the Supreme Court in the *Brown* case was limited to legally compelled or sanctioned segregation, the Court's concern extended as well to segregation resulting from factors other than legal compulsion. The Supreme Court quoted with approval a lower Court finding that "segregation of white and colored children in public schools has a detrimental effect upon the colored children. *The impact is greater* when it has the sanction of law.—" (Emphasis added.) and concluded, "Separate educational facilities are inherently unequal."

Thus the Court expressly recognized the inherent inequality of all segregation, noting only that the sanction of law gave it greater impact. In a sense, therefore, the President's sharp distinction between *de jure* and *de facto* segregation tends to blunt what many think is a crucial thrust of *Brown*. (Pages 3 and 4).

As the President's statement offers no fundamental solution to the sick condition of our Nation's schools, do we then turn to, and wait upon, the Federal courts for the solution to the host of problems involving our schools, including the double standard school desegregation policy and the mounting tension, turmoil, and trouble surrounding racial segregation and desegregation in our public schools? There are many who hope for some solution from this direction. However, are not we asking too much of the Federal courts to write a national education policy for the schools of this country by decisions on a case-by-case and school district-by-district basis—particularly when most of the cases which have been tried and reviewed by the courts are based upon situations arising in only one section of the country—the South?

Actually, the summary contained in the President's March 24, 1970, statement—(pages 2 to 7)—as to what the Supreme Court and other Federal courts have said in various cases on the subject of school desegregation, with their attendant contradictions and confusion, is rather conclusive evidence that it may be too much to expect the Federal Judiciary to attempt to write a national policy for the Nation's public schools—or a national policy for desegregating those schools—or a national policy for racial integration of public schools. Is it not because of the weaknesses in drawing an across-the-board rule of law from the facts of one case, as, for example, those of a rural county in the 1968 Green case, that we find ourselves in our present dilemma?

Mr. President, the more I have gone into this matter, the more decisions I have read, the more I have learned about how the judges have wrestled with many of these cases, the more convinced I am that we will never work out an effective, comprehensive system along this line that tries to put everyone, everywhere, in a straightjacket at the community level concerning this tender and sensitive subject of schoolchildren, small children, going to school together.

This country has reached the stage where, in the refinement of the rights of the individual through case law, the rights of the criminal offender are spelled out to the last letter, and the activities of the pornographer are zealously guarded in order not to interfere with his constitutional rights—but, paradoxically, black children and white children and children of other ethnic groups in one section of the country only must—against their will and against the will of their parents—be moved to and mixed in schools they would not normally attend because, in the name of the Constitution, a Federal court or Federal administrative official orders it to satisfy some racial or sociological formula.

It seems to me that the Federal courts have done a miserable job in attempting to establish a national policy on racial desegregation of the Nation's public schools and have compounded confusion in the process. For example:

The 1963 case of Bell against The School City of Gary, Indiana, is generally cited as the leading case on so-called de facto or "nonracially motivated segregation in a school system based on a single neighborhood school for all children."

The United States, and others against Jefferson County Board of Education, and others, a 1966 Fifth Circuit, three-judge panel case, is cited as a leading case in differentiating between so-called de jure segregation of Southern and border States where the school districts, under the Constitution, must racially integrate their school systems—and so-called de facto segregation of the North and West, where racial segregation is called "racial isolation" and there apparently is no responsibility upon the school board to correct the condition. What is more, the Jefferson case relied heavily upon the Bell case in making this distinction and in attempting to hold that the language of the Civil Rights Act of 1964 defining the meaning of "desegregation," referred only to de jure segregation.

I want, first, to review the facts in the Bell case—for they are critically important in exposing the fiction in this whole distinction between so-called de facto and de jure segregation.

The State of Indiana, until 1949, provided by law for separation but equal schools for blacks and whites. The city of Gary even had two large schools on one campus—one for blacks and one for whites. In 1949, when Indiana repealed the "separate but equal" law and, by law, prohibited segregated schools on the basis of race, color, or creed—the Gary City School Board, pursuant to such mandate, according to the trial court's findings in Bell, integrated the two schools on the same campus. The Court then stated:

Prior to this time, however, the races were mixed in some of the other schools in the Gary system.

But let us look at the racial segregation situation in the Gary schools in 1951, shortly after the so-called desegregation by the Gary School Board took place.

In 1951, according to statistics set forth in the text of the Bell case, there was a total school enrollment of 22,770 in 20 schools, of which 8,406, or 36.5 percent were Negro students. Fifteen of the twenty schools were either 100 percent or nearly all white—10 were 100 percent white and five had a token enrollment of Negro students—four schools were 100 percent or nearly all black. Only one school was truly integrated—Froebel, total enrollment, 2,600—1,266, or 56 percent, Negro students. Only 360, or 4 percent of the Negro students in Gary in 1951 attended majority white schools, with 6,959, or 82.7 percent, of the Negro students attending schools that were 98.5 to 100 percent black.

In 1961, 10 years later, and just prior to the institution of the Bell case, which was a private suit brought by 100 minor Negro children—enrollment in the Gary schools had increased to 43,090, of which 23,055, or 53.5 percent were Negro students. But only 811, or 3.5 percent of the Negro students attended majority white schools, and 18,848, or 81.7 percent of the Negro students attended segregated

schools that were 95 to 100 percent black.

For whatever significance it may have, according to HEW's fall 1968 school survey statistics, Gary had 916 Negro students, or 3.1 percent attending majority white schools, with 96.9 percent attending majority black schools; 80.8 percent were attending schools that were 95 to 100 percent segregated, and 78 percent were in schools that were 99 to 100 percent black. According to the fall 1969 HEW school survey, the percentages of segregation were still higher.

I ask unanimous consent that there be inserted in the RECORD a schedule reflecting the city of Gary, Ind., school enrollment, percentage of Negro students, and racial segregation percentages for the years 1951–52, and 1961–62, which have been taken from page 821 of the Bell case (213 F. Supp. 819), and the fall 1968 and fall 1969 figures taken from HEW statistics.

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

(See exhibit 2.)

Mr. STENNIS. Mr. President, the plaintiffs in the Bell case charged gerrymandering of school zones, assignment of Negro students to certain schools, controlled transfers of such students from school to school, and controlled assignments from elementary to secondary schools, and the building of new schools and enlarging of others—all to maintain the Gary schools as a racially segregated school system in violation of the plaintiffs' constitutional rights. They charged that Negro students were provided inferior facilities in all respects, including but not limited to overcrowding, larger classes, and unequal recreational and extracurricular facilities.

The district court in Bell found for the defendants, pointing out that it could not see that the board of education had deliberately or purposely segregated the Gary schools according to race; that the plaintiffs had failed to sustain their burden of showing that the school board had drawn boundary lines so as to contain the Negros in certain districts and whites in others; that there had been integration of the teaching staff; that the board of trustees was bipartisan, appointed by the mayor; that a Negro was now board president; that, as a matter of fact, the school board and its staff insist that they are color blind so far as the races are concerned in the administration of the Gary school system; that Gary schools have had a serious problem in the past decade of maintaining facilities and have not always been able to keep their students adequately and properly housed; that they have a very high tax rate; that they have used public buildings, such as armories, park buildings, and so forth, and have added schoolbuildings and rented churches and storerooms.

In short, the court believed the school board witnesses and dismissed the case. The plaintiffs appealed (209 F. 2d 213, 1963).

In the opinion of the appellate court, which affirmed the lower court's decision, it was stated that the district court had written "an excellent opinion," and that it was using a number of the lower court's concise statements of fact—which it did—but it did not mention the fact that until 1949 Gary, by State law, had been operating separate but equal schools, and that the segregation of blacks from whites had not changed materially from that date on.

In affirming the district court, at page 212, the opinion cites the 1949 Indiana law providing that all students in public schools are to be admitted without regard to race, creed, or color, class or national origin, but made no mention of the fact that just prior to that the Gary school district had operated under a law providing for separate but equal facilities for the Negro students. It stated that the situation in Brown is a far cry from the situation existing in Gary, Ind.; that the school district boundaries in Gary were determined without any consideration of race or color. It stated:

> We agree with the argument of the defendants stated as "There is no affirmative U.S. constitutional duty to change *innocently* (italic supplied) arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils." And it should be noted that the Court, in *Bell*, cited *Briggs* vs. *Elliott*, which I have previously referred to, in support of its position that "The Constitution, in other words, does not require integration, it merely forbids discrimination."

The Court discussed the way the railroad tracks and the highways divide the city, and the safety of the children—particularly in the lower grades—and indicated that the areas had been reasonably arrived at and that the school zone lines had not been drawn for the purpose of including or excluding children of certain races. The Supreme Court denied certiorari in the Bell case in 1964. This case might or might not be decided by the Federal district court and circuit court of appeals in the same seemingly sanctimonious manner now, after the passage of the Civil Rights Act of 1964, but at that time the Federal courts were requiring Southern and border States to disestablish the so-called vestiges of the separate but equal school system.

What really hurts is to have the Bell case and Gary, Ind., held up as a model for de facto racial segregation. In the 1966 Jefferson case, a three-judge fifth circuit court panel, in a 65-page opinion, with one judge dissenting, reviewed and reversed a number of lower court decisions involving school desegregation plans in a number of Southern States. Jefferson was the first case to spell out every facet of what a so-called de jure school system had to do to meet its constitutional responsibilities. Some of its holdings were that—

The law imposes absolute duty to desegregate; that is, disestablish segregation, and absolute duty to integrate;

The only school desegregation plan that meets constitutional standards is one that works;

It is national policy that formerly de jure segregated public school systems based on dual attendance zones must shift to unitary, nonracial systems;

Adequate redress of school desegregation calls for much more than allowing a few Negro children to attend formerly white schools;

Only adequate redress for previously overt systemwide policy of segregation directed against Negroes as collective entity is a systemwide policy of integration;

The appropriate remedy for segregation should undo the results of past discrimination, as well as prevent inequality of treatment; and

As used in the Civil Rights Act of 1964, the word "desegregation" refers only to disestablishment of segregation in de jure segregated schools.

One might think that such holdings could apply as well to the factual situation and history of racial segregation of the Gary, Ind., schools as set forth in Bell, yet at page 873 of the Jefferson case opinion, it was stated:

> The factual situation dealt with in *Bell vs. School City of Gary*—is not the situation the Supreme Court had before it in *Brown* or that we deal with in this circuit. *Brown* dealt with State-imposed segregation based on dual attendance zones. *Bell* involved *nonracially motivated de facto segregation in a school system based on the neighborhood single zone system.* (Underscoring supplied.) In *Bell*, the plaintiffs alleged that the Gary school board had deliberately gerrymandered school attendance zones to achieve a segregated school system in violation of its "duty to provide and maintain a racially integrated school system."
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> On the showing that the students were assigned and boundary lines drawn upon reasonable non-racial criteria, the Court held that the school board did not deliberately segregate the races; the racial balance was attributable to geographic and housing patterns. The Court analyzed the problem in terms of State action rather than in terms of the Negroes' right to equal educational opportunities. Finding no State action, the Court concluded that *Brown* did not apply. In effect, the Court held that the de facto segregated neighborhood schools must be accepted. At any rate, the Court said: "States do not have an affirmative constitutional duty to provide an integrated education." The 7th Circuit affirmed.
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> We must assume that Congress was well aware of the fact that *Bell* was concerned with de facto segregated neighborhood schools only. Notwithstanding the broad language of the opinion relating to the lack of duty to integrate, langauge later frequently quoted by Senator Humphrey and others in the debate on the Civil Rights Act of 1964, Congress went only as far as to prohibit cross-district busing and cross-district assignment of students.

If past and present racial segregation in the school district of Gary, Ind., is the fabric of which de facto segregation is woven—and if the Federal courts must rely upon facts such as those in the Bell case to distinguish so-called de facto, or constitutional, segregation from so-called de jure, or unconstitutional, segregation—then the whole structure of the distinction between de facto and de jure is built upon quicksand. To make it plainer: it is just a fiction. Further, if the facts in the Bell case can be used not only to make a distinction between de

jure and de facto segregation, but to place an entirely different construction on the clear language of the Civil Rights Act of 1964, then there is little hope for us or the future of our public school system.

It would seem that this reaching and twisting to draw distinctions where they really do not exist, not only breeds disrespect for the law, but could bring the Federal judiciary into disrepute.

The opinion in Jefferson, while spending pages on castigating the Briggs decision, made no mention of the fact that in the Bell case the Briggs case had been cited as the basis for its conclusion that integration of the Gary schools was not necessary. Nor, in discussing the Bell case, did the Jefferson case refer to the patently obvious facts that until 1949 Gary was by law, operating a "separate but equal" school system, and since that time it has been as racially segregated as any school district in the country. What about the so-called vestiges in Gary, Ind.?

In a strong dissenting opinion to the majority opinion in Jefferson, the dissenting judge stated, in referring to the Brown cases:

> Nothing was said in those cases, or has been said by the Supreme Court, to justify or support the extremely harsh plan of forced integration devised by the majority decision. * * * No court, up to this time, has been heard to say that this court now has the power and the authority to force integration of both races upon these public schools without regard to any equitable considerations, or the will or wish of either race. (P. 907.)

Nevertheless, the majority view of the three-judge circuit court panel in Jefferson (372 F. 2d 836, 5th Cir., 1966) was affirmed en banc by the full Fifth Circuit Court of Appeals, with three judges dissenting (380 F. 2d 385, 5th Cir., 1967), and certiorari was denied by the Supreme Court (385 U.S. 840).

It is clearly the responsibility of the Congress to write a sound legislative policy for the Nation's public schools. Where better a place to start than by the reintroduction of my single policy amendment, which last year passed the Senate by a vote of 56 to 36, but was later emasculated in the conference with the House, where a dual policy—one for the South and one for the North and West—was substituted, which substitute was finally adopted.

For those who believe in the double standard, I would like to hear more as to why Northern school districts should be left untouched because their methods of maintaining racial segregation in their schools are more clever than in the school districts of the Southern and border States. Why is it all right to keep Negro and other minority children penned up in ghetto schools of the North and West, while those of the Southern and border States have been integrated—and white children brought into inner city schools to carry out this design? If this is a right that is due the Negro and other minority races, why do not these children of the North have the same right to an integrated education as those of the South?

I certainly think they are entitled to the same treatment throughout the Nation. I think that the doctrine in Brown against the Board of Education has the utlimate effect of punishing the South for the historical reason of having had State laws with reference to desegregation, laws that were fully upheld by the Supreme Court. Many of them had been patterned after laws in other States decades before, and patterns of living partly based on the laws of those days. It is unthinkable that we would go on year after year and, I think, decade after decade without something being done to arouse the people all over the country to get some political muscle into this question. As long as we have a sectional policy, Mr. President, it is not going to be possible to raise this matter as a national issue.

People of the North and West do not want to change; some do, but as a whole they do not. They want the continuation of nonapplication in those areas, and that is the way it will continue unless some way is found to make this a national issue. I am trying to make a little contribution in that regard today. We must find some reasonable, practical, and educationally sound plan that will apply uniformly across the board across the Nation for the benefit of all of our children. However, as long as this matter is going to be kept on the basis of punishment for the South because of historical laws there and immunity for all areas outside the South because they did not have those laws—and I am speaking about the period down to 1954—the solution will never be found, the benefits for the minority group will not be received beyond the South, and we will have a distorted and divided nation, one area against the other.

I repeat what I said in the beginning. We in the South will cooperate with any system that the majority adopts that applies the same outside the South as it does in the South. I hope we get some political muscle in this matter. I do not believe any President, present or future, will dare go into these populous States I have been talking about—California, New York, or New Jersey—and say to those people in election years, "If you elect me I will do to you what has been done to the South." They never will face it.

I hope that through some channels—perhaps it will take nonpolitical channels—we can get something started to work toward that end.

Why should there be little or no desegregation in the North, and a continuation of harassment in the South, until every white child is integrated with a Negro child and vice versa—or until white children move away or go to private schools?

Accordingly, I am again introducing my amendment of last year calling for one policy for the Nation on school desegregation.

This amendment, as it was passed by the Senate last year, 56 to 36, reads as follows:

> It is the policy of the United States that the guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State, without regard to the origin or cause of such segregation.

In the light of what has transpired during the past year to increase tensions and turmoil in both the North and the South, it is inevitable that this matter be voted upon as a prerequisite to continued authorization and appropriation of additional billions of dollars for education—while the situation continues to grow worse.

I believe that little amendment would be a step forward and that it would be a foundation stone upon which we could find and build a uniform policy. I know it is worth trying.

Schools in large areas of our part of the country are being downgraded tremendously and they are not going to come back. People are moving out of those areas. One does not have to go down there to see what has happened. One need only look at what has happened in the city of Washington. People are going out of certain areas hoping to find better conditions somewhere else. Those who are moving are not all white people, although a majority of them are. Those areas are going to be left far more segregated than they were before.

I am not opposing the decision in Brown against the Board of Education. I am not trying to get that law changed. What we are talking about now is a nonpolitical policy that has education as its main watchword, its main goal, and its main foundation.

There may even be some converts to a single national policy for public education, including racial desegregation. The Senator from Minnesota (Mr. MONDALE) who has been one of the leading opponents of my amendment, stated on November 30, 1970, while complimenting the senior Senator from Connecticut on the introduction of his bill to expand racial desegregation ot the North and West—these excerpts are from the CONGRESSIONAL RECORD, volume 116, part 29, pages 39118 and 39119.

> The distinction between so-called de facto and de jure is becoming increasingly confused and meaningless;—we desperately need to work to heal and reunite America, to have one society rather than two;
>
> We must end residential segregation as well as educational segregation to accomplish this goal;
>
> As the Senator from Connecticut has said in his remarks today:
>
> "If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to what we demand of the South."
>
> I agree completely with that statement. We do not have a uniform national policy on school integration today. The Constitution must be equally enforced in the North and

West as well as the South. The Congress must take the lead.

Be that as it may, it is essential for the Congress to enact such a single policy for our Nation's schools to even get back on the right track. Frankly, once we have such a policy, it will still depend upon what the administration and the courts do by way of carrying out such a policy. Even more important, I believe, is what the Congress is willing to do by way of new or clarifying legislation to get back on a sane and sound course from this abominable situation in our schools which has been permitted to grow and grow.

Certainly, if it is necessary to compel integration of the schools of the Southern and border States "root and branch," then it is necessary to integrate the schools of the North and West, where racial segregation and discrimination are infinitely worse—in the same manner.

As I understand, the Senate Committee on Labor and Public Welfare has ordered reported an emergency school assistance bill which will authorize vast sums of money to assist in desegregating the public schools along with other claim benefits.

I have not had access to a copy of the bill which the committee has approved, nor the committee report and, therefore, am not advised as yet all the details of what this legislation contains. The bill was not available immediately prior to the adjournment of the Senate last week and I am not certain it is yet available at this time.

I would hope, however, that whatever program the committee has recommended to the Senate to provide emergency school assistance that the program will include, at the very minimum, my amendment which the Senate adopted last year by a vote of 56 to 36 establishing one national policy to be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto without regard to the origin or cause of such segregation.

The hour is too late for further hypocrisy or evasion by approving expensive pie-in-the-sky programs amounting to nothing but spending large sums of money while our school problems grow steadily worse.

The problems facing our public schools cannot be fully solved until we have one nationwide desegregation policy applied uniformly throughout the United States. The Congress must face up to the issue and adopt such a policy.

EXHIBIT 1

HEW NEWS RELEASE, JANUARY 4, 1970

Secretary of Health, Education, and Welfare Robert Finch said an analysis of 1968 national school survey statistics and 1969 field audits indicate that school districts implementing voluntary desegregation plans are making significant and effective progress in providing an equal educational opportunity.

In contrast with these findings, the 1968 survey displayed a shockingly low desegregation ratio on a national basis, with only 23.4 percent of the Negro students in the Nation's public elementary and secondary schools attending schools of predominantly white (nonminority) enrollment, and with 61 percent of the Negro students isolated in 95 through 100 percent minority schools, Secretary Finch said. (Table 1–A)

The survey of ethnic data in schools, the first of its kind taken on a national basis, was conducted in the Fall of 1968. It covered all school systems with enrollments of more than 3,000 and a sampling of smaller districts in every state except Hawaii, and represented a total of 43,353,567 students. HEW's Office for Civil Rights collected the data, and completed the basic compilation last week, on a state, regional and selected urban district basis.

In releasing the information, Secretary Finch stated:

"While it should be recognized that a number of factors must be evaluated in determining the overall quality of education going to racially isolated children, these figures are indicative of the progress that has been made in providing equal educational opportunity for thousands of children. But this survey also points up the extensiveness of the problem on a nationwide basis and the need to provide effectively for the educational rights and needs of the disadvantaged no matter where they may be.

"This Department is committed to equal and quality education for all children in this Nation. It is our hope other Federal agencies along with this Department will make use of this data, not only to determine where further review and action under civil rights laws may be required nationally, but also as an indication of where further assistance can be provided in the effort to improve educational opportunity."

In 1968, there were 55 school districts which submitted acceptable plans under Title VI, which called for desegregation in the 1968–69 school year. Of the 35,815 Negro students in these districts, 31,089, or 86.8 percent, attended schools of predominantly white enrollment. This compared with the 23.4 percent desegregation figure nationally, the 18.4 percent figure for 11 Southern states, and the 10.5 percent figure for the 5 Southern states of Alabama, Georgia, Louisiana, Mississippi and South Carolina, and indicates the value of the Title VI program.

In 1969, the indicated volume of desegregation in formerly dual school system states accelerated significantly, with more than 200 Title VI plans calling for complete desegregation in the 1969–70 school year accepted, and over 100 calling for substantial desegregation steps in the same year. The average student population in these districts was considerably higher than in 1968. Although precise desegregation ratios for 1969 have not yet been collected or compiled for all districts, some early results of audits in certain states show that among 20 districts in Florida which submitted plans for 1969, the desegregation rate climbed from 45.1 percent in 1968 to 63.5 percent this year; among 31 districts in Georgia with acceptable plans this year, the rate climbed from 26.6 percent to 59.7 percent, and among 14 districts in Mississippi, the rate climbed from 31.7 to 69.1 percent.

HEW administers Title VI of the 1964 Civil Rights Act where it applies to schools, prohibiting Federal financial assistance to any district which discriminates on grounds of race, color or national origin. Districts found to be discriminating have been able to retain their Federal funding by submitting acceptable desegregation plans.

Leon E. Panetta, Director of the Office for Civil Rights, said, "Although desegregation ratios have improved in certain former dual system states during the current 1969 school year, these 1968 figures do present what can be considered the basic nationwide picture today."

Data was compiled in such a way as to measure the extent to which American Indian, Negro, Oriental and Spanish-surnamed minorities attended school with students of their own minority plus other minorities, and compared this rate with their enrollment in schools of 50 percent or more white, nonminority makeup.

Mr. Panetta said:

"With the aid of thousands of cooperating state and local school officials who submitted raw data, we can see a stark portrayal of ethnic isolation in schools. Whether a child is isolated with his own or other minorities, he is still likely to suffer educationally as a result of this segregation, according to numerous education studies.

"It would be our hope that this information, which will eventually be published on a district-by-district basis, would also be of assistance to state and local agencies and organizations engaged in breaking down barriers of racial isolation in education."

Of the Spanish-surnamed students in public schools, 45.3 percent attended a school of predominantly non-minority enrollment, while 16.6 percent were in 95 through 100 percent minority schools. (Table 1–B)

American Indians surveyed attended school at a rate of 61.7 percent in schools of predominantly white, non-minority enrollment, while 16.7 percent were in 95 through 100 percent minority schools. These 177,464 American Indian students did not include some 52,400 American Indian students who attended schools administered by the Interior Department's Bureau of Indian Affairs. (Table 1–C)

Orientals attended predominantly nonminority schools at a rate of 72.2 percent, and attended 90 through 100 percent minority schools at a rate of 8.7 percent. (Table 1–D)

When the white, non-minority enrollment patterns are compared with minorities, data shows that 2.1 percent of the non-minority students are in 50 percent or more minority schools, while 16.5 percent are in 100 percent white schools. 65.6 percent are in 95 through 100 percent white schools, however. (Table 1–E)

Other findings were made on a region-by-region and state-by-state basis. Also, data on Negroes from the 100 largest school systems were singled out for special study and released at this time, as were data on Spanish-surnamed students from certain appropriate districts of the 100 largest. (Tables 2–A, B & C; 3 A & B; 4 A & B)

In a regional study of Negro segregation, for example, the study showed that there is a great variation in the number of Negroes attending 100 percent minority schools, from six heavily industrial Northern states, where 15.4 percent of the Negroes attended 100 percent minority schools, to six Border states and the District of Columbia, where 25.2 percent of the Negroes attended 100 percent minority schools, to five deep Southern states, where 81.9 percent of the Negroes attended 100 percent minority schools. (This last figure is based on 431 districts in five states out of 4,477 districts in 17 Southern and Border states.) (Table 2–A)

The Office for Civil Rights is preparing all of the data gathered from school districts in the 1968 survey for publication, and expects to prepare additional tables lending themselves to additional analysis of minority school enrollment patterns. In the current school year, a selective survey will be made, tailored to fit the needs of civil rights compliance agencies of the Government. In 1970–71, however, another nationwide survey is intended, which will permit comparison with the 1968 survey.

TABLE 1–A.—NEGROES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

| State | Total number of students | Total Number of Negro students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 6,282,173 | 14.5 | 1,467,291 | 23.4 | 4,814,881 | 76.6 | 3,832,843 | 61.0 | 3,331,404 | 53.0 | 2,493,398 | 39.7 |
| Alabama | 770,523 | 269,248 | 34.9 | 22,308 | 8.3 | 246,940 | 91.7 | 244,693 | 90.9 | 243,269 | 90.4 | 230,448 | 85.6 |
| Alaska | 71,797 | 2,119 | 3.0 | 2,119 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 366,459 | 15,783 | 4.3 | 5,272 | 33.4 | 10,511 | 66.6 | 4,349 | 27.6 | 3,344 | 21.2 | 790 | 5.0 |
| Arkansas | 415,613 | 106,533 | 25.6 | 24,091 | 22.6 | 82,442 | 77.4 | 78,901 | 74.1 | 77,703 | 72.9 | 75,797 | 71.1 |
| California | 4,477,381 | 387,978 | 8.7 | 87,255 | 22.5 | 300,723 | 77.5 | 185,562 | 47.8 | 115,890 | 29.9 | 27,986 | 7.2 |
| Colorado | 519,092 | 17,797 | 3.4 | 5,432 | 30.5 | 12,365 | 69.5 | 8,017 | 45.0 | 2,862 | 16.1 | 0 | 0 |
| Connecticut | 632,361 | 52,550 | 8.3 | 22,768 | 43.3 | 29,782 | 56.7 | 9,601 | 18.3 | 2,254 | 4.3 | 328 | |
| Delaware | 123,863 | 24,016 | 19.4 | 13,025 | 54.2 | 10,991 | 45.8 | 5,177 | 21.6 | 953 | 4.0 | 0 | 0 |
| District of Columbia | 148,725 | 139,006 | 93.5 | 1,253 | .9 | 137,753 | 99.1 | 123,939 | 89.2 | 95,608 | 68.8 | 38,701 | 27.8 |
| Florida | 1,340,665 | 311,491 | 23.2 | 72,333 | 23.2 | 239,158 | 76.8 | 224,729 | 72.1 | 215,824 | 69.3 | 184,074 | 59.1 |
| Georgia | 1,001,245 | 314,918 | 31.5 | 44,201 | 14.0 | 270,717 | 86.0 | 262,689 | 83.4 | 259,891 | 82.5 | 240,532 | 76.4 |
| Idaho | 174,472 | 415 | .2 | 415 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois | 2,252,321 | 406,351 | 18.0 | 55,367 | 13.6 | 350,984 | 86.4 | 294,066 | 72.4 | 252,225 | 62.1 | 156,869 | 38.6 |
| Indiana | 1,210,539 | 106,178 | 8.8 | 31,833 | 30.0 | 74,345 | 70.0 | 46,208 | 43.5 | 37,664 | 35.5 | 13,597 | 12.8 |
| Iowa | 651,705 | 9,567 | 1.5 | 6,994 | 73.1 | 2,573 | 26.9 | 340 | 3.6 | 340 | 3.6 | 0 | 0 |
| Kansas | 518,733 | 30,834 | 5.9 | 16,479 | 53.4 | 14,355 | 46.6 | 9,820 | 31.8 | 6,264 | 20.3 | 2,327 | 7.5 |
| Kentucky | 695,611 | 63,996 | 9.2 | 34,389 | 53.7 | 29,606 | 46.3 | 17,025 | 26.6 | 9,021 | 14.1 | 3,342 | 5.2 |
| Louisiana | 817,000 | 317,268 | 38.8 | 28,177 | 8.9 | 289,091 | 91.1 | 279,614 | 88.1 | 278,260 | 87.8 | 259,897 | 81.9 |
| Maine | 220,336 | 1,429 | .6 | 389 | 27.2 | 1,040 | 72.8 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maryland | 859,440 | 201,435 | 23.4 | 62,670 | 31.1 | 138,765 | 68.9 | 105,886 | 52.6 | 92,030 | 45.7 | 62,898 | 31.2 |
| Massachusetts | 1,097,221 | 46,675 | 4.3 | 23,916 | 51.2 | 22,759 | 48.8 | 8,558 | 18.3 | 4,936 | 10.6 | 79 | .2 |
| Michigan | 2,073,369 | 275,878 | 13.3 | 56,840 | 20.6 | 219,038 | 79.4 | 128,116 | 46.4 | 78,319 | 28.4 | 24,720 | 9.0 |
| Minnesota | 856,506 | 9,010 | 1.1 | 7,116 | 79.0 | 1,894 | 21.0 | 361 | 4.0 | 0 | 0 | 0 | 0 |
| Mississippi | 456,532 | 223,784 | 49.0 | 15,000 | 6.7 | 208,784 | 93.3 | 207,515 | 92.7 | 206,736 | 92.4 | 197,447 | 88.2 |
| Missouri | 954,596 | 138,412 | 14.5 | 33,996 | 24.6 | 104,416 | 75.4 | 91,355 | 66.0 | 77,676 | 56.1 | 46,285 | 33.4 |
| Montana | 127,059 | 102 | .1 | 102 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nebraska | 266,342 | 12,340 | 4.6 | 3,364 | 27.3 | 8,976 | 72.7 | 4,321 | 35.0 | 674 | 5.5 | 0 | 0 |
| Nevada | 119,180 | 9,189 | 7.7 | 4,883 | 53.1 | 4,306 | 46.9 | 3,626 | 39.5 | 699 | 7.6 | 0 | 0 |
| New Hampshire | 132,212 | 537 | .4 | 537 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 1,401,925 | 208,481 | 14.9 | 70,628 | 33.9 | 137,853 | 66.1 | 68,434 | 32.8 | 37,827 | 18.1 | 15,245 | 7.3 |
| New Mexico | 271,040 | 5,658 | 2.1 | 2,712 | 47.9 | 2,946 | 52.1 | 901 | 15.9 | 574 | 10.1 | 394 | 7.0 |
| New York | 3,364,090 | 473,253 | 14.1 | 152,868 | 32.3 | 320,385 | 67.7 | 169,401 | 35.8 | 100,899 | 21.3 | 35,637 | 7.5 |
| North Carolina | 1,199,481 | 352,151 | 29.4 | 99,679 | 28.3 | 252,472 | 71.7 | 229,393 | 65.1 | 227,057 | 64.5 | 207,742 | 59.0 |
| North Dakota | 115,995 | 458 | .4 | 458 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohio | 2,400,296 | 287,440 | 12.0 | 79,762 | 27.7 | 207,678 | 72.3 | 123,127 | 42.8 | 93,775 | 32.6 | 37,861 | 13.2 |
| Oklahoma | 543,501 | 48,861 | 9.0 | 18,472 | 37.8 | 30,389 | 62.2 | 23,610 | 48.3 | 18,715 | 38.3 | 8,437 | 17.3 |
| Oregon | 455,141 | 7,413 | 1.6 | 4,689 | 63.3 | 2,724 | 36.7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pennsylvania | 2,296,011 | 268,514 | 11.7 | 73,901 | 27.5 | 194,614 | 72.5 | 118,449 | 44.1 | 87,064 | 32.4 | 11,756 | 4.4 |
| Rhode Island | 172,264 | 8,047 | 4.7 | 7,196 | 89.4 | 851 | 10.6 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Carolina | 603,542 | 238,036 | 39.4 | 33,811 | 14.2 | 204,225 | 85.8 | 200,188 | 84.1 | 199,752 | 83.9 | 188,666 | 79.3 |
| South Dakota | 146,407 | 384 | .3 | 360 | 93.7 | 24 | 6.3 | 12 | 3.1 | 0 | 0 | 0 | 0 |
| Tennessee | 887,469 | 184,692 | 20.8 | 39,240 | 21.2 | 145,453 | 78.8 | 132,208 | 71.6 | 123,468 | 66.9 | 108,425 | 58.7 |
| Texas | 2,510,358 | 379,813 | 15.1 | 95,931 | 25.3 | 283,882 | 74.7 | 230,540 | 63.1 | 208,021 | 54.8 | 165,249 | 43.5 |
| Utah | 303,152 | 1,436 | .5 | 1,098 | 73.9 | 388 | 26.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vermont | 73,570 | 90 | .1 | 90 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virginia | 1,041,057 | 245,026 | 23.5 | 65,922 | 26.9 | 179,104 | 73.1 | 167,172 | 68.2 | 161,321 | 65.8 | 142,209 | 58.0 |
| Washington | 791,260 | 19,145 | 2.4 | 12,299 | 64.2 | 6,846 | 35.8 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Virginia | 404,582 | 20,431 | 5.0 | 16,763 | 82.0 | 3,668 | 18.0 | 1,157 | 5.7 | 841 | 4.1 | 841 | 4.1 |
| Wisconsin | 942,441 | 37,289 | 4.0 | 8,406 | 22.5 | 28,883 | 77.5 | 14,783 | 39.6 | 9,288 | 24.9 | 4,819 | 12.9 |
| Wyoming | 79,091 | 665 | .8 | 482 | 72.5 | 183 | 27.5 | 0 | 0 | 0 | 0 | 0 | 0 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1–B.—SPANISH SURNAMED AMERICANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

| State | Total number of students | Total number of Spanish American students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 2,002,776 | 4.6 | 906,919 | 45.3 | 1,095,857 | 54.7 | 634,891 | 31.7 | 331,781 | 16.6 | 38,077 | 1.9 |
| Alabama | 770,523 | 24 | 0 | 24 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alaska | 71,797 | 479 | 0.7 | 474 | 99.0 | 5 | 1.0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 366,459 | 71,748 | 19.6 | 34,402 | 47.9 | 37,346 | 52.1 | 15,012 | 20.9 | 7,376 | 10.3 | 762 | 1.1 |
| Arkansas | 415,613 | 539 | .1 | 527 | 97.8 | 12 | 2.2 | 9 | 1.7 | 9 | 1.7 | 9 | 1.7 |
| California | 4,477,381 | 646,282 | 14.4 | 393,997 | 61.0 | 252,285 | 39.0 | 118,433 | 18.3 | 55,419 | 8.6 | 1,529 | .2 |
| Colorado | 519,092 | 71,348 | 13.7 | 45,174 | 63.3 | 26,174 | 36.7 | 9,971 | 14.0 | 2,070 | 2.9 | 0 | 0 |
| Connecticut | 632,361 | 15,670 | 2.5 | 7,627 | 48.7 | 8,043 | 51.3 | 4,134 | 26.4 | 2,582 | 16.5 | 12 | .1 |
| Delaware | 123,863 | 245 | .2 | 154 | 62.9 | 91 | 37.1 | 2 | .8 | 2 | .8 | 0 | 0 |
| District of Columbia | 148,725 | 662 | .4 | 256 | 38.7 | 406 | 61.3 | 289 | 43.7 | 227 | 34.3 | 10 | 1.5 |
| Florida | 1,340,665 | 52,628 | 3.9 | 26,287 | 49.9 | 26,341 | 50.1 | 9,479 | 18.0 | 3,275 | 6.2 | 240 | .5 |
| Georgia | 1,001,245 | 1,370 | .1 | 786 | 57.4 | 584 | 42.6 | 578 | 42.2 | 578 | 42.2 | 578 | 42.2 |
| Idaho | 174,472 | 3,338 | 1.9 | 3,322 | 99.5 | 16 | 0.5 | 16 | .5 | 0 | 0 | 0 | 0 |
| Illinois | 2,252,321 | 68,917 | 3.1 | 36,361 | 52.8 | 32,556 | 47.2 | 16,282 | 23.6 | 3,314 | 4.8 | 249 | .4 |
| Indiana | 1,210,539 | 13,622 | 1.1 | 7,093 | 52.1 | 6,529 | 47.9 | 2,944 | 21.6 | 242 | 1.8 | 34 | .2 |
| Iowa | 651,705 | 2,283 | .4 | 2,271 | 99.5 | 12 | .5 | 1 | 0 | 0 | 0 | 0 | 0 |
| Kansas | 518,733 | 8,219 | 1.6 | 7,601 | 92.5 | 618 | 7.5 | 56 | .7 | 16 | .2 | 0 | 0 |
| Kentucky | 695,611 | 136 | 0 | 135 | 99.3 | 1 | .7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Louisiana | 817,000 | 2,111 | .3 | 1,671 | 79.2 | 440 | 20.8 | 75 | 3.6 | 23 | 1.1 | 23 | 1.1 |
| Maine | 220,336 | 478 | .2 | 85 | 17.8 | 393 | 82.2 | 367 | 76.7 | 0 | 0 | 0 | 0 |
| Maryland | 859,440 | 2,078 | .2 | 2,073 | 99.8 | 5 | .2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Massachusetts | 1,097,221 | 8,733 | .8 | 6,557 | 75.1 | 2,176 | 24.9 | 640 | 7.4 | 97 | 1.1 | 0 | 0 |
| Michigan | 2,073,369 | 24,819 | 1.2 | 21,169 | 85.3 | 3,650 | 14.7 | 1,667 | 6.7 | 766 | 3.1 | 113 | .5 |
| Minnesota | 856,506 | 3,418 | .4 | 3,397 | 99.4 | 21 | .6 | 1 | 0 | 1 | 0 | 0 | 0 |
| Mississippi | 456,532 | 327 | .1 | 321 | 98.2 | 6 | 1.8 | 0 | 0 | 0 | 0 | 0 | 0 |
| Missouri | 954,596 | 1,393 | .1 | 1,368 | 98.2 | 25 | 1.8 | 8 | .6 | 4 | .3 | 2 | .1 |
| Montana | 127,059 | 910 | .7 | 906 | 99.6 | 4 | .4 | 1 | .1 | 0 | 0 | 0 | 0 |
| Nebraska | 266,342 | 3,722 | 1.4 | 3,439 | 92.4 | 283 | 7.6 | 8 | .2 | 5 | .1 | 0 | 0 |
| Nevada | 119,180 | 3,633 | 3.0 | 3,613 | 99.4 | 20 | .6 | 9 | .2 | 8 | .2 | 0 | 0 |
| New Hampshire | 132,212 | 147 | .1 | 147 | 110.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 1,401,925 | 46,063 | 3.3 | 20,291 | 44.1 | 25,771 | 55.9 | 12,550 | 27.2 | 5,261 | 11.4 | 430 | .9 |
| New Mexico | 271,040 | 102,994 | 38.0 | 27,494 | 26.7 | 75,500 | 73.3 | 34,136 | 33.1 | 10,336 | 10.0 | 2,704 | 2.6 |
| New York | 3,364,090 | 263,799 | 7.8 | 46,307 | 17.6 | 217,492 | 82.4 | 164,622 | 62.4 | 97,628 | 37.0 | 5,087 | 1.9 |
| North Carolina | 1,199,481 | 482 | 0 | 465 | 96.5 | 17 | 3.5 | 3 | .6 | 2 | .4 | 2 | .4 |

Footnote at end of table.

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

| State | Total number of students | Total number of Spanish American students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| North Dakota | 115,995 | 230 | 0.2 | 230 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohio | 2,400,296 | 16,031 | .7 | 13,836 | 86.3 | 2,195 | 13.7 | 1,116 | 7.0 | 96 | .6 | 15 | .1 |
| Oklahoma | 543,501 | 3,647 | .7 | 3,540 | 97.1 | 107 | 2.9 | 22 | .6 | 16 | .4 | 0 | 0 |
| Oregon | 455,141 | 4,502 | 1.0 | 4,474 | 99.4 | 28 | .6 | 12 | .3 | 0 | 0 | 0 | 0 |
| Pennsylvania | 2,296,011 | 11,849 | .5 | 6,008 | 50.7 | 5,842 | 49.3 | 4,297 | 36.3 | 1,767 | 14.9 | 12 | .1 |
| Rhode Island | 172,264 | 490 | .3 | 313 | 63.9 | 177 | 36.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Carolina | 603,542 | 208 | 0 | 206 | 99.0 | 2 | 1.0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Dakota | 146,407 | 273 | .2 | 261 | 95.6 | 12 | 4.4 | 12 | 4.4 | 12 | 4.4 | 4 | 1.5 |
| Tennessee | 887,469 | 411 | 0 | 398 | 96.8 | 13 | 3.2 | 7 | 1.7 | 2 | .5 | 1 | .2 |
| Texas | 2,510,358 | 505,214 | 20.1 | 139,877 | 27.7 | 365,337 | 72.3 | 237,136 | 46.9 | 140,486 | 27.8 | 26,164 | 5.2 |
| Utah | 303,152 | 9,839 | 3.2 | 8,665 | 88.1 | 1,174 | 11.9 | 325 | 3.3 | 0 | 0 | 0 | 0 |
| Vermont | 73,570 | 34 | 0 | 34 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virginia | 1,041,057 | 2,222 | .2 | 2,189 | 98.5 | 33 | 1.5 | 3 | .1 | 3 | .1 | 0 | 0 |
| Washington | 791,260 | 12,692 | 1.6 | 11,150 | 87.9 | 1,542 | 12.1 | 35 | .3 | 0 | 0 | 0 | 0 |
| West Virginia | 404,582 | 251 | .1 | 249 | 99.2 | 2 | .8 | 2 | .8 | 0 | 0 | 0 | 0 |
| Wisconsin | 942,441 | 7,760 | .8 | 6,171 | 79.5 | 1,589 | 20.5 | 620 | 8.0 | 157 | 2.0 | 97 | 1.3 |
| Wyoming | 79,091 | 4,504 | 5.7 | 3,524 | 78.2 | 980 | 21.8 | 0 | 0 | 0 | 0 | 0 | 0 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-C.—AMERICAN INDIANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| State | Total number of students | Total number of American Indian students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 177,464 | 0.4 | 109,540 | 61.7 | 67,924 | 38.3 | 53,528 | 30.2 | 29,654 | 16.7 | 11,177 | 6.3 |
| Alabama | 770,523 | 39 | 0 | 6 | 15.4 | 33 | 84.6 | 33 | 84.6 | 0 | 0 | 0 | 0 |
| Alaska | 71,797 | 6,808 | 9.5 | 4,866 | 71.5 | 1,942 | 28.5 | 1,768 | 26.0 | 1,192 | 17.5 | 607 | 8.9 |
| Arizona | 366,459 | 14,431 | 3.9 | 5,827 | 40.4 | 8,604 | 59.6 | 6,781 | 47.0 | 388 | 2.7 | 7 | 0 |
| Arkansas | 415,613 | 414 | .1 | 414 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| California | 4,477,381 | 13,986 | .3 | 12,284 | 87.8 | 1,702 | 12.2 | 599 | 4.3 | 182 | 1.3 | 7 | 0.1 |
| Colorado | 519,092 | 1,366 | .3 | 1,211 | 88.6 | 155 | 11.4 | 66 | 4.8 | 11 | .8 | 0 | |
| Connecticut | 632,361 | 204 | 0 | 194 | 95.1 | 10 | 4.9 | 4 | 2.0 | 0 | 0 | 0 | 0 |
| Delaware | 123,863 | 10 | 0 | 10 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| District of Columbia | 148,725 | 31 | 0 | 6 | 19.4 | 25 | 80.6 | 23 | 74.2 | 10 | 32.3 | 0 | 0 |
| Florida | 1,340,665 | 1,455 | .1 | 1,389 | 95.5 | 66 | 4.5 | 20 | 1.4 | 8 | .5 | 2 | .1 |
| Georgia | 1,001,245 | 323 | 0 | 189 | 58.6 | 134 | 41.4 | 134 | 41.4 | 134 | 41.4 | 134 | 41.4 |
| Idaho | 174,472 | 1,699 | 1.0 | 1,564 | 92.1 | 135 | 7.9 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois | 2,252,321 | 1,804 | .1 | 1,602 | 88.8 | 203 | 11.2 | 60 | 3.3 | 28 | 1.6 | 5 | .3 |
| Indiana | 1,210,539 | 544 | 0 | 464 | 85.3 | 80 | 14.7 | 14 | 2.6 | 8 | 1.5 | 5 | .9 |
| Iowa | 651,705 | 418 | .1 | 415 | 99.3 | 3 | .7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kansas | 518,733 | 1,392 | .3 | 1,374 | 98.7 | 18 | 1.3 | 2 | .1 | 1 | .1 | 0 | 0 |
| Kentucky | 695,611 | 47 | 0 | 46 | 97.9 | 1 | 2.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Louisiana | 817,000 | 213 | 0 | 202 | 94.8 | 11 | 5.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maine | 220,336 | 1,132 | .5 | 332 | 29.3 | 800 | 70.7 | 467 | 41.2 | 67 | 5.9 | 67 | 5.9 |
| Maryland | 859,440 | 169 | 0 | 169 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Massachusetts | 1,097,221 | 430 | 0 | 407 | 94.7 | 23 | 5.3 | 11 | 2.6 | 5 | 1.2 | 0 | 0 |
| Michigan | 2,073,369 | 4,404 | .2 | 4,267 | 96.9 | 137 | 3.1 | 75 | 1.7 | 44 | 1.0 | 4 | .1 |
| Minnesota | 856,506 | 5,748 | .7 | 5,702 | 99.2 | 46 | .8 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mississippi | 456,532 | 112 | 0 | 104 | 92.9 | 8 | 7.1 | 3 | 2.7 | 3 | 2.7 | 3 | 2.7 |
| Missouri | 954,596 | 278 | 0 | 264 | 95.0 | 14 | 5.0 | 8 | 2.9 | 6 | 2.2 | 4 | 1.4 |
| Montana | 127,059 | 5,015 | 3.9 | 2,472 | 49.3 | 2,543 | 50.7 | 2,275 | 45.4 | 325 | 6.5 | 81 | 1.6 |
| Nebraska | 266,342 | 824 | .3 | 743 | 90.2 | 81 | 9.8 | 32 | 3.9 | 13 | 1.6 | 0 | 0 |
| Nevada | 119,180 | 2,454 | 2.1 | 1,870 | 76.2 | 584 | 23.8 | 235 | 9.6 | 64 | 2.6 | 64 | 2.6 |
| New Hampshire | 132,212 | 29 | 0 | 29 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 1,401,925 | 311 | 0 | 258 | 82.9 | 53 | 17.1 | 10 | 3.2 | 4 | 1.3 | 1 | .3 |
| New Mexico | 271,040 | 19,742 | 7.3 | 3,048 | 15.4 | 16,694 | 84.6 | 12,241 | 62.0 | 3,420 | 17.3 | 1,638 | 8.3 |
| New York | 3,364,090 | 5,710 | .2 | 3,795 | 66.5 | 1,915 | 33.5 | 1,791 | 31.4 | 1,738 | 30.4 | 557 | 9.8 |
| North Carolina | 1,199,481 | 14,021 | 1.2 | 2,916 | 20.8 | 11,105 | 79.2 | 10,587 | 75.5 | 10,585 | 75.5 | 4,272 | 30.5 |
| North Dakota | 115,995 | 1,523 | 1.3 | 1,165 | 76.5 | 358 | 23.5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohio | 2,400,296 | 736 | 0 | 684 | 92.9 | 52 | 7.1 | 31 | 4.2 | 9 | 1.2 | 4 | .5 |
| Oklahoma | 543,501 | 24,003 | 4.4 | 23,630 | 98.4 | 373 | 1.6 | 70 | .3 | 18 | .1 | 6 | 0 |
| Oregon | 455,141 | 3,601 | .8 | 3,108 | 86.3 | 492 | 13.7 | 487 | 13.5 | 0 | 0 | 0 | 0 |
| Pennsylvania | 2,296,011 | 411 | 0 | 409 | 99.5 | 2 | .5 | 1 | .2 | 0 | 0 | 0 | 0 |
| Rhode Island | 172,264 | 143 | .1 | 143 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Carolina | 603,542 | 404 | .1 | 341 | 84.4 | 63 | 15.6 | 62 | 15.3 | 62 | 15.3 | 62 | 15.3 |
| South Dakota | 146,407 | 16,533 | 11.3 | 3,619 | 21.9 | 12,915 | 78.1 | 11,233 | 67.9 | 8,704 | 52.6 | 1,700 | 10.3 |
| Tennessee | 887,469 | 254 | 0 | 252 | 99.2 | 2 | .8 | 0 | 0 | 0 | 0 | 0 | 0 |
| Texas | 2,510,358 | 3,813 | .2 | 1,493 | 39.2 | 2,319 | 60.8 | 2,175 | 57.0 | 2,070 | 54.3 | 1,939 | 50.9 |
| Utah | 303,152 | 3,848 | 1.3 | 3,334 | 86.6 | 514 | 13.4 | 174 | 4.5 | 0 | 0 | 0 | 0 |
| Vermont | 73,570 | 2 | 0 | 2 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virginia | 1,041,057 | 755 | .1 | 624 | 82.7 | 131 | 17.3 | 121 | 16.0 | 115 | 15.2 | 0 | 0 |
| Washington | 791,260 | 8,736 | 1.1 | 7,404 | 84.8 | 1,332 | 15.2 | 83 | 1.0 | 0 | 0 | 0 | 0 |
| West Virginia | 404,582 | 86 | 0 | 86 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wisconsin | 942,441 | 4,977 | .5 | 3,977 | 79.9 | 1,000 | 20.1 | 613 | 12.3 | 440 | 8.8 | 8 | .2 |
| Wyoming | 79,091 | 2,073 | 2.6 | 826 | 39.8 | 1,247 | 60.2 | 1,240 | 59.8 | 0 | 0 | 0 | 0 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-D.—ORIENTALS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

| State | Total number of students | Total number of oriental students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 90 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 194,022 | 0.4 | 140,069 | 72.2 | 53,953 | 27.8 | 24,898 | 12.8 | 16,821 | 8.7 | 153 | 0.1 |
| Alabama | 770,523 | 46 | 0 | 46 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alaska | 71,797 | 424 | .6 | 422 | 99.4 | 3 | .6 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 366,459 | 1,971 | .5 | 1,651 | 83.7 | 321 | 16.3 | 81 | 4.1 | 47 | 2.4 | 0 | 0 |
| Arkansas | 415,613 | 268 | .1 | 267 | 99.6 | 1 | .4 | 1 | .4 | 1 | .4 | 1 | .4 |
| California | 4,477,381 | 105,656 | 2.4 | 68,578 | 64.9 | 37,078 | 35.1 | 15,287 | 14.5 | 9,554 | 9.0 | 37 | 0 |
| Colorado | 519,092 | 2,832 | .5 | 2,567 | 90.6 | 265 | 9.4 | 135 | 4.8 | 113 | 4.0 | 0 | 0 |
| Connecticut | 632,361 | 1,146 | .2 | 1,057 | 92.2 | 89 | 7.8 | 45 | 3.9 | 24 | 2.1 | 0 | 0 |
| Delaware | 123,863 | 85 | .1 | 85 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| District of Columbia | 148,725 | 746 | .5 | 298 | 39.9 | 448 | 60.1 | 288 | 38.6 | 266 | 35.7 | 24 | 3.2 |
| Florida | 1,340,665 | 1,439 | .1 | 1,279 | 88.9 | 160 | 11.1 | 43 | 3.0 | 22 | 1.5 | 5 | .3 |
| Georgia | 1,001,245 | 750 | .1 | 735 | 98.0 | 15 | 2.0 | 6 | .8 | 5 | .7 | 0 | 0 |
| Idaho | 174,472 | 873 | .5 | 873 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois | 2,252,321 | 6,893 | .3 | 5,888 | 85.4 | 1,006 | 14.6 | 427 | 6.2 | 358 | 5.2 | 17 | .2 |
| Indiana | 1,210,539 | 884 | .1 | 836 | 94.6 | 48 | 5.4 | 18 | 2.0 | 4 | .5 | 4 | .5 |
| Iowa | 651,705 | 463 | .1 | 443 | 95.7 | 20 | 4.3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kansas | 518,733 | 1,094 | .2 | 1,048 | 95.8 | 46 | 4.2 | 2 | .2 | 1 | .1 | 1 | .1 |
| Kentucky | 695,611 | 295 | 0 | 293 | 99.3 | 2 | .7 | 1 | .3 | 1 | .3 | 0 | 0 |
| Louisiana | 817,000 | 379 | 0 | 358 | 94.5 | 21 | 5.5 | 2 | .5 | 2 | .5 | 1 | .3 |
| Maine | 220,336 | 518 | .2 | 125 | 24.1 | 393 | 75.9 | 333 | 64.3 | 0 | 0 | 0 | 0 |
| Maryland | 859,440 | 1,687 | .2 | 1,684 | 99.8 | 3 | .2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Massachusetts | 1,097,221 | 4,036 | .4 | 3,057 | 75.7 | 979 | 24.3 | 326 | 8.1 | 184 | 4.6 | 0 | 0 |
| Michigan | 2,073,369 | 3,837 | .2 | 3,430 | 89.4 | 407 | 10.6 | 210 | 5.5 | 164 | 4.3 | 19 | .5 |
| Minnesota | 856,506 | 1,479 | .2 | 1,476 | 99.8 | 3 | .2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mississippi | 456,532 | 384 | .1 | 384 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Missouri | 954,596 | 1,027 | .1 | 1,005 | 97.9 | 22 | 2.1 | 6 | .6 | 5 | .5 | 2 | .2 |
| Montana | 127,059 | 301 | .2 | 300 | 99.6 | 1 | .4 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nebraska | 266,342 | 420 | .2 | 406 | 96.7 | 14 | 3.3 | 4 | 1.0 | 0 | 0 | 0 | 0 |
| Nevada | 119,180 | 672 | .6 | 651 | 96.9 | 21 | 3.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Hampshire | 132,212 | 157 | .1 | 157 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 1,401,925 | 3,254 | .2 | 2,915 | 89.6 | 339 | 10.4 | 122 | 3.7 | 106 | 3.3 | 1 | 0 |
| New Mexico | 271,040 | 553 | .2 | 418 | 75.6 | 135 | 24.4 | 33 | 6.0 | 20 | 3.6 | 0 | 0 |
| New York | 3,364,090 | 19,620 | .6 | 10,038 | 51.2 | 9,582 | 48.8 | 6,765 | 34.5 | 5,657 | 28.8 | 21 | .1 |
| North Carolina | 1,199,481 | 442 | 0 | 434 | 98.2 | 8 | 1.8 | 6 | 1.4 | 6 | 1.4 | 4 | .9 |
| North Dakota | 115,995 | 134 | .1 | 134 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohio | 2,400,296 | 2,768 | .1 | 2,586 | 93.4 | 182 | 6.6 | 73 | 2.6 | 49 | 1.8 | 7 | .3 |
| Oklahoma | 543,501 | 1,032 | .2 | 1,024 | 99.2 | 8 | .8 | 2 | .2 | 1 | .1 | 0 | 0 |
| Oregon | 455,141 | 3,080 | .7 | 3,063 | 99.4 | 17 | .6 | 1 | 0 | 0 | 0 | 0 | 0 |
| Pennsylvania | 2,296,011 | 2,073 | .1 | 1,992 | 96.1 | 81 | 3.9 | 25 | 1.2 | 12 | .6 | 0 | 0 |
| Rhode Island | 172,254 | 417 | .2 | 408 | 97.8 | 9 | 2.2 | 2 | .5 | 2 | .5 | 0 | 0 |
| South Carolina | 603,542 | 195 | 0 | 181 | 92.8 | 14 | 7.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Dakota | 146,407 | 130 | .1 | 126 | 96.9 | 4 | 3.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tennessee | 887,469 | 567 | .1 | 553 | 97.5 | 14 | 2.5 | 5 | .9 | 3 | .5 | 3 | .5 |
| Texas | 2,510,358 | 3,679 | .1 | 3,136 | 85.2 | 543 | 14.8 | 205 | 5.6 | 103 | 2.8 | 0 | 0 |
| Utah | 303,152 | 1,582 | .5 | 1,560 | 98.6 | 22 | 1.4 | 4 | .3 | 0 | 0 | 0 | 0 |
| Vermont | 73,570 | 27 | 0 | 27 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virginia | 1,041,057 | 2,179 | .2 | 2,125 | 97.5 | 54 | 2.5 | 20 | .9 | 13 | .6 | 4 | .2 |
| Washington | 791,260 | 10,012 | 1.3 | 8,503 | 84.9 | 1,509 | 15.1 | 400 | 4.0 | 93 | .9 | 0 | 0 |
| West Virginia | 404,582 | 224 | .1 | 222 | 99.1 | 2 | .9 | 2 | .9 | 0 | 0 | 0 | 0 |
| Wisconsin | 942,441 | 1,044 | .1 | 989 | 94.7 | 55 | 5.3 | 17 | 1.6 | 4 | .4 | 2 | .2 |
| Wyoming | 79,091 | 244 | .3 | 235 | 96.3 | 9 | 3.7 | 0 | 0 | 0 | 0 | 0 | 0 |

Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-E.—NONMINORITIES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation fall 1968 elementary and secondary school survey]

| State | Total number of students | Total number of nonminority students | Percent of total students | 0 to 49.9 percent nonminority schools | | 50 to 100 percent nonminority schools | | 95 to 100 percent nonminority schools | | 99 to 100 percent nonminority schools | | 100 percent nonminority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,568 | 34,697,133 | 80.0 | 716,980 | 2.1 | 33,980,153 | 97.9 | 22,778,975 | 65.6 | 13,020,419 | 37.5 | 5,723,597 | 16.5 |
| Alabama | 770,523 | 501,166 | 65.0 | 548 | .1 | 500,618 | 99.0 | 362,578 | 72.4 | 221,841 | 44.3 | 143,179 | 28.6 |
| Alaska | 71,797 | 61,967 | 86.3 | 171 | .2 | 61,796 | 99.7 | 24,213 | 39.1 | 6,712 | 10.9 | 2,901 | 4.7 |
| Arizona | 366,459 | 262,526 | 71.6 | 17,403 | 6.6 | 245,124 | 93.4 | 69,370 | 26.5 | 10,551 | 4.1 | 180 | .1 |
| Arkansas | 415,613 | 307,859 | 74.1 | 1,694 | .5 | 306,165 | 99.4 | 173,813 | 56.4 | 112,556 | 36.5 | 80,713 | 26.2 |
| California | 4,477,381 | 3,323,478 | 74.2 | 150,581 | 4.5 | 3,172,896 | 95.5 | 833,852 | 25.1 | 42,612 | 1.3 | 5,697 | .2 |
| Colorado | 519,092 | 425,749 | 82.0 | 12,668 | 3.0 | 413,081 | 97.0 | 190,548 | 44.8 | 35,754 | 8.4 | 6,925 | 1.6 |
| Connecticut | 632,361 | 562,791 | 89.0 | 9,833 | 1.7 | 552,958 | 98.3 | 427,543 | 76.0 | 210,603 | 37.5 | 38,559 | 6.9 |
| Delaware | 123,863 | 99,507 | 80.3 | 2,960 | 3.0 | 96,547 | 97.0 | 50,884 | 51.1 | 29,848 | 30.0 | 1,620 | 1.6 |
| District of Columbia | 148,725 | 8,280 | 5.6 | 3,636 | 44.0 | 4,644 | 56.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 1,340,665 | 973,652 | 72.6 | 17,243 | 1.7 | 956,409 | 98.2 | 456,994 | 47.0 | 205,256 | 21.1 | 94,543 | 9.7 |
| Georgia | 1,001,245 | 683,884 | 68.3 | 3,981 | .6 | 679,903 | 99.4 | 418,925 | 61.3 | 212,901 | 31.2 | 110,478 | 16.2 |
| Idaho | 174,472 | 168,147 | 96.4 | 42 | 0 | 168,105 | 100.0 | 129,742 | 77.2 | 68,910 | 41.0 | 29,591 | 17.6 |
| Illinois | 2,252,321 | 1,768,355 | 78.5 | 37,801 | 2.1 | 1,730,554 | 97.9 | 1,316,576 | 74.5 | 800,401 | 45.3 | 374,814 | 21.2 |
| Indiana | 1,210,539 | 1,089,311 | 90.0 | 12,674 | 1.1 | 1,076,637 | 98.8 | 914,675 | 84.0 | 638,813 | 58.7 | 340,616 | 31.3 |
| Iowa | 651,705 | 638,973 | 98.0 | 1,273 | .2 | 637,700 | 99.8 | 599,415 | 93.8 | 484,633 | 75.8 | 317,163 | 49.6 |
| Kansas | 518,733 | 477,194 | 92.0 | 2,426 | .5 | 474,768 | 99.5 | 355,883 | 74.5 | 199,156 | 41.7 | 94,613 | 19.8 |
| Kentucky | 695,611 | 631,136 | 90.7 | 4,663 | .6 | 626,474 | 99.3 | 450,063 | 71.3 | 316,831 | 50.2 | 216,345 | 34.3 |
| Louisiana | 817,000 | 497,029 | 60.8 | 4,090 | .8 | 492,939 | 99.2 | 344,235 | 69.2 | 197,091 | 39.6 | 106,051 | 21.3 |
| Maine | 220,336 | 216,778 | 98.4 | 779 | .3 | 215,999 | 99.6 | 215,267 | 99.3 | 187,085 | 86.3 | 135,625 | 62.6 |
| Maryland | 859,440 | 654,071 | 76.1 | 15,711 | 2.2 | 638,360 | 97.6 | 360,728 | 55.2 | 160,199 | 24.5 | 58,850 | 9.0 |
| Massachusetts | 1,097,221 | 1,037,347 | 94.5 | 6,243 | .7 | 1,031,104 | 99.4 | 895,751 | 86.4 | 536,238 | 51.7 | 176,128 | 17.0 |
| Michigan | 2,073,369 | 1,764,431 | 85.1 | 32,131 | 1.8 | 1,732,300 | 98.2 | 1,401,544 | 79.5 | 779,516 | 44.2 | 177,832 | 10.1 |
| Minnesota | 856,506 | 836,851 | 97.7 | 1,119 | .1 | 835,732 | 99.9 | 773,873 | 92.5 | 573,062 | 68.5 | 171,709 | 20.5 |
| Mississippi | 456,532 | 231,924 | 50.8 | 921 | .5 | 231,003 | 99.6 | 142,096 | 61.3 | 59,850 | 25.8 | 28,042 | 12.1 |
| Missouri | 954,596 | 813,486 | 85.2 | 5,555 | .6 | 807,931 | 99.3 | 657,022 | 80.8 | 463,951 | 57.1 | 253,429 | 31.2 |
| Montana | 127,059 | 120,731 | 95.0 | 320 | .3 | 120,411 | 99.7 | 106,587 | 88.3 | 54,962 | 45.5 | 23,278 | 19.3 |
| Nebraska | 266,342 | 249,036 | 93.5 | 1,876 | .7 | 247,160 | 99.2 | 208,412 | 83.7 | 137,304 | 55.1 | 71,845 | 28.8 |
| Nevada | 119,180 | 103,233 | 86.6 | 393 | .3 | 102,839 | 99.6 | 41,154 | 39.8 | 8,085 | 7.8 | 2,066 | 2.0 |
| New Hampshire | 132,212 | 131,342 | 99.3 | 0 | 0 | 131,342 | 100.0 | 128,097 | 97.5 | 115,583 | 88.0 | 52,685 | 40.1 |
| New Jersey | 1,401,925 | 1,143,816 | 81.6 | 34,641 | 3.1 | 1,109,175 | 97.0 | 751,629 | 65.7 | 399,265 | 34.9 | 113,204 | 9.9 |
| New Mexico | 271,040 | 142,092 | 52.4 | 30,932 | 21.7 | 111,163 | 78.2 | 7,542 | 5.3 | 115 | .1 | 115 | .1 |
| New York | 3,364,090 | 2,601,708 | 77.3 | 94,803 | 3.5 | 2,506,905 | 96.4 | 1,703,424 | 65.5 | 1,023,966 | 39.4 | 322,509 | 12.4 |
| North Carolina | 1,199,481 | 832,394 | 69.4 | 11,427 | 1.3 | 820,957 | 98.6 | 312,697 | 37.6 | 146,254 | 17.6 | 74,751 | 9.0 |
| North Dakota | 115,995 | 113,650 | 98.0 | 334 | .3 | 113,316 | 99.7 | 105,402 | 92.7 | 75,734 | 66.6 | 44,890 | 39.5 |

Footnote at end of table.

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| State | Total number of students | Total number of nonminority students | Percent of total students | 0 to 49.9 percent nonminority schools | | 50 to 100 percent nonminority schools | | 95 to 100 percent nonminority schools | | 99 to 100 percent nonminority schools | | 100 percent nonminority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Ohio | 2,400,296 | 2,093,321 | 87.2 | 32,264 | 1.5 | 2,061,057 | 98.5 | 1,669,103 | 79.8 | 1,135,032 | 54.3 | 444,999 | 21.3 |
| Oklahoma | 543,501 | 465,958 | 85.7 | 3,215 | .6 | 462,742 | 99.3 | 216,910 | 46.6 | 100,948 | 21.7 | 41,899 | 9.0 |
| Oregon | 455,141 | 436,546 | 95.9 | 1,068 | .2 | 435,477 | 99.8 | 372,845 | 85.4 | 139,223 | 39.9 | 29,582 | 6.8 |
| Pennsylvania | 2,296,011 | 2,013,163 | 87.7 | 29,976 | 1.5 | 1,983,186 | 98.5 | 1,653,112 | 82.1 | 1,151,592 | 57.2 | 556,899 | 27.7 |
| Rhode Island | 172,264 | 163,166 | 94.7 | 760 | .4 | 162,406 | 99.5 | 130,635 | 80.0 | 90,980 | 55.7 | 30,577 | 18.7 |
| South Carolina | 603,542 | 364,699 | 60.4 | 1,888 | .4 | 362,811 | 99.5 | 176,916 | 48.5 | 59,808 | 16.4 | 28,557 | 7.8 |
| South Dakota | 146,407 | 129,086 | 88.2 | 1,155 | 1.0 | 127,932 | 99.1 | 109,910 | 85.2 | 66,312 | 51.4 | 29,831 | 23.1 |
| Tennessee | 887,469 | 701,545 | 79.1 | 4,345 | .5 | 697,200 | 99.4 | 468,365 | 66.8 | 267,844 | 38.2 | 175,182 | 25.0 |
| Texas | 2,510,358 | 1,617,840 | 64.4 | 102,128 | 6.3 | 1,515,713 | 93.7 | 650,276 | 40.3 | 190,959 | 11.9 | 38,043 | 2.4 |
| Utah | 303,152 | 286,396 | 94.5 | 1,019 | .3 | 285,377 | 99.6 | 200,880 | 70.1 | 47,895 | 16.7 | 3,100 | 1.1 |
| Vermont | 73,570 | 73,416 | 99.8 | 0 | 0 | 73,416 | 100.0 | 73,416 | 100.0 | 70,500 | 96.0 | 47,592 | 64.8 |
| Virginia | 1,041,057 | 790,874 | 76.0 | 5,875 | .7 | 785,017 | 99.3 | 427,117 | 54.0 | 176,972 | 22.4 | 85,438 | 10.8 |
| Washington | 791,260 | 740,675 | 93.6 | 5,309 | .7 | 735,366 | 99.3 | 563,487 | 76.1 | 148,147 | 20.0 | 20,850 | 2.8 |
| West Virginia | 404,582 | 383,590 | 94.8 | 1,427 | .3 | 382,163 | 99.6 | 294,775 | 76.8 | 225,860 | 58.8 | 166,265 | 43.3 |
| Wisconsin | 942,441 | 891,371 | 94.6 | 4,906 | .6 | 886,465 | 99.4 | 796,030 | 89.3 | 617,506 | 69.3 | 346,310 | 38.9 |
| Wyoming | 79,091 | 71,605 | 90.5 | 796 | 1.1 | 70,809 | 98.9 | 44,672 | 62.4 | 15,134 | 21.1 | 7,518 | 10.5 |

[1] Minute differences between sum of numbers and totals are due to computer roundings.

TABLE 2-A.—NEGROES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1963 elementary and secondary school survey]

| Geographic area | Total number of students | Total number of Negro students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 6,282,173 | 14.5 | 1,467,291 | 23.4 | 4,814,881 | 76.6 | 3,832,843 | 61.0 | 3,331,404 | 53.0 | 2,493,398 | 39.7 |
| 32 northern and western [2] | 28,579,766 | 2,703,056 | 9.5 | 746,030 | 27.6 | 1,957,025 | 72.4 | 1,198,052 | 44.3 | 834,898 | 30.9 | 332,408 | 12.3 |
| 6 northern and western [3] | 13,596,625 | 1,817,615 | 13.4 | 450,571 | 24.8 | 1,367,044 | 75.2 | 879,367 | 48.4 | 649,946 | 35.8 | 280,440 | 15.4 |
| 6 border and District of Columbia [4] | 3,730,317 | 636,157 | 17.1 | 180,569 | 28.4 | 455,588 | 71.6 | 368,149 | 57.9 | 294,844 | 46.3 | 160,504 | 25.2 |
| 11 southern [5] | 11,043,485 | 2,942,960 | 26.6 | 540,692 | 18.4 | 2,402,268 | 81.6 | 2,266,642 | 77.0 | 2,201,662 | 74.8 | 2,000,486 | 68.0 |
| 5 southern [6] | 3,648,842 | 1,363,254 | 37.4 | 143,497 | 10.5 | 1,219,757 | 89.5 | 1,194,699 | 87.6 | 1,188,268 | 87.2 | 1,116,990 | 81.9 |

[1] Minute differences between sum of numbers and totals are due to computer roundings.
[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin and Wyoming.
[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.
[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.
[5] Alabama, Arkansas, Florida, Georgia, Louisianna, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 2-B.—SPANISH SURNAMED AMERICANS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| Area | Total number of students | Total number of Spanish surnamed American students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,567 | 2,002,776 | 4.6 | 906,919 | 45.3 | 1,095,857 | 54.7 | 634,891 | 31.7 | 331,781 | 16.6 | 38,077 | 1.9 |
| 5 Arizona, California Colorado, New Mexico, Texas | 8,144,330 | 1,397,586 | 17.2 | 640,943 | 45.9 | 756,643 | 54.1 | 414,689 | 29.7 | 215,688 | 15.4 | 31,159 | 2.2 |
| 4 Connecticut, Illinois New Jersey, New York | 7,650,697 | 394,449 | 5.2 | 110,587 | 28.0 | 283,862 | 72.0 | 197,589 | 50.1 | 108,785 | 27.6 | 5,778 | 1.5 |
| 1 Florida | 1,340,665 | 52,628 | 3.9 | 26,287 | 49.9 | 26,341 | 50.1 | 9,479 | 18.0 | 3,275 | 6.2 | 240 | .5 |
| 39 other States and District of Columbia | 26,217,875 | 158,113 | 0.6 | 129,102 | 81.7 | 29,011 | 18.3 | 13,135 | 8.3 | 4,033 | 2.6 | 900 | .6 |

[1] Minute differences between sum of numbers and totals are due to computer roundings.

TABLE 2-C.—NONMINORITIES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

| Geographic area | Total number of students | Total number of non-minority students | Percent of total students | 0 to 49.9 percent nonminority schools | | 50 to 100 percent nonminority schools | | 95 to 100 percent nonminority schools | | 99 to 100 percent nonminority schools | | 100 percent nonminority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 43,353,568 | 34,697,133 | 80.0 | 716,980 | 2.1 | 33,980,153 | 97.9 | 22,778,975 | 65.7 | 13,020,419 | 37.5 | 5,723,597 | 16.5 |
| 32 northern and western [2] | 28,579,765 | 24,138,249 | 84.5 | 525,691 | 2.2 | 23,612,557 | 97.8 | 16,814,581 | 69.7 | 9,871,450 | 40.9 | 4,020,212 | 16.7 |
| 6 northern and western [3] | 13,596,626 | 11,330,289 | 83.3 | 239,649 | 2.1 | 11,090,639 | 97.9 | 8,658,434 | 76.4 | 5,529,380 | 48.8 | 2,217,669 | 19.6 |
| 6 border and District of Columbia [4] | 3,730,318 | 3,056,028 | 81.9 | 37,167 | 1.2 | 3,018,861 | 98.8 | 2,030,382 | 66.4 | 1,297,637 | 42.5 | 738,408 | 24.2 |
| 11 southern [5] | 11,043,485 | 7,502,856 | 67.9 | 154,122 | 2.1 | 7,348,735 | 97.9 | 3,934,012 | 52.4 | 1,851,332 | 24.7 | 964,977 | 12.9 |
| 5 southern [6] | 3,648,842 | 2,278,702 | 62.5 | 11,428 | .5 | 2,267,274 | 99.5 | 1,444,750 | 63.4 | 751,491 | 33.0 | 416,307 | 18.3 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.
[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.
[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.
[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississipoi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 3-A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| Districts | Total number of students | Total number of Negro students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Total | 10,417,750 | 3,250,319 | 31.2 | 418,633 | 12.9 | 2,831,686 | 87.1 | 2,201,589 | 67.7 | 1,798,445 | 55.3 | 1,091,978 | 33.6 |
| New York, N.Y | 1,063,787 | 334,841 | 31.5 | 65,824 | 19.7 | 269,017 | 80.3 | 146,945 | 43.9 | 88,233 | 26.4 | 34,033 | 10.2 |
| Los Angeles, Calif | 653,549 | 147,738 | 22.6 | 7,012 | 4.7 | 140,726 | 95.3 | 116,017 | 78.5 | 77,026 | 52.1 | 18,118 | 12.3 |
| Chicago, Ill | 582,274 | 308,266 | 52.9 | 9,742 | 3.2 | 298,524 | 96.8 | 263,159 | 85.4 | 234,045 | 75.9 | 146,152 | 47.4 |
| Detroit, Mich | 296,097 | 175,316 | 59.2 | 15,781 | 9.0 | 159,534 | 91.0 | 103,590 | 59.1 | 66,069 | 37.7 | 18,510 | 10.6 |
| Philadelphia, Pa | 282,617 | 166,083 | 58.8 | 15,880 | 9.6 | 150,203 | 90.4 | 99,277 | 59.8 | 72,174 | 43.5 | 7,201 | 4.3 |
| Houston, Tex | 246,098 | 81,966 | 33.3 | 4,318 | 5.3 | 77,648 | 94.7 | 70,816 | 86.4 | 64,907 | 79.2 | 52,854 | 64.5 |
| Dade County, Fla. (Miami) | 232,465 | 56,518 | 24.3 | 7,032 | 12.4 | 49,486 | 87.6 | 43,664 | 77.3 | 41,115 | 72.7 | 27,482 | 48.6 |
| Baltimore City, Md | 192,171 | 125,174 | 65.1 | 9,646 | 7.7 | 115,528 | 92.3 | 94,825 | 75.8 | 82,629 | 66.0 | 54,505 | 43.5 |
| Dallas, Tex | 159,924 | 49,235 | 30.8 | 1,045 | 2.1 | 48,190 | 97.9 | 40,431 | 82.1 | 26,131 | 53.1 | 15,807 | 32.1 |
| Cleveland, Ohio | 156,054 | 87,241 | 55.9 | 4,156 | 4.8 | 83,085 | 95.2 | 69,728 | 79.9 | 59,174 | 67.8 | 21,516 | 24.7 |
| Washington, D.C | 148,725 | 139,006 | 93.5 | 1,253 | .9 | 137,753 | 99.1 | 123,939 | 89.2 | 95,608 | 68.8 | 38,701 | 27.8 |
| Prince Georges County, Md. (District of Columbia area) | 146,976 | 22,313 | 15.2 | 12,525 | 56.1 | 9,788 | 43.9 | 4,618 | 20.7 | 3,688 | 16.5 | 3,112 | 13.9 |
| Milwaukee, Wis | 130,445 | 31,130 | 23.9 | 3,849 | 12.4 | 27,281 | 87.6 | 14,783 | 47.5 | 9,288 | 29.8 | 4,819 | 15.5 |
| San Diego, Calif | 128,914 | 15,004 | 11.6 | 3,767 | 25.1 | 11,237 | 74.9 | 5,732 | 38.2 | 448 | 3.0 | 0 | 0 |
| Memphis, Tenn | 125,813 | 67,395 | 53.6 | 1,765 | 2.6 | 65,630 | 97.4 | 62,132 | 92.2 | 56,181 | 83.4 | 49,381 | 73.3 |
| Baltimore County, Md | 123,717 | 4,299 | 3.5 | 4,299 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duval County, Fla. (Jacksonville) | 122,637 | 34,638 | 28.2 | 4,362 | 12.6 | 30,276 | 87.4 | 30,276 | 87.4 | 29,446 | 85.0 | 26,556 | 76.7 |
| Fairfax County, Va. (District of Columbia area) | 122,107 | 3,322 | 2.7 | 3,322 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montgomery County, Md. (District of Columbia area) | 121,458 | 4,872 | 4.0 | 4,872 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Louis, Mo | 115,582 | 73,408 | 63.5 | 5,244 | 7.1 | 68,164 | 92.9 | 63,255 | 86.2 | 55,632 | 75.8 | 36,651 | 49.9 |
| Atlanta, Ga | 111,227 | 68,662 | 61.7 | 3,728 | 5.4 | 64,934 | 94.6 | 61,796 | 90.0 | 61,297 | 89.3 | 53,644 | 78.1 |
| Orleans Parish, La. (New Orleans) | 110,783 | 74,378 | 67.1 | 6,569 | 8.8 | 67,809 | 91.2 | 60,407 | 81.2 | 59,700 | 80.3 | 46,320 | 62.3 |
| Columbus, Ohio | 110,699 | 28,729 | 26.0 | 8,263 | 28.8 | 20,466 | 71.2 | 7,222 | 25.1 | 2,873 | 10.0 | 890 | 3.1 |
| Indianapolis, Ind | 108,587 | 36,577 | 33.7 | 8,205 | 22.4 | 28,372 | 77.6 | 19,347 | 52.9 | 13,728 | 37.5 | 3,945 | 10.8 |
| Broward County, Fla. (Fort Lauderdale) | 103,003 | 24,516 | 23.8 | 3,556 | 14.5 | 20,960 | 85.5 | 19,545 | 79.7 | 19,075 | 77.8 | 16,882 | 68.9 |
| Hillsborough County, Fla. (Tampa) | 100,985 | 19,225 | 19.0 | 3,513 | 18.3 | 15,712 | 81.7 | 13,604 | 70.8 | 13,604 | 70.8 | 12,371 | 64.3 |
| Denver, Colo | 96,577 | 13,639 | 14.1 | 2,732 | 20.0 | 10,907 | 80.0 | 7,539 | 55.3 | 2,862 | 21.0 | 0 | 0 |
| Boston, Mass | 94,174 | 25,482 | 27.1 | 5,943 | 23.3 | 19,539 | 76.7 | 8,558 | 33.6 | 4,936 | 19.4 | 79 | .3 |
| San Francisco, Calif | 94,154 | 25,923 | 27.5 | 4,024 | 15.5 | 21,899 | 84.5 | 5,275 | 20.3 | 1,317 | 5.1 | 110 | .4 |
| Seattle, Wash | 94,025 | 10,376 | 11.0 | 4,647 | 44.8 | 5,729 | 55.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashville-Davidson County, Tenn | 93,720 | 22,561 | 24.1 | 3,794 | 16.8 | 18,767 | 83.2 | 12,746 | 56.5 | 12,256 | 54.3 | 11,696 | 51.8 |
| Cincinnatti Ohio | 86,807 | 37,275 | 42.9 | 8,171 | 21.9 | 29,104 | 78.1 | 12,652 | 33.9 | 10,903 | 29.3 | 6,291 | 16.9 |
| Fort Worth, Tex | 86,528 | 21,398 | 24.7 | 2,065 | 9.7 | 19,333 | 90.3 | 18,283 | 85.4 | 16,389 | 76.6 | 12,991 | 60.7 |
| Jefferson County, Ky. (Louisville area) | 85,846 | 3,213 | 3.7 | 2,365 | 73.6 | 848 | 26.4 | 848 | 26.4 | 848 | 26.4 | 0 | 0 |
| Charlotte-Mecklenburg, N.C | 83,111 | 24,241 | 29.2 | 6,704 | 27.7 | 17,537 | 72.3 | 14,274 | 58.9 | 13,863 | 57.2 | 9,459 | 39.0 |
| Tulsa, Okla | 79,990 | 9,728 | 12.2 | 1,518 | 15.6 | 8,210 | 84.4 | 5,900 | 60.6 | 5,900 | 60.6 | 4,447 | 45.7 |
| Albuquerque, N. Mex | 79,669 | 1,897 | 2.4 | 523 | 27.6 | 1,374 | 72.4 | 174 | 9.2 | 169 | 8.9 | 0 | 0 |
| San Antonio, Tex | 79,353 | 11,637 | 14.7 | 1,234 | 10.6 | 10,403 | 89.4 | 9,519 | 81.8 | 6,522 | 56.0 | 6,137 | 52.7 |
| Pinellas County, Fla. (Clearwater) | 78,466 | 12,715 | 16.2 | 2,762 | 21.7 | 9,953 | 78.3 | 9,169 | 72.1 | 8,147 | 64.1 | 3,298 | 25.9 |
| Portland, Oreg | 78,413 | 6,388 | 8.1 | 3,644 | 57.4 | 2,724 | 42.6 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Kalb County, Ga. (Decatur) | 77,967 | 4,124 | 5.3 | 1,841 | 44.6 | 2,283 | 55.4 | 1,939 | 47.0 | 1,939 | 47.0 | 421 | 10.2 |
| Pittsburgh, Pa | 76,268 | 29,898 | 39.2 | 6,373 | 21.3 | 23,525 | 78.7 | 12,779 | 42.7 | 11,588 | 38.8 | 2,925 | 9.8 |
| Orange County, Fla. (Orlando) | 76,089 | 13,055 | 17.2 | 2,627 | 20.1 | 10,428 | 79.9 | 10,064 | 77.1 | 10,064 | 77.1 | 10,064 | 77.1 |
| Newark, N.J | 75,960 | 55,057 | 72.5 | 1,174 | 2.1 | 53,883 | 97.9 | 41,746 | 75.8 | 29,738 | 54.0 | 10,607 | 19.3 |
| Mobile County, Ala | 75,464 | 31,441 | 41.7 | 3,442 | 10.9 | 27,999 | 89.1 | 26,831 | 85.3 | 26,831 | 85.3 | 18,832 | 59.9 |
| Oklahoma City, Okla | 74,727 | 16,255 | 21.8 | 2,037 | 12.5 | 14,218 | 87.5 | 12,963 | 79.7 | 9,749 | 60.0 | 924 | 5.7 |
| Kansas City, Mo | 74,202 | 34,692 | 46.8 | 4,865 | 14.0 | 29,827 | 86.0 | 23,331 | 67.3 | 17,460 | 50.3 | 5,050 | 14.6 |
| Buffalo, N.Y | 72,115 | 26,381 | 36.6 | 7,113 | 27.0 | 19,268 | 73.0 | 16,122 | 61.1 | 11,562 | 43.8 | 1,474 | 5.6 |
| Long Beach, Calif | 72,065 | 5,489 | 7.6 | 2,011 | 36.6 | 3,478 | 63.4 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis, Minn | 70,006 | 5,255 | 7.5 | 3,722 | 70.8 | 1,533 | 29.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wichita, Kans | 68,391 | 8,913 | 13.0 | 4,058 | 45.5 | 4,855 | 54.5 | 4,222 | 47.4 | 1,386 | 15.6 | 0 | 0 |
| Clark County, Nev. (Las Vegas) | 67,526 | 8,233 | 12.2 | 3,961 | 48.1 | 4,272 | 51.9 | 3,626 | 44.0 | 699 | 8.5 | 0 | 0 |
| Birmingham, Ala | 66,434 | 34,156 | 51.4 | 2,472 | 7.2 | 31,684 | 92.8 | 30,810 | 90.2 | 30,810 | 90.2 | 28,906 | 84.6 |
| Anne Arundel County, Md. (Annapolis) | 65,745 | 8,923 | 13.6 | 71,161 | 80.3 | 1,762 | 19.7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson County, Ala. (Birmingham area) | 65,328 | 18,186 | 27.8 | 538 | 3.0 | 17,648 | 97.0 | 17,579 | 96.7 | 17,579 | 96.7 | 17,579 | 96.7 |
| Oakland, Calif | 64,102 | 35,386 | 55.2 | 1,958 | 5.5 | 33,428 | 94.5 | 16,604 | 46.9 | 8,062 | 22.8 | 1,661 | 4.7 |
| East Baton Rouge Parish, La | 63,725 | 23,751 | 37.3 | 1,333 | 5.6 | 22,418 | 94.4 | 21,617 | 91.0 | 21,330 | 89.8 | 19,007 | 80.0 |
| Brevard County, Fla. (Titusville) | 62,563 | 6,327 | 10.1 | 4,416 | 69.8 | 1,911 | 30.2 | 1,911 | 30.2 | 1,911 | 30.2 | 1,911 | 30.2 |
| Omaha, Nebr | 62,431 | 11,284 | 18.1 | 2,309 | 20.5 | 8,975 | 79.5 | 4,321 | 38.3 | 674 | 6.0 | 0 | 0 |
| Granite, Utah (Salt Lake City) | 62,236 | 59 | 0.1 | 59 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| El Paso, Tex | 62,105 | 1,804 | 2.9 | 1,114 | 61.8 | 690 | 38.2 | 379 | 21.0 | 194 | 10.8 | 78 | 4.7 |
| Palm Beach County, Fla | 61,715 | 17,158 | 27.8 | 3,191 | 18.6 | 13,967 | 81.4 | 13,074 | 76.2 | 12,409 | 72.3 | 12,409 | 72.3 |
| Toledo, Ohio | 61,684 | 16,473 | 36.7 | 3,725 | 22.6 | 12,748 | 77.4 | 6,752 | 41.0 | 2,164 | 13.1 | 1,617 | 9.8 |
| Caddo Parish, La. (Shreveport) | 60,483 | 26,429 | 43.7 | 649 | 2.5 | 25,780 | 97.5 | 25,734 | 97.4 | 25,734 | 97.4 | 24,844 | 94.0 |
| Jefferson County, Colo. (Lakewood) | 60,367 | 60 | 0.1 | 60 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton, Ohio | 59,527 | 22,790 | 38.3 | 2,488 | 10.9 | 20,302 | 89.1 | 17,574 | 77.1 | 14,198 | 62.3 | 5,061 | 22.2 |
| Jefferson Parish, La. (Gretna) | 59,485 | 12,812 | 21.5 | 2,632 | 20.5 | 10,180 | 79.5 | 10,180 | 79.5 | 10,180 | 79.5 | 10,180 | 79.5 |
| Akron, Ohio | 58,589 | 15,137 | 25.8 | 5,705 | 37.7 | 9,432 | 62.3 | 3,133 | 20.7 | 1,264 | 8.4 | 588 | 3.9 |
| Fresno, Calif | 58,234 | 5,251 | 9.0 | 831 | 15.8 | 4,420 | 84.2 | 3,808 | 72.5 | 2,575 | 49.0 | 593 | 11.3 |
| Greenville County, S.C | 56,306 | 12,453 | 22.1 | 1,839 | 14.8 | 10,614 | 85.2 | 10,378 | 83.3 | 10,378 | 83.3 | 9,258 | 74.3 |
| Kanawha County, W. Va. (Charleston) | 56,118 | 3,548 | 6.3 | 2,905 | 81.9 | 643 | 18.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Norfolk, Va | 56,029 | 23,499 | 41.9 | 2,701 | 11.5 | 20,798 | 88.5 | 18,322 | 78.0 | 17,236 | 73.3 | 11,648 | 49.6 |
| Louisville, Ky | 55,212 | 25,470 | 46.1 | 3,432 | 13.5 | 22,038 | 86.5 | 13,418 | 52.7 | 6,827 | 26.8 | 1,996 | 7.8 |
| Tucson, Ariz | 53,667 | 2,767 | 5.2 | 524 | 18.9 | 2,243 | 81.1 | 380 | 13.7 | 148 | 5.3 | 0 | 0 |
| San Juan, Calif. (Carmichael) | 53,174 | 134 | 0.3 | 134 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Grove, Calif | 52,908 | 83 | 0.2 | 83 | 100.0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Sacramento, Calif | 52,545 | 7,324 | 13.9 | 5,150 | 70.3 | 2,174 | 29.7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Polk County, Fla (Bartow) | 52,255 | 11,652 | 22.3 | 3,815 | 32.7 | 7,837 | 67.3 | 7,769 | 66.7 | 7,769 | 66.7 | 7,769 | 66.7 |
| Austin, Tex | 51,760 | 7,783 | 15.0 | 1,022 | 13.1 | 6,761 | 86.9 | 5,063 | 65.1 | 4,485 | 57.6 | 1,728 | 22.2 |
| St. Paul, Minn | 50,338 | 2,917 | 5.8 | 2,556 | 87.6 | 361 | 12.4 | 361 | 12.4 | 0 | 0 | 0 | 0 |
| Winston Salem/Forsyth Counties, N.C | 49,831 | 13,798 | 27.7 | 2,111 | 15.3 | 11,687 | 84.7 | 11,643 | 84.4 | 10,952 | 79.4 | 9,778 | 70.9 |
| Gary, Ind | 48,431 | 29,826 | 61.6 | 916 | 3.1 | 28,910 | 96.9 | 24,110 | 80.8 | 23,265 | 78.0 | 9,652 | 32.4 |
| Mt. Diablo, Calif. (Concord) | 48,351 | 369 | 0.8 | 369 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rochester, N.Y | 47,372 | 13,697 | 28.9 | 6,232 | 45.6 | 7,447 | 54.4 | 1,652 | 12.1 | 0 | 0 | 0 | 0 |
| Charleston County, S.C | 47,178 | 16,730 | 35.5 | 2,140 | 12.8 | 14,590 | 87.2 | 14,091 | 84.2 | 14,091 | 84.2 | 14,091 | 84.2 |
| Escambia County, Fla. (Pensacola) | 46,875 | 12,924 | 27.6 | 2,904 | 22.5 | 10,020 | 77.5 | 9,046 | 70.0 | 9,046 | 70.0 | 9,046 | 70.0 |
| Des Moines, Iowa | 46,532 | 3,611 | 7.8 | 2,057 | 57.0 | 1,554 | 43.0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flint, Mich | 46,495 | 17,212 | 37.0 | 4,165 | 24.2 | 13,047 | 75.8 | 6,425 | 37.3 | 1,193 | 6.9 | 0 | 0 |

Footnotes at end of table.

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| Districts | Total number of students | Total number of Negro students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Corpus Christi, Tex | 46,110 | 2,496 | 5.4 | 43 | 1.7 | 2,453 | 98.3 | 1,912 | 76.6 | 810 | 32.5 | 640 | 25.6 |
| Shelby County, Tenn. (Memphis area) | 44,133 | 14,281 | 32.4 | 950 | 6.7 | 13,331 | 93.3 | 13,331 | 93.3 | 13,331 | 93.3 | 12,667 | 88.7 |
| Richmond, Calif | 43,123 | 10,424 | 24.2 | 4,006 | 38.4 | 6,418 | 61.6 | 2,819 | 27.0 | 1,143 | 11.0 | 534 | 5.1 |
| Richmond, Va | 43,115 | 29,441 | 68.3 | 1,890 | 6.4 | 27,551 | 93.6 | 24,900 | 84.6 | 24,360 | 82.8 | 22,971 | 78.0 |
| Chatham County, Ga. (Savannah) | 42,416 | 17,449 | 41.1 | 1,620 | 9.3 | 15,820 | 90.7 | 15,102 | 86.5 | 15,102 | 86.5 | 13,460 | 77.1 |
| Muscogee County, Ga. (Columbus) | 42,373 | 12,517 | 29.5 | 884 | 7.1 | 11,633 | 92.9 | 10,757 | 85.9 | 10,757 | 85.9 | 8,768 | 70.0 |
| Ft. Wayne, Ind | 41,595 | 5,760 | 13.8 | 1,552 | 26.9 | 4,208 | 73.1 | 1,328 | 23.1 | 0 | 0 | 0 | 0 |
| Virginia Beach, Va | 41,272 | 4,372 | 10.6 | 2,719 | 62.2 | 1,653 | 37.8 | 1,653 | 37.8 | 1,278 | 29.2 | 1,278 | 29.2 |
| Cobb County, Ga. (Marietta) | 40,918 | 1,336 | 3.3 | 1,246 | 93.3 | 90 | 6.7 | 90 | 6.7 | 90 | 6.7 | 90 | 6.7 |
| Columbia, S.C | 40,122 | 18,735 | 46.7 | 3,236 | 17.3 | 15,499 | 82.7 | 15,163 | 80.9 | 15,163 | 80.9 | 13,183 | 70.4 |
| Montgomery County, Ala | 39,093 | 16,691 | 42.7 | 945 | 5.7 | 15,746 | 94.3 | 15,746 | 94.3 | 15,746 | 94.3 | 15,746 | 94.3 |
| Calcasieu Parish, La. (Lake Charles) | 39,043 | 9,934 | 25.4 | 948 | 9.5 | 8,986 | 90.5 | 8,986 | 90.5 | 8,986 | 90.5 | 8,986 | 90.5 |

[1] Minute diefferences between sum of numbers and totals are due to computer rounding.

TABLE 3-B.—SPANISH SURNAMED AMERICANS IN SELECTED LARGE SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| District | Total number of students | Total number of Spanish-American students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Total | 4,579,950 | 767,900 | 16.8 | 211,787 | 27.6 | 556,113 | 72.4 | 383,447 | 49.9 | 213,830 | 27.8 | 11,121 | 1.4 |
| New York, N.Y | 1,063,787 | 244,302 | 23.0 | 26,783 | 11.8 | 215,519 | 88.2 | 164,202 | 67.1 | 97,373 | 39.9 | 5,072 | 2.1 |
| Los Angeles, Calif | 653,549 | 130,450 | 20.0 | 42,684 | 32.7 | 87,766 | 67.3 | 69,088 | 53.0 | 42,340 | 32.5 | 647 | .5 |
| Chicago, Ill | 582,274 | 49,886 | 8.6 | 19,148 | 38.4 | 30,738 | 61.6 | 15,792 | 31.7 | 3,022 | 6.1 | 183 | .4 |
| Houston, Tex | 246,098 | 31,780 | 12.9 | 11,301 | 35.6 | 20,479 | 64.4 | 12,840 | 40.4 | 3,803 | 12.0 | 178 | .6 |
| Dade County, Fla., (Miami) | 232,465 | 39,487 | 17.0 | 15,364 | 38.9 | 24,123 | 61.1 | 8,566 | 21.7 | 2,993 | 7.6 | 32 | .1 |
| Dallas, Tex | 159,924 | 12,196 | 7.6 | 5,447 | 44.7 | 6,749 | 55.3 | 4,057 | 33.3 | 1,192 | 9.8 | 73 | .6 |
| San Diego, Calif | 128,914 | 12,981 | 10.1 | 8,485 | 65.4 | 4,496 | 34.6 | 3,418 | 26.3 | 1,127 | 8.7 | 0 | 0 |
| Hillsborough County, Fla. (Tampa) | 100,985 | 6,766 | 6.7 | 5,275 | 78.0 | 1,491 | 22.0 | 534 | 7.9 | 70 | 1.0 | 68 | 1.0 |
| Denver, Colo | 96,577 | 18,611 | 19.3 | 8,884 | 47.7 | 9,727 | 52.3 | 4,981 | 26.8 | 1,527 | 8.2 | 0 | 0 |
| San Francisco, Calif | 94,154 | 12,217 | 13.0 | 4,098 | 33.5 | 8,119 | 66.5 | 1,164 | 9.5 | 112 | .9 | 0 | 0 |
| Fort Worth, Tex | 86,528 | 6,937 | 8.0 | 4,058 | 58.5 | 2,879 | 41.5 | 452 | 6.5 | 452 | 6.5 | 29 | .4 |
| Albuquerque, N. Mex | 79,669 | 28,151 | 35.3 | 7,913 | 28.1 | 20,238 | 71.9 | 7,846 | 27.9 | 947 | 3.4 | 0 | 0 |
| San Antonio, Tex | 79,353 | 46,188 | 58.2 | 5,731 | 12.4 | 40,457 | 87.6 | 33,265 | 72.0 | 23,633 | 51.2 | 1,357 | 2.9 |
| Newark, N.J | 75,960 | 7,046 | 9.3 | 516 | 7.3 | 6,530 | 92.7 | 3,869 | 54.9 | 2,109 | 29.9 | 355 | 5.0 |
| Buffalo, N.Y | 72,115 | 1,278 | 1.8 | 866 | 67.8 | 412 | 32.2 | 142 | 11.1 | 137 | 10.7 | 0 | 0 |
| Long Beach, Calif | 72,065 | 3,840 | 5.3 | 3,100 | 80.7 | 740 | 19.3 | 37 | 1.0 | 0 | 0 | 0 | 0 |
| Oakland, Calif | 64,102 | 5,241 | 8.2 | 792 | 15.1 | 4,449 | 84.9 | 2,570 | 49.0 | 586 | 11.2 | 26 | .5 |
| El Paso, Tex | 62,105 | 33,629 | 54.2 | 5,800 | 17.2 | 27,839 | 82.8 | 22,439 | 66.7 | 15,929 | 47.4 | 2,139 | 6.4 |
| Palm Beach County, Fla | 61,715 | 1,553 | 2.5 | 1,252 | 80.6 | 301 | 19.4 | 189 | 12.2 | 22 | 1.4 | 18 | 1.2 |
| Jefferson County, Colo. (Lakewood) | 60,367 | 1,118 | 1.9 | 1,118 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fresno, Calif | 58,234 | 11,148 | 19.1 | 6,286 | 56.4 | 4,862 | 43.6 | 1,261 | 11.3 | 1,077 | 9.7 | 5 | 0 |
| Tucson, Ariz | 53,667 | 13,798 | 25.7 | 3,061 | 22.2 | 10,737 | 77.8 | 5,591 | 40.5 | 2,527 | 18.3 | 0 | 0 |
| San Juan, Calif. (Carmichael) | 53,174 | 1,126 | 2.1 | 1,126 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Grove, Calif | 52,908 | 4,862 | 9.2 | 4,852 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sacramento, Calif | 52,545 | 6,184 | 11.8 | 4,441 | 71.8 | 1,743 | 28.2 | 278 | 4.5 | 0 | 0 | 0 | 0 |
| Austin, Tex | 51,760 | 9,956 | 19.2 | 3,020 | 30.3 | 6,936 | 69.7 | 6,432 | 64.6 | 2,180 | 21.9 | 0 | 0 |
| Mount Diablo, Calif. (Concord) | 48,351 | 1,863 | 3.9 | 1,863 | 100.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rochester, N.Y | 47,372 | 1,553 | 3.3 | 999 | 64.3 | 554 | 35.7 | 234 | 15.1 | 41 | 2.6 | 0 | 0 |
| Corpus Christi, Tex | 46,110 | 21,490 | 46.6 | 3,707 | 17.2 | 17,783 | 82.8 | 14,178 | 66.0 | 10,508 | 48.9 | 921 | 4.3 |
| Richmond, Calif | 43,123 | 2,253 | 5.2 | 1,807 | 80.2 | 446 | 19.8 | 204 | 9.1 | 123 | 5.5 | 18 | .8 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 4-A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| Geographic area | Total number of students | Total number of Negro students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 10,417,750 | 3,250,319 | 31.2 | 418,633 | 12.9 | 2,831,686 | 87.1 | 2,201,589 | 67.7 | 1,798,445 | 55.3 | 1,091,978 | 33.6 |
| 32 northern and western [2] | 5,710,874 | 1,791,677 | 31.4 | 245,474 | 13.7 | 1,546,203 | 86.3 | 1,047,760 | 58.5 | 752,904 | 42.0 | 296,376 | 16.5 |
| 6 northern and western [3] | 3,198,998 | 1,351,484 | 42.2 | 174,291 | 12.9 | 1,177,193 | 87.1 | 811,795 | 60.1 | 612,433 | 45.3 | 259,855 | 19.2 |
| 6 border and District of Columbia [4] | 1,340,459 | 470,901 | 35.1 | 62,122 | 13.2 | 408,779 | 86.8 | 343,097 | 72.9 | 278,341 | 59.1 | 145,386 | 30.9 |
| 11 southern [5] | 3,366,407 | 987,741 | 29.3 | 111,037 | 11.2 | 876,704 | 88.8 | 810,732 | 82.1 | 767,200 | 77.7 | 650,216 | 65.8 |
| 5 southern [6] | 1,038,345 | 399,784 | 38.5 | 36,062 | 9.0 | 363,722 | 91.0 | 347,206 | 86.8 | 345,713 | 86.5 | 303,315 | 75.9 |

[1] Minute differences between sum of numbers and totals are due to computer roundings.
[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.
[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.
[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 4-B.—SPANISH SURNAMED AMERICANS IN 100 LARGEST SCHOOL DISTRICTS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

| Area | Total number of students | Total number of Spanish surnamed American students | Percent of total students | 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 95 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Continental United States | 10,417,750 | 811,167 | 7.8 | 239,355 | 29.5 | 571,812 | 70.5 | 391,887 | 48.3 | 216,683 | 26.7 | 11,373 | 1.4 |
| 5 Arizonia, California, Colorado, New Mexico, Texas | 2,343,277 | 416,029 | 17.8 | 139,584 | 33.6 | 276,445 | 66.4 | 190,101 | 45.7 | 108,063 | 26.0 | 5,393 | 1.3 |
| 4 Connecticut, Illinois, New Jersey, New York | 1,841,508 | 304,065 | 16.5 | 50,312 | 16.5 | 253,753 | 83.5 | 184,057 | 60.5 | 102,682 | 33.8 | 5,610 | 1.8 |
| 1 Florida | 937,053 | 49,431 | 5.3 | 23,447 | 47.4 | 25,984 | 52.6 | 9,350 | 18.9 | 3,146 | 6.4 | 160 | .3 |
| 39 other States and the District of Columbia | 5,295,912 | 41,642 | .8 | 26,012 | 62.5 | 15,630 | 37.5 | 8,379 | 20.1 | 2,792 | 6.7 | 210 | .5 |

[1] Minute differences between sum of numbers and totals are due to computer rounding.

HEW NEWS RELEASE, JANUARY 14, 1971

The number of Negro pupils attending majority white public schools doubled in the 11 Southern States from the Fall of 1968 to the Fall of 1970, Secretary of Health, Education, and Welfare Elliot Richardson said today.

The Secretary based his report on preliminary analysis of racial and ethnic data collected in the Fall of 1970 in the second comprehensive, nationwide school survey conducted by HEW's Office for Civil Rights. The only previous national survey was conducted in 1968.

"Dramatic and unprecedented progress has been accomplished in school desegregation," Secretary Richardson said.

The increase reflected in data from the 11-State South means that the number of Negro pupils in majority white schools rose from 540,692 in 1968 to 1,215,089 in 1970. Of the 11,738,916 total pupils included in the survey in the South, 3,187,684 are Negro. (*Table I*)

In terms of percentages, Negro pupils in majority white schools in the South rose from 18.4 percent in 1968 to 38.1 percent in 1970. The percentages are based on the method of measurement followed by HEW in previous years, counting Negro pupils in majority white schools.

Little change took place outside the 11-State South. The 1968 survey showed 28.4 percent of the Negro pupils in six Border States and the District of Columbia in majority white schools, compared to 29.6 percent in 1970. Excluding the District of Columbia's approximately 94 percent black enrollment from the totals, the six Border States had 36.1 percent Negro pupils in majority white schools in 1968 and 37.2 percent in 1970. In the 32 Northern and Western states, 27.6 percent of Negro pupils were in majority white schools in 1968 compared to 27.7 percent in 1970.

Nationwide, the statistics show a rise in percentage of Negro pupils in majority white schools, up from 23.4 percent in 1968 to 32.8 percent in 1970.

Secretary Richardson said:

"The improved picture nationwide is largely attributable to strides made in the South in the past two years, where desegregation is now more extensive than in other regions. For the most part, these gains came in school districts where desegregation once seemed a remote possibility.

"But the objective is more than a numbers game. The goal is to assure equal educational opportunity and we are committed to a uniform effort throughout the country to achieve it."

J. Stanley Pottinger, Director of the Office for Civil Rights, emphasized that traditional methods of measuring change must be kept in perspective, since 39.4 percent of the Negro pupils in the 11 Southern States and 47.5 percent in the Nation are in school districts in which minorities outnumber whites. At least 20 of the Nation's 100 largest school systems have predominantly minority enrollment. In such districts, it is mathematically impossible for many majority students to attend schools that are majority white.

Analysis of data from only those districts with majority white enrollments showed that 54.4 percent of the Negroes in the Continental United States, or 1,921,567 out of a total 3,531,029, are in majority white schools. Figures for all the 11-State South showed 56.2 percent of the Negroes, or 1,085,993 out of 1,932,445, approximately double the percentage for 1968. (*Table 2*)

"The desegregation process has usually been most noticeable in terms of Negro pupils attending predominantly white schools, but the latest figures show marked change in terms of whites attending predominantly minority schools," Pottinger said.

Nationwide in 1970, a total of 30.3 percent or 710,932 of the 2,349,983 white pupils in predominantly minority districts were in schools where the minority enrollment exceeded 50 percent, about triple the percentage for 1968. In the 11 Southern States, 38.3 percent of the white pupils in minority districts were in predominantly minority schools, an estimated quadrupling of the percentage for 1968. (*Table 3*)

A sharp decrease is shown in the number of Negro pupils who are totally isolated with Negro or other minorities. In the Nation, the percentage of Negroes in 100 percent minority schools declined from 39.7 percent (2,493,398) in 1968 to 16 percent (1,076,033) in 1970. For the 11-State South, Negro pupils attending 100-percent minority schools decreased from 68 percent (2,000,486) in 1968 to 18.4 percent (587,172) in 1970, The 32 Northern and Western States show a minimal change from 12.3 percent in 1968 to 11.9 percent in 1970. (*Table I*)

A decline is also shown in the percentage of Negro pupils in all schools in the Nation that range from 80 to 100 percent minority in total enrollment. The number of Negro pupils in 80 to 100 percent minority schools nationwide declined from 68 percent (4,274,461) in 1968 to 50.2 percent (3,378,231) in 1970. In the South, Negroes in 80 to 100 percent minority schools declined from 78.8 percent (2,317,850) to 41.7 percent (1,328,137). (*Table I*)

The survey covered all school districts with enrollments of 3,000 or more, all districts desegregating under voluntary plan or court order, and a representative sampling of smaller districts, except that Hawaii was not included in the 1968 or 1970 survey. Only a limited survey was conducted in 1969. The preliminary analysis of survey results is based on unedited returns of Fall 1970 data from about 65 percent of the total enrollment included in the survey. Where Fall 1970 data was unavailable, latest available data was used. These compilations based on partial returns are subject to variation when final results are completed and made available to the public later in 1971.

The situation for all minorities—Negro, Spanish-surnamed, American Indian, and Oriental—is similar to that for Negroes only. (*Table 4*)

For all minority pupils in majority white schools (the traditional method of measurement), the statistics show:

30.3 percent in 1968, rising to 37.1 percent nationwide in 1970.

20.6 percent in 1968, rising to 36.9 percent in the 11 Southern States in 1970.

32.2 percent in the six Border states and District of Columbia in 1968, rising to 34.1 percent in 1970.

37.7 percent in 32 Northern and Western States in 1968, and 37.8 percent in 1970.

TABLE 1.—NEGRO PUPILS IN ALL DISTRICTS, [1] FALL 1968, FALL 1970, NUMBER AND PERCENT OF NEGRO PUPILS ATTENDING PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

| Geographical area | Total pupils | Negro pupils | Negro pupils attending— 0–49.9 percent minority schools | | 80–100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|
| | | | Number | Percent | Number | Percent | Number | Percent |
| Continental United States: | | | | | | | | |
| 1968 | 43,353,568 | 6,282,173 | 1,467,291 | 23.4 | 4,274,461 | 68.0 | 2,493,398 | 39.7 |
| 1970 (estimate) | 44,774,679 | 6,723,950 | 2,206,521 | 32.8 | 3,378,231 | 50.2 | 1,076,033 | 16.0 |
| 32 North and West [2]: | | | | | | | | |
| 1968 | 28,579,766 | 2,703,056 | 746,030 | 27.6 | 1,550,440 | 57.4 | 332,408 | 12.3 |
| 1970 (estimate) | 29,162,896 | 2,865,059 | 792,442 | 27.7 | 1,645,508 | 57.4 | 341,354 | 11.9 |

Footnotes on following page.

| Geographical area | Total pupils | Negro pupils | Negro pupils attending— 0–49.9 percent minority schools: Number | Percent | 80–100 percent minority schools: Number | Percent | 100 percent minority schools: Number | Percent |
|---|---|---|---|---|---|---|---|---|
| 11 south [3] | | | | | | | | |
| 1968 | 11,043,485 | 2,942,960 | 540,692 | 18.4 | 2,317,850 | 78.8 | 2,000,486 | 68.0 |
| 1970 (estimate) | 11,738,916 | 3,187,684 | 1,215,089 | 38.1 | 1,328,137 | 41.7 | 587,172 | 18.4 |
| 6 border plus District of Columbia [4] | | | | | | | | |
| 1968 | 3,730,317 | 636,157 | 180,569 | 28.4 | 406,171 | 63.8 | 160,504 | 25.2 |
| 1970 (estimate) | 3,872,867 | 671,207 | 198,990 | 29.6 | 404,586 | 60.3 | 147,507 | 22.0 |

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.
[2] Alaska, Arizona, California Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New, Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
[3] Alabama, Arkansas, Florida, Georgia. Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 2.—NEGRO PUPILS IN PREDOMINANTLY WHITE-ANGLO DISTRICTS,[1] FALL, 1970

[Number and percent of Negro pupils attending public elementary and secondary schools in districts where total enrollment is more than 50 percent white-Anglo]

| Geographical area | Total pupils | Negro pupils | Negro pupils attending— 0–49.9 percent minority schools: Number | Percent | 80–100 percent minority schools: Number | Percent | 100 percent minority schools: Number | Percent |
|---|---|---|---|---|---|---|---|---|
| Continental United States, 1970 estimate | 37,999,383 | 3,531,029 | 1,921,567 | 54.4 | 1,164,175 | 33.0 | 343,994 | 9.7 |
| 32 North and West,[2] 1970 estimate | 25,498,224 | 1,291,925 | 652,877 | 50.5 | 456,232 | 35.3 | 47,498 | 3.7 |
| 11 South,[3] 1970 estimate | 9,129,554 | 1,932,445 | 1,085,993 | 56.2 | 620,128 | 32.1 | 284,146 | 14.7 |
| 6 border plus District of Columbia,[4] 1970 estimate | 3,371,605 | 306,659 | 182,697 | 59.6 | 87,815 | 28.6 | 12,350 | 4.0 |

[1] District with fewer than 300 pupils are not included in the survey. These figures are estimates based on latest available data and are subject to variation upon final compilation.
[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachussetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 3.—WHITE-ANGLO PUPILS IN PREDOMINANTLY MINORITY GROUP DISTRICTS*—FALL 1970

[Number and percent of White-Anglo pupils attending public elementary and secondary schools in districts where total enrollment is more than 50 percent minority group (American Indian, Negro, Oriental, Spanish surnamed American)]

| Geographical area | Total pupils | White-Anglo pupils | White-Anglo pupils attending— 0 to 49.9 percent, White-Anglo schools: Number | Percent | 80 to 100 percent, White-Anglo schools: Number | Percent | 100 percent, White-Anglo schools: Number | Percent |
|---|---|---|---|---|---|---|---|---|
| Continental United States: 1970 estimate | 6,775,570 | 2,349,983 | 710,932 | 30.3 | 967,440 | 41.2 | 52,224 | 2.2 |
| (1) 32 North and West: 1970 estimate | 3,664,821 | 1,313,279 | 340,940 | 26.0 | 583,830 | 44.5 | 17,283 | 1.3 |
| (2) 11 South: 1970 estimate | 2,609,482 | 915,124 | 350,449 | 38.3 | 307,232 | 33.6 | 25,570 | 2.8 |
| (3) 6 border plus District of Columbia: 1970 estimate | 501,267 | 121,580 | 19,543 | 16.1 | 76,378 | 62.8 | 9,371 | 7.7 |

(1) Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
(2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
(3) Delaware, District of Columbia, Kentucky, Maryland, Oklahoma, West Virginia.
*Districts with fewer than 300 pupils are not included in the survey. These figures are estimates based on latest available data and are subject to variation upon final compilation.

TABLE 4.—MINORITY PUPILS IN ALL DISTRICTS*—FALL 1968, FALL 1970

[Number and percent of minority group (American Indian, Negro, Oriental, Spanish surnamed American) pupils attending public elementary and secondary schools]

| Geographical area | Total pupils | Minority pupils | Minority pupils attending— 0 to 49.9 percent, Minority schools: Number | Percent | 80 to 100 percent, Minority schools: Number | Percent | 100 percent, Minority schools: Number | Percent |
|---|---|---|---|---|---|---|---|---|
| Continental U.S.: | | | | | | | | |
| 1968 | 43,353,568 | 8,656,434 | 2,623,819 | 30.3 | 4,987,778 | 57.6 | 2,542,805 | 29.4 |
| 1970 estimate | 44,774,679 | 9,390,768 | 3,485,580 | 37.1 | 4,187,911 | 44.6 | 1,120,220 | 11.9 |
| (1) 32 North and West: | | | | | | | | |
| 1968 | 28,579,766 | 4,441,516 | 1,675,779 | 37.7 | 2,002,321 | 45.1 | 348,320 | 7.8 |
| 1970 estimate | 29,162,896 | 4,785,120 | 1,808,155 | 37.8 | 2,140,732 | 44.7 | 358,376 | 7.5 |
| (2) 11 South: | | | | | | | | |
| 1968 | 11,043,485 | 3,540,629 | 730,874 | 20.6 | 2,578,563 | 72.8 | 2,033,933 | 57.4 |
| 1970 estimate | 11,738,916 | 3,881,218 | 1,430,433 | 36.9 | 1,641,220 | 42.3 | 613,662 | 15.8 |
| (3) 6 Border plus D.C.: | | | | | | | | |
| 1968 | 3,730,317 | 674,289 | 217,166 | 32.2 | 406,894 | 60.3 | 160,552 | 23.8 |
| 1970 estimate | 3,872,867 | 724,430 | 246,992 | 34.1 | 405,959 | 56.0 | 148,182 | 20.5 |

(1) Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
(2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.
(3) Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.
*Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.

TABLE 1.—NEGRO PUPILS IN ALL DISTRICTS: [1] FALL 1968, FALL 1970. NUMBER AND PERCENT OF NEGRO PUPILS ATTENDING PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

| Area | Total pupils | Negro pupils | Negro percent | Negro pupils attending— 0–49.9 percent minority schools | | 80–100 percent minority schools | | 90–100 percent minority schools | | 95–100 percent minority schools | | 99–100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| United States: | | | | | | | | | | | | | |
| 1968 | 43,353,568 | 6,282,173 | 14.5 | 1,467,291 | 23.4 | 4,274,461 | 68.0 | ---------- | | 3,832,843 | 61.0 | 3,331,404 | 53.0 |
| 1970 (estimate) | 44,774,679 | 6,723,950 | 15.0 | 2,206,521 | 32.6 | 3,378,231 | 50.2 | 2,992,258 | 44.5 | 2,680,836 | 39.9 | 2,013,522 | 29.9 |
| 32 North and West: [2] | | | | | | | | | | | | | |
| 1968 | 28,579,766 | 2,703,056 | 9.5 | 746,030 | 27.6 | 1,550,440 | 57.4 | ---------- | | 1,198,052 | 44.3 | 834,898 | 30.9 |
| 1970 (estimate) | 29,162,896 | 2,865,059 | 9.8 | 792,442 | 27.7 | 1,645,508 | 57.4 | 1,453,355 | 50.7 | 1,283,370 | 44.8 | 875,865 | 30.6 |
| 11 South: [3] | | | | | | | | | | | | | |
| 1968 | 11,043,485 | 2,942,960 | 26.6 | 540,692 | 18.4 | 2,317,850 | 78.8 | ---------- | | 2,266,642 | 77.0 | 2,201,662 | 74.8 |
| 1970 (estimate) | 11,738,916 | 3,187,684 | 27.2 | 1,215,089 | 38.1 | 1,328,137 | 41.7 | 1,156,498 | 36.3 | 1,042,803 | 32.7 | 848,448 | 26.6 |
| 6 Border [4] and District of Columbia: | | | | | | | | | | | | | |
| 1968 | 3,730,317 | 636,157 | 17.1 | 180,569 | 28.4 | 406,171 | 63.8 | ---------- | | 368,149 | 57.9 | 294,844 | 46.3 |
| 1970 (estimate) | 3,872,867 | 671,207 | 17.3 | 198,990 | 29.6 | 404,586 | 60.3 | 382,405 | 57.0 | 354,663 | 52.8 | 289,211 | 43.1 |

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.
Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

36 OF THE (1968) 100 LARGEST DISTRICTS, 1969—1969 ELEMENTARY AND SECONDARY SCHOOL SURVEY

COMPARISON OF HEW 1968 AND 1969 SCHOOL SURVEY FIGURES ON 36 NORTHERN AND WESTERN SCHOOL DISTRICTS OUT OF THE 100 LARGEST SCHOOL DISTRICTS IN THE UNITED STATES

| District | Total number of students | Total number of Negro students | Percent of total students | Negroes attending 0–49.9 percent minority schools | | 50–100 percent minority schools | | 80–100 percent minority schools | | 90–100 percent minority schools | | 95–100 percent minority schools | | 99–100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| New York City public schools, (Brooklyn, N.Y.): | | | | | | | | | | | | | | | | | |
| 1969 | 1,115,870 | 375,997 | 33.7 | 66,300 | 17.6 | 309,697 | 82.4 | 237,845 | 63.3 | 204,005 | 54.3 | 169,396 | 45.1 | 100,594 | 26.8 | 25,402 | 6.8 |
| 1968 | 1,063,787 | 334,841 | 31.5 | 65,824 | 19.7 | 269,017 | 80.3 | 202,517 | 60.5 | 174,846 | 52.2 | 146,945 | 43.9 | 88,233 | 26.4 | 34,033 | 10.2 |
| Los Angeles Unified School District (Los Angeles, Calif.): | | | | | | | | | | | | | | | | | |
| 1969 | 654,854 | 153,541 | 23.5 | 7,339 | 4.8 | 146,202 | 95.2 | 134,624 | 87.7 | 129,756 | 84.5 | 123,300 | 80.3 | 81,008 | 52.8 | 12,441 | 8.1 |
| 1968 | 653,549 | 147,738 | 22.6 | 7,012 | 4.7 | 140,726 | 95.3 | 130,272 | 88.2 | 122,678 | 83.0 | 116,017 | 78.5 | 77,026 | 52.1 | 18,118 | 12.3 |
| Chicago public schools Chicago, Ill.): | | | | | | | | | | | | | | | | | |
| 1969 | 582,071 | 314,232 | 54.0 | 10,565 | 3.4 | 303,667 | 96.6 | 286,305 | 91.1 | 273,693 | 87.1 | 267,390 | 85.1 | 234,724 | 74.7 | 159,491 | 50.8 |
| 1968 | 582,274 | 308,266 | 52.9 | 9,742 | 3.2 | 298,524 | 96.8 | 278,219 | 90.3 | 266,928 | 86.6 | 263,159 | 85.4 | 234,045 | 75.9 | 146,152 | 47.4 |
| Detroit City School District (Detroit, Mich.): | | | | | | | | | | | | | | | | | |
| 1969 | 288,383 | 177,942 | 61.7 | 11,420 | 6.4 | 166,522 | 93.6 | 140,641 | 79.0 | 123,106 | 69.2 | 103,955 | 58.4 | 63,456 | 35.7 | 12,754 | 7.2 |
| 1968 | 296,097 | 175,316 | 59.2 | 15,781 | 9.0 | 159,535 | 91.0 | 138,623 | 79.1 | 120,993 | 69.0 | 103,590 | 59.1 | 66,069 | 37.7 | 18,510 | 10.6 |
| School District of Philadelphia (Philadelphia, Pa.): | | | | | | | | | | | | | | | | | |
| 1969 | 283,209 | 169,509 | 59.9 | 13,929 | 8.2 | 155,580 | 91.8 | 131,148 | 77.4 | 117,965 | 69.6 | 102,192 | 60.3 | 80,676 | 47.8 | 12,418 | 7.3 |
| 1968 | 282,617 | 166,083 | 58.1 | 15,880 | 9.6 | 150,203 | 90.4 | 127,641 | 76.9 | 111,477 | 67.1 | 99,277 | 59.8 | 72,174 | 43.5 | 7,201 | 4.3 |
| Subtotals: | | | | | | | | | | | | | | | | | |
| 1969 | 2,924,387 | 1,191,221 | 40.7 | 109,553 | 9.2 | 1,081,668 | 90.8 | ---------- | | | | 766,233 | 64.3 | ---------- | | | |
| 1968 | 2,878,324 | 1,132,244 | 39.3 | 114,239 | 10.0 | 1,018,005 | 90.0 | ---------- | | | | 728,988 | 94.4 | ---------- | | | |
| Cleveland (Cleveland, Ohio): | | | | | | | | | | | | | | | | | |
| 1969 | 150,718 | 85,552 | 56.8 | 3,404 | 4.0 | 82,148 | 96.0 | 76,812 | 89.8 | 75,297 | 88.0 | 69,579 | 81.3 | 57,098 | 66.7 | 28,867 | 33.7 |
| 1968 | 156,054 | 87,241 | 55.9 | 4,156 | 4.8 | 83,085 | 95.2 | 79.221 | 90.8 | 75,048 | 86.0 | 69,728 | 79.9 | 59,174 | 67.8 | 21,516 | 24.7 |
| District of Columbia Public Schools (Washington, D.C.): | | | | | | | | | | | | | | | | | |
| 1969 | 148,931 | 140,251 | 94.2 | 1,556 | 1.1 | 138,695 | 98.9 | 134,622 | 96.0 | 133,077 | 94.9 | 125,945 | 89.8 | 95,536 | 68.1 | 41,700 | 29.7 |
| 1968 | 148,725 | 139,006 | 93.5 | 1,253 | .9 | 137,953 | 99.1 | 134,166 | 96.5 | 130,958 | 94.2 | 123,939 | 89.2 | 95,608 | 68.8 | 38,701 | 27.8 |
| Milwaukee (Milwaukee, Wis.): | | | | | | | | | | | | | | | | | |
| 1969 | 132,462 | 34,235 | 25.8 | 3,898 | 11.4 | 30,337 | 88.6 | 27,327 | 79.8 | 24,399 | 71.3 | 19,264 | 56.3 | 7,779 | 22.7 | 787 | 2.3 |
| 1968 | 130,445 | 31,130 | 23.9 | 3,849 | 12.4 | 27,281 | 87.6 | 23,620 | 75.9 | 19,666 | 63.2 | 14,783 | 47.5 | 9,288 | 29.8 | 4,819 | 15.5 |
| San Diego Unified School District (San Diego, Calif.): | | | | | | | | | | | | | | | | | |
| 1969 | 129,531 | 15,872 | 12.3 | 4,351 | 27.4 | 11,521 | 72.6 | 9,591 | 60.4 | 8,166 | 51.4 | 4,230 | 26.7 | 0 | 0 | 0 | 0 |
| 1968 | 128,914 | 15,004 | 11.6 | 3,767 | 25.1 | 11,237 | 74.9 | 9,643 | 64.3 | 8,203 | 54.7 | 5,732 | 38.2 | 448 | 3.0 | 0 | 0 |
| St. Louis City School District (St. Louis, Mo.): | | | | | | | | | | | | | | | | | |
| 1969 | 113,374 | 73,128 | 64.5 | 5,082 | 6.9 | 68,046 | 93.1 | 63,545 | 86.9 | 62,077 | 84.9 | 61,702 | 84.4 | 55,028 | 75.2 | 36,697 | 50.2 |
| 1968 | 115,582 | 73,408 | 63.5 | 5,244 | 7.1 | 68,164 | 92.9 | 65,321 | 89.0 | 64,282 | 87.6 | 63,255 | 86.2 | 55,632 | 75.8 | 36,651 | 49.9 |
| Columbus (Columbus, Ohio): | | | | | | | | | | | | | | | | | |
| 1969 | 110,193 | 29,234 | 26.5 | 7,427 | 25.4 | 21,807 | 74.6 | 16,040 | 54.9 | 13,136 | 44.9 | 8,873 | 30.4 | 1,918 | 6.6 | 1,008 | 3.4 |
| 1968 | 110,699 | 28,729 | 26.0 | 8,263 | 28.8 | 20,466 | 71.2 | 16,341 | 56.9 | 11,691 | 40.7 | 7,222 | 25.1 | 2,873 | 10.0 | 890 | 3.1 |
| Indianapolis Public Schools (Indianapolis, Ind.): | | | | | | | | | | | | | | | | | |
| 1969 | 108,192 | 37,656 | 34.8 | 6,678 | 17.7 | 30,978 | 82.3 | 23,504 | 62.4 | 19,654 | 52.2 | 19,274 | 51.2 | 14,864 | 39.5 | 4,589 | 12.2 |
| 1968 | 108,587 | 36,577 | 33.7 | 8,205 | 22.4 | 28,372 | 77.6 | 22,872 | 62.5 | 21,064 | 57.6 | 19,347 | 52.9 | 13,728 | 37.5 | 3,945 | 10.8 |
| School District No. 1 City and County of Denver (Denver, Colo.): | | | | | | | | | | | | | | | | | |
| 1969 | 96,634 | 13,932 | 14.4 | 5,711 | 41.0 | 8,221 | 59.0 | 6,979 | 50.1 | 6,570 | 47.2 | 5,451 | 39.1 | 874 | 6.3 | 0 | 0 |
| 1968 | 96,577 | 13,639 | 14.1 | 2,732 | 20.0 | 10,907 | 80.0 | 8,993 | 65.9 | 7,647 | 56.1 | 7,539 | 55.3 | 2,862 | 21.0 | 0 | 0 |

COMPARISON OF HEW 1968 AND 1969 SCHOOL SURVEY FIGURES ON 36 NORTHERN AND WESTERN SCHOOL DISTRICTS OUT OF THE 100 LARGEST SCHOOL DISTRICTS IN THE UNITED STATES—Continued

| District | Total number of students | Total number of Negro students | Percent of total students | Negroes attending: 0–49.9 percent minority schools | | 50–100 percent minority schools | | 80–100 percent minority schools | | 90–100 percent minority schools | | 95–100 percent minority schools | | 99–100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Boston School Department (Boston, Mass.): | | | | | | | | | | | | | | | | | |
| 1969 | 94,887 | 27,276 | 28.7 | 5,863 | 21.5 | 21,413 | 78.5 | 16,324 | 59.8 | 12,421 | 45.5 | 10,051 | 36.8 | 5,537 | 20.3 | 1,476 | 5.4 |
| 1968 | 94,174 | 25,482 | 27.1 | 5,943 | 23.3 | 19,539 | 76.7 | 13,878 | 54.5 | 10,983 | 43.1 | 8,558 | 33.6 | 4,936 | 19.4 | 79 | .3 |
| San Francisco Unified School District (San Francisco, Calif.): | | | | | | | | | | | | | | | | | |
| 1969 | 93,139 | 26,037 | 28.0 | 2,893 | 11.1 | 23,144 | 88.9 | 13,891 | 53.4 | 9,267 | 35.6 | 7,845 | 30.1 | 688 | 7.6 | 175 | 0.7 |
| 1968 | 94,154 | 25,923 | 27.5 | 4,024 | 15.5 | 21,899 | 84.5 | 12,079 | 46.6 | 8,904 | 34.3 | 5,275 | 20.3 | 1,310 | 5.4 | 110 | 0.4 |
| Seattle, (Seattle, Wash.): | | | | | | | | | | | | | | | | | |
| 1969 | 89,183 | 10,343 | 11.6 | 4,570 | 44.2 | 5,773 | 55.6 | 3,151 | 30.5 | 1,154 | 11.2 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1968 | 94,025 | 10,376 | 11.0 | 4,647 | 44.8 | 5,729 | 55.2 | 2,531 | 24.4 | 845 | 8.1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cincinnati, (Cincinnati, Ohio): | | | | | | | | | | | | | | | | | |
| 1969 | 85,286 | 37,456 | 43.9 | 9,255 | 24.7 | 28,201 | 75.3 | 20,598 | 55.0 | 15,459 | 41.3 | 13,192 | 35.2 | 10,377 | 27.7 | 4,778 | 12.8 |
| 1968 | 86,807 | 37,275 | 42.9 | 8,171 | 21.9 | 29,104 | 78.1 | 18,957 | 50.9 | 16,347 | 43.9 | 12,652 | 33.9 | 10,903 | 29.3 | 6,291 | 16.9 |
| Portland public schools, (Portland Oreg.): | | | | | | | | | | | | | | | | | |
| 1969 | 77,806 | 6,685 | 8.6 | 3,909 | 58.5 | 2,776 | 41.5 | 1,590 | 23.8 | 1,300 | 19.4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1968 | 78,413 | 6,388 | 8.1 | 3,664 | 57.4 | 2,724 | 42.6 | 1,589 | 24.9 | 1,307 | 20.5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pittsburgh City School District (Pittsburgh, Pa.): | | | | | | | | | | | | | | | | | |
| 1969 | 73,500 | 29,342 | 39.9 | 6,284 | 21.4 | 23,058 | 78.6 | 17,698 | 60.3 | 14,683 | 50.0 | 12,842 | 43.8 | 10,053 | 34.3 | 4,139 | 14.1 |
| 1968 | 76,268 | 29,898 | 39.2 | 6,373 | 21.3 | 23,525 | 78.7 | 17,936 | 60.0 | 15,699 | 52.5 | 12,779 | 42.7 | 11,588 | 38.8 | 2,925 | 9.8 |
| Newark public schools (Newark, N.J.): | | | | | | | | | | | | | | | | | |
| 1969 | 77,227 | 55,995 | 72.5 | 1,327 | 2.4 | 54,668 | 97.6 | 49,068 | 87.6 | 47,777 | 85.3 | 46,753 | 83.5 | 31,268 | 55.8 | 7,555 | 13.5 |
| 1968 | 75,960 | 55,057 | 72.5 | 1,174 | 2.1 | 53,883 | 97.9 | 48,686 | 88.4 | 47,131 | 85.6 | 41,746 | 75.8 | 29,738 | 54.0 | 10,607 | 19.3 |
| Kansas City School District (Kansas City, Mo.): | | | | | | | | | | | | | | | | | |
| 1969 | 72,638 | 35,326 | 48.6 | 3,153 | 8.9 | 32,173 | 91.1 | 27,813 | 78.7 | 25,982 | 73.5 | 24,120 | 68.3 | 16,939 | 48.0 | 4,808 | 13.6 |
| 1968 | 74,202 | 34,692 | 46.8 | 4,860 | 14.0 | 29,82 | 86.0 | 27,083 | 78.1 | 24,231 | 69.8 | 23,331 | 67.3 | 17,460 | 50.3 | 5,050 | 14.6 |
| Buffalo (Buffalo, N.Y.): | | | | | | | | | | | | | | | | | |
| 1969 | 71,441 | 26,940 | 37.7 | 7,154 | 26.6 | 19,786 | 73.4 | 16,887 | 62.7 | 15,847 | 58.8 | 15,563 | 57.8 | 14,326 | 53.2 | 2,220 | 8.2 |
| 1968 | 72,115 | 26,381 | 36.6 | 7,113 | 27.0 | 19,268 | 73.3 | 17,161 | 65.1 | 16,503 | 62.6 | 16,122 | 61.1 | 11,565 | 43.8 | 1,474 | 5.6 |
| Unified School District No. 259 (Wichita, Kans.): | | | | | | | | | | | | | | | | | |
| 1969 | 67,025 | 9,278 | 13.8 | 5,211 | 56.2 | 4,065 | 43.8 | 3,952 | 42.6 | 3,952 | 42.6 | 3,489 | 37.6 | 1,049 | 11.3 | 0 | 0 |
| 1968 | 68,391 | 8,913 | 13.0 | 4,058 | 45.5 | 4,855 | 54.5 | 4,757 | 53.4 | 4,222 | 47.4 | 4,222 | 47.4 | 1,386 | 15.6 | 0 | 0 |
| Clark County School District (Las Vegas, Nev.): | | | | | | | | | | | | | | | | | |
| 1969 | 70,909 | 8,928 | 12.6 | 5,159 | 57.8 | 3,769 | 42.2 | 3,020 | 33.8 | 3,020 | 33.8 | 3,020 | 33.8 | 2,088 | 23.4 | 0 | 0 |
| 1968 | 67,526 | 8,233 | 12.2 | 3,961 | 48.1 | 4,272 | 51.9 | 4,272 | 51.9 | 4,272 | 51.9 | 3,726 | 44.0 | 699 | 8.5 | 0 | 0 |
| Oakland Unified School District (Oakland, Calif.): | | | | | | | | | | | | | | | | | |
| 1969 | 61,679 | 35,248 | 57.1 | 1,841 | 5.2 | 33,407 | 94.8 | 27,416 | 77.8 | 21,823 | 61.9 | 18,336 | 52.0 | 7,420 | 21.1 | 194 | .6 |
| 1968 | 64,102 | 35,386 | 55.2 | 1,958 | 5.5 | 33,428 | 94.5 | 27,292 | 77.1 | 22,452 | 63.4 | 16,604 | 46.9 | 8,062 | 22.8 | 1,661 | 4.7 |
| Omaha public schools, District No. 1, Omaha, Nebr.: | | | | | | | | | | | | | | | | | |
| 1969 | 62,481 | 11,547 | 18.5 | 2,730 | 23.6 | 8,817 | 76.4 | 7,840 | 67.9 | 4,429 | 38.4 | 3,345 | 29.0 | 247 | 2.1 | 0 | 0 |
| 1968 | 62,431 | 11,284 | 18.1 | 2,309 | 20.5 | 8,975 | 79.5 | 6,210 | 55.0 | 4,408 | 39.1 | 4,321 | 38.3 | 674 | 6.0 | 0 | 0 |
| Toledo, Toledo, Ohio: | | | | | | | | | | | | | | | | | |
| 1969 | 62,985 | 17,043 | 27.1 | 4,637 | 27.2 | 12,406 | 72.8 | 10,903 | 64.0 | 8,646 | 50.7 | 6,679 | 39.2 | 2,615 | 15.3 | 774 | 4.5 |
| 1968 | 61,684 | 16,473 | 26.7 | 3,725 | 22.6 | 12,748 | 77.4 | 10,553 | 64.1 | 8,626 | 52.4 | 6,752 | 41.0 | 2,164 | 13.1 | 1,617 | 9.8 |
| Dayton, Dayton, Ohio: | | | | | | | | | | | | | | | | | |
| 1969 | 58,287 | 22,932 | 39.3 | 2,447 | 10.7 | 20,485 | 89.3 | 18,456 | 80.5 | 17,783 | 77.5 | 17,783 | 77.5 | 14,206 | 61.9 | 4,122 | 18.0 |
| 1968 | 59,527 | 22,790 | 38.3 | 2,488 | 10.9 | 20,305 | 89.1 | 18,837 | 82.7 | 18,837 | 82.7 | 17,574 | 77.1 | 14,198 | 62.3 | 5,061 | 22.2 |
| Akron, Akron, Ohio: | | | | | | | | | | | | | | | | | |
| 1969 | 56,838 | 15,071 | 26.5 | 5,944 | 39.4 | 9,217 | 60.6 | 5,345 | 35.5 | 3,909 | 25.9 | 3,000 | 19.9 | 1,158 | 7.7 | 522 | 3.5 |
| 1968 | 58,589 | 15,137 | 25.8 | 5,705 | 37.7 | 9,432 | 62.3 | 5,958 | 39.4 | 3,594 | 32.7 | 3,133 | 20.7 | 1,264 | 8.4 | 588 | 3.9 |
| Fresno City Unified School District, Fresno, Calif.: | | | | | | | | | | | | | | | | | |
| 1969 | 57,029 | 4,876 | 8.6 | 872 | 17.9 | 4,004 | 82.1 | 3,321 | 68.1 | 3,321 | 68.1 | 3,021 | 68.1 | 2,158 | 44.3 | 0 | 0 |
| 1968 | 58,234 | 5,251 | 9.0 | 831 | 15.8 | 4,420 | 84.2 | 4,023 | 76.6 | 4,023 | 76.6 | 3,808 | 72.5 | 2,579 | 49.0 | 593 | 11.3 |
| Sacramento City Unified School District, Sacramento, Calif.: | | | | | | | | | | | | | | | | | |
| 1969 | 53,327 | 7,776 | 14.6 | 5,123 | 65.9 | 2,653 | 34.1 | 327 | 4.2 | 258 | 3.3 | 258 | 3.3 | 0 | 0 | 0 | 0 |
| 1968 | 52,545 | 7,324 | 13.9 | 5,150 | 70.3 | 2,174 | 29.7 | 387 | 5.3 | 259 | 3.5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gary Community School Corp., Gary, Ind.: | | | | | | | | | | | | | | | | | |
| 1969 | 48,436 | 30,623 | 63.2 | 893 | 2.9 | 29,730 | 97.1 | 27,542 | 89.9 | 26,533 | 86.6 | 26,466 | 86.4 | 20,583 | 67.2 | 14,581 | 47.6 |
| 1968 | 48,431 | 29,826 | 61.6 | 916 | 3.1 | 28,910 | 96.9 | 27,057 | 90.7 | 25,347 | 85.0 | 24,110 | 80.8 | 23,265 | 78.0 | 9,652 | 32.4 |
| Rochester, Rochester, N.Y.: | | | | | | | | | | | | | | | | | |
| 1969 | 46,843 | 14,588 | 31.1 | 5,999 | 41.1 | 8,587 | 58.9 | 5,329 | 36.5 | 3,761 | 25.8 | 2,948 | 20.2 | 647 | 4.4 | 0 | 0 |
| 1968 | 47,372 | 13,697 | 28.9 | 6,232 | 45.6 | 7,447 | 54.4 | 4,708 | 34.4 | 3,792 | 27.7 | 1,652 | 12.1 | 0 | 0 | 0 | 0 |
| Flint City School District, Flint, Mich.: | | | | | | | | | | | | | | | | | |
| 1969 | 46,377 | 17,998 | 38.8 | 4,943 | 27.5 | 13,055 | 72.5 | 7,427 | 41.3 | 5,381 | 29.9 | 5,381 | 29.9 | 1,139 | 6.3 | 0 | 0 |
| 1968 | 46,495 | 17,212 | 37.0 | 4,165 | 24.2 | 13,047 | 75.8 | 7,297 | 42.4 | 6,425 | 37.3 | 6,425 | 37.3 | 1,193 | 6.9 | 0 | 0 |
| Richmond Unified, Richmond, Calif.: | | | | | | | | | | | | | | | | | |
| 1969 | 42,215 | 11,126 | 26.4 | 5,031 | 45.2 | 6,095 | 54.8 | 4,768 | 42.9 | 3,689 | 33.2 | 3,256 | 29.3 | 416 | 3.7 | 416 | |
| 1968 | 43,123 | 10,424 | 24.2 | 4,006 | 38.4 | 6,418 | 61.6 | 4,522 | 43.4 | 3,627 | 34.8 | 2,819 | 27.0 | 1,143 | 11.0 | 534 | 5.1 |
| Fort Wayne Community Schools, Fort Wayne, Ind.: | | | | | | | | | | | | | | | | | |
| 1969 | 43,016 | 5,932 | 13.8 | 1,664 | 28.1 | 4,268 | 71.9 | 2,542 | 42.9 | 1,668 | 28.1 | 0 | 0 | 0 | 0 | 0 | |
| 1968 | 41,595 | 5,760 | 13.8 | 1,552 | 26.9 | 4,208 | 73.1 | 3,291 | 57.1 | 1,856 | 32.2 | 1,328 | 23.1 | 0 | 0 | 0 | |
| Totals: | | | | | | | | | | | | | | | | | |
| 1969 | 5,428,756 | 2,089,451 | 38.5 | 244,562 | 11.7 | 1,844,881 | 88.3 | | | | | 1,308,199 | 62.6 | | | | |
| 1968 | 5,400,070 | 2,016,160 | 37.3 | 244,738 | 12.1 | 1,771,607 | 87.9 | | | | | 1,263,329 | 62.7 | | | | |

BELL V. SCHOOL CITY OF GARY, IND.

Cite as 213 F. Supp. 819 (1963)

TABLE SHOWING COMPARISON OF NEGRO AND WHITE YOUTH ENROLLED[1] IN GARY PUBLIC SCHOOLS, YEAR 1951 AND YEAR 1961

| Schools | 1951–52 | | | 1961–62 | | |
|---|---|---|---|---|---|---|
| | Total enrollment | Number of Negroes | Percent | Total enrollment | Number of Negroes | Percent |
| Aetna | | | | 1,095 | | |
| Ambridge | 190 | | | 350 | | |
| Banneker | | | | 877 | 876 | 99 |
| Bethune | | | | 1,011 | 1,001 | 99.01 |
| Beveridge | 465 | 69 | 14.8 | 470 | 392 | 83.4 |
| Brunswick | | | | 1,039 | | |
| Carver | 893 | 893 | 100 | 1,196 | 1,196 | 100 |
| Chase | | | | 467 | 171 | 36.8 |
| Douglass | | | | 1,051 | 1,050 | 99.9 |
| Drew | | | | 978 | 974 | 99.59 |
| Dunbar | | | | 1,343 | 1,342 | 99.92 |
| Edison | 1,339 | | | 1,358 | 27 | 1.9 |
| Emerson | 1,896 | 179 | 9.44 | 2,184 | 276 | 12.64 |
| Franklin | 482 | | | 756 | | |
| Froebel | 2,260 | 1,266 | 56 | 2,109 | 2,004 | 95 |
| Garnett | | | | 1,272 | 1,272 | 100 |
| Glen Park | 474 | | | 293 | | |
| Ivanhoe | 108 | | | 678 | 89 | 13.12 |
| Jefferson | 701 | 8 | 1.14 | 773 | 35 | 4.9 |
| Kuny | | | | 375 | | |
| Lincoln | 754 | 744 | 98.67 | 1,418 | 1,413 | 99.64 |
| Locke | | | | 1,094 | 1,093 | 99.9 |
| Mann | 2,115 | | | 1,602 | 1 | .99 |
| Marquette | | | | 707 | | |
| Melton | | | | 701 | | |
| Miller | 212 | | | 196 | | |
| Nobel | | | | 626 | | |
| Norton | | | | 1,660 | 1,466 | 88.31 |
| Pittman Square | | | | 507 | | |
| Pulaski | 1,671 | 1,646 | 98.52 | 1,719 | 1,714 | 99.7 |
| Pyle | | | | 868 | 836 | 96.3 |
| Riley | 313 | | | 725 | | |
| Roosevelt | 3,676 | 3,676 | 100 | 3,202 | 3,200 | 99.00 |
| Tolleston | 1,698 | 74 | 4.3 | 1,898 | 1,455 | 76.65 |
| Vohr | | | | 801 | 11 | 1.37 |
| Wallace | 2,384 | | | 2,726 | | |
| Washington | 344 | 30 | 8.72 | 676 | 162 | 23.96 |
| Webster | | | | 547 | | |
| Williams | | | | 881 | 881 | 100 |
| Wirt | 795 | | | 1,034 | 2 | 1.9 |
| Special schools: | | | | | | |
| Duneland | | | | 74 | 35 | 47.29 |
| Lutheran Church | | | | 62 | 45 | 72.58 |
| Norton Park | | | | 45 | 34 | 77.3 |
| Teenettes | | | | 9 | 2 | 2.2 |
| Total | 22,770 | 8,406 | 36.5 | 43,090 | 23,055 | 53.5 |

[1] Some years estimated because no records made.

EXHIBIT 2

RACIAL SEGREGATION IN GARY, IND., SCHOOLS

| | Total number of students | Total number of Negro students | Percent of total students | Negro attending— 0 to 49.9 percent minority schools | | 50 to 100 percent minority schools | | 80 to 100 percent minority schools | | 90 to 100 percent minority schools | | 95 to 100 percent minority schools | | 99 to 100 percent minority schools | | 100 percent minority schools | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| 1951–52 [1] | 22,770 | 8,406 | 36.6 | 360 | 4.0 | | | | | | | 6,780 | 80.6 | | | | |
| 1961–62 [1] | 43,090 | 23,055 | 53.5 | 811 | 3.5 | | | | | | | 18,852 | 81.6 | | | | |
| Gary Community School Corp., Gary, Ind.: | | | | | | | | | | | | | | | | | |
| 1969 | 48,436 | 30,623 | 63.2 | 893 | 2.9 | 29,730 | 97.1 | 27,542 | 89.9 | 26,533 | 86.6 | 26,466 | 86.4 | 20,583 | 67.7 | 14,581 | 47.6 |
| 1968 | 48,431 | 29,826 | 61.6 | 916 | 3.1 | 28,910 | 96.9 | 27,057 | 90.7 | 25,347 | 85.0 | 24,110 | 80.8 | 23,265 | 78.0 | 9,652 | 32.4 |

[1] Based on figures cited in Bell case, p. 821, 213 F. supp. 819. HEW school survey figures.

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

Mr. STENNIS. I yield.

Mr. TALMADGE. The statistics which the Senator has recited with reference to Boston are indeed shocking. The Senator stated that we had more minority students in segregated schools in 1969 in Boston than we had in 1968, and the figure now is 78½ percent.

Mr. STENNIS. Yes; the Senator is correct. That is in spite of all the Supreme Court decisions and in spite of the fact that the State of Massachusetts has passed a particular law on this subject.

Mr. TALMADGE. That is far worse than it is in the State of Georgia, and I have heard of no administrators of HEW going up to Boston and harassing the Boston school officials.

Can the Senator shed any light as to why they spend all their time in the South—which has achieved a much better average of integration than has Boston—and completely ignore the problem in Boston?

Mr. STENNIS. I have a news item here, and I have that point covered in another part of my speech. I am glad the Senator has brought it up.

Recently, several Cabinet officers of the present administration went to Atlanta—seven Cabinet-level officials flew to Atlanta—to review what one member of the group described as a record of remarkable progress in southern school desegregation.

Yes, they complimented Atlanta about what it had done and complimented the administration for what it had done about school desegregation. But, as the Senator has said, I do not see that they went to Boston either to compliment Boston or to try to enforce the law. They have not been to Detroit, to St. Louis, or to Chicago.

Mr. TALMADGE. Washington would be a good starting point. What is the degree of desegregation in the Washington schools?

Mr. STENNIS. It is now composed of 94 percent colored students.

Mr. TALMADGE. I suppose that is the highest percentage of any area in the United States. Is that not correct?

Mr. STENNIS. I think that is correct. Applying the statistics that HEW has given us, they put Washington in the southern area of the Nation.

Mr. TALMADGE. I recall that at the time of the Brown decision, President Eisenhower called upon the school officials in the District of Columbia to make Washington a model for the rest of the Nation. They have not succeeded very well in their efforts, have they?

Mr. STENNIS. No. It is the very opposite. There has been a steady migration. I think that when the Brown decision was decided, there were approximately 40 percent minority students in the District, and now it is 94 percent.

There has been a migration from the public schools—and certainly it is no sin for a parent to decide that. There has been a migration away from the District on account of the schools.

These are not happy facts. I am not happy because of these facts. There has been a lack of input of families with school children moving to the Washington area. Very few of them move into the District itself. They stop in the suburbs, where they do not have the same situation in the schools.

Mr. TALMADGE. I thank the Senator for bringing these statistics to the public view. It seems that public officials let other sections of the country suffer from benign neglect in this respect and spend all their time harassing the poor students, teachers, and education officials in the South. It seems to me that other sections of the country should receive some attention in that regard.

Mr. STENNIS. I thank the Senator for his sentiments. That is exactly what I am pleading for here.

I do not want to discredit any race or any school or any area of the country. We want a policy with which we can live. This is destroying our schools in

certain areas of the South—this total, massive, immediate integration under fiat of law, of court orders. It is isolating certain areas of our country. People are moving away, just as they move away from Washington. Human nature is much the same. I want every child, minority group or any others, to have the best possible chance for an education, but in getting that chance I do not want to destroy the opportunity for all the children to have a real chance.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. If a southern educator had made the statement the Senator quoted by the education official in Trenton, N.J., is it not a fact that HEW would move in, instantly, and cut off the money?

Mr. STENNIS. That certainly is the pattern. That sword of Damocles would fall. That is the record. That is the pattern of operation in the South.

Mr. TALMADGE. That is unequal protection of the law, is it not?

Mr. STENNIS. That is correct. There is no better illustration now of unequal action at the school level.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, the Senate will proceed to the consideration of routine morning business for a period of not to exceed 15 minutes, with speeches by Senators therein limited to 3 minutes each.

Is there morning business to be transacted at this time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, during the adjournment, all committees may have until 5 o'clock p.m. to submit reports on bills and resolutions.

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

## ORDER FOR RECOGNITION OF SENATOR NELSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Maryland (Mr. MATHIAS) on tomorrow, the distinguished Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 15 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CRANSTON, R.I., REGISTERS THAT CITY'S CONCERN FOR THE AMERICAN PRISONERS OF WAR IN THE HANDS OF HANOI

Mr. PASTORE. Mr. President, in the month of March, America marked a special Week of Concern for its sons held prisoner by a North Vietnam which scorns the established conventions of civilized nations.

In this Senate we held a special Day of Dedication and Determination that these 1,600 men shall not be forgotten in our decisions for war or peace.

But our concern is not limited to a week of 7 days—it has endured for the 7 years since the first imprisonment and will not cease until the last American is secure in his American home.

Cities and towns and villages and neighborhoods keep alive this purpose in their prayers and in their public efforts.

My own city of Cranston, R.I., has set aside the day of April 28 as its part in the national day of support for the men in the hands of Hanoi—calling for humane treatment to the hour of release and asking that that hour of freedom shall not long be delayed.

The proclamation of the Honorable James L. Taft, Jr., mayor of Cranston, R.I., speaks for itself—and I am proud and privileged to ask unanimous consent for its insertion in the CONGRESSIONAL RECORD as part of my remarks.

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

PROCLAMATION

Whereas, the Silent Majority Mobilization 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, we are calling for humane treatment of these prisoners of war if not for their out and out release, and

Whereas, we must show more concern for the plight of American prisoners of war.

Now, therefore, I, James L. Taft, Jr., Mayor of the City of Cranston do hereby proclaim April 28, 1971, as "POW Day" in Cranston, and urge our citizens to reaffirm our support of these valiant men.

## EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes, with statements limited therein to 3 minutes.

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

## CANNIKIN A-BLAST PLAN SHOULD BE ABANDONED

Mr. HUMPHREY. Mr. President, I rise today to call for a reversal of the Atomic Energy Commission's pending plan to schedule a massive underground nuclear test in October at Alaska's Amchitka Island. I am dismayed at the news of this decision, based on the serious geological, ecological and political consequences of this test, code named "Cannikin."

Because of its large magnitude, "Cannikin" could conceivably induce an earthquake and bring about secondary radiation effects which could be far more damaging and disadvantageous than any questionable short-term strategic gain.

I am noting the protests of the Canadian and Japanese governments as well as leaders throughout the United States. I urge the American government to reconsider implementing the Cannikin plan out of respect for their legitimate concerns.

If reports are accurate, "Cannikin" will be a test of an enlarged warhead for the Spartan anti-ballistic missile. What is certain is that this test will be for a weapons-related system.

I am stunned by this proposal which occurs at a time when we are negotiating in the Strategic Arms Limitation Talks—SALT—for a halt to such missile system.

At this point I should like to recall my own proposal for accepting the Soviet offer to negotiate an agreement banning or limiting to a very low level the ABM. It is my judgment that this initiative would lead to further agreements on offensive weapons.

I was pleased at the latest reports that the administration may be less reluctant to accept an ABM agreement, but now I am puzzled by this news which shows an obvious discrepancy.

"Cannikin" is a demonstration of how bureaucratic decisions are made in a vacuum with little consideration of their overall repercussions. I am fearful that the Amchitka test will be a setback to the SALT talks now being held in Vienna.

Besides SALT negotiations, there has been a growing acceptance of a comprehensive test ban treaty which "Cannikin" completely ignores.

A comprehensive or low threshold test ban would be a logical extension of the Limited Test Ban Treaty and feasible if the technological progress in detection, as set out in the Woods Hole report, is valid.

If the United States carries out the Cannikin plan, a chance to halt the arms race might once again be out of our reach.

## ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to proceed for 2 additional minutes. I have spoken to the majority whip.

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

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

Mr. HUMPHREY. I appreciate the courtesy of the distinguished majority whip.

## ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Mr. HUMPHREY. Mr. President, it is my understanding that on Monday the Senate will take up the Executive Calendar item relating to the protocol to the treaty for the prohibition of nuclear weapons in Latin America. I shall not be able to be present on that occasion, so I should like to make my statement now.

Mr. President, I call the attention of the Senate to protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, which is usually referred to as the Treaty of Tlatelolco. This treaty is the culmination of a regional effort to keep Latin America free of nuclear weapons. As early as 1958, Costa Rican Ambassador Gonzolo Facio, now Minister of Foreign Affairs, presented to the Organization of American States a proposal for arms limitation in Latin America, including a pledge not to manufacture or acquire nuclear weapons. No concrete progress was made on this proposal at that time. In the midst of the Cuban missile crisis in 1962, Brazil, Bolivia, Chile, and Ecuador cosponsored a resolution in the United Nations General Assembly providing for a denuclearized zone in Latin America. A vote on this resolution was postponed.

On December 20, 1962, in a speech before an International Arms Control Symposium at Ann Arbor, Mich., I called for the establishment of a denuclearized Latin America:

> The United States in concert with its sister republics in the Western Hemisphere, has a solemn obligation and a great opportunity to encourage a multilateral agreement banning the manufacture, the storage, the testing, and the combat use of nuclear arms and delivery systems in Latin America.

In fact, Mr. President, I went further suggesting that—

> A denuclearized zone in Latin America should, if possible, lead to the creation of a zone emptied of conventional weapons as well. Any curbing of the amount of arms going to Latin American nations under effective and balanced safeguards would have a healthy impact on the economies of that area.

Shortly thereafter, on April 29, 1963, the Presidents of five Latin American countries—Bolivia, Chile, Ecuador, Mexico, and Brazil—issued a declaration announcing that their governments were prepared to sign a multilateral agreement by which Latin American Governments would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices, and inviting the cooperation of other countries so that Latin America might be recognized as a denuclearized zone. Several years of negotiation followed until on February 14, 1967, the treaty was opened for signature.

On April 1, 1968, I signed protocol II to the Treaty of Tlatelolco on behalf of the United States. The protocol prohibits its adherents from deploying or testing nuclear weapons in the territories of the nonnuclear weapon states in the treaty area under any circumstances. In addition, parties to protocol II agree not to use or threaten to use nuclear weapons against the contracting parties to the treaty. Just as it was my special privilege as vice president to sign the protocol, it is my special privilege as Member of the U.S. Senate to urge full Senate support for this important document. Without adherence by the United States and by the other nuclear-weapon powers to this protocol the creation of a Latin American nuclear free zone will be incomplete. Yet, Mr. President, we cannot allow our Latin American neighbors to stop here. As I remarked when signing this protocol:

> We hope this treaty will also give new impetus to the efforts of Latin American governments to reach agreement on other limitations on the acquisition of military equipment.

The PRESIDING OFFICER. Is there further morning business?

## RESOLUTION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA MEMORIALIZING CONGRESS TO REQUIRE CREDIT CARDS TO CONTAIN THE ADDRESSES OF THE PERSONS TO WHOM ISSUED

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed a concurrent resolution memorializing Congress to require credit cards to contain the addresses of persons to whom issued.

The purpose of this resolution is to inform the Congress that because of the extensive use and expanding numbers of credit cards, it is necessary for Congress to take such action as would help alleviate the complications faced by those establishments honoring this type credit.

Mr. President, on behalf of myself and Senator HOLLINGS I ask unanimous consent that the resolution introduced by Messrs. Bennett and Irick of the State Legislature of South Carolina be printed in the RECORD at the conclusion of my remarks.

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

RESOLUTION

A concurrent resolution memorializing the Congress of the United States to take such action as is necessary to require credit cards to contain the addresses of persons to whom issued

Whereas, credit cards are being used more and more in interstate commerce; and

Whereas, the number of company and organization credit cards has become voluminous; and

Whereas, this saturation is causing many problems and hardships on persons honoring the various cards in that they are mistakenly impressed on the charge slips of the wrong company or organization; and

Whereas, this problem is compounded as most, if not all, credit cards do not have the addresses of the persons named on the cards; and

Whereas, when the error is ultimately detected the person honoring the credit card is often without recourse as the whereabouts of the card holder are unknown; and

Whereas, if those issuing credit cards were to be required to include the address of the holder this problem would be alleviated; and

Whereas, the Congress is the proper body to make such requirement as the problem transgresses state lines; and

Whereas, the General Assembly of this State, in the interest of fairness, would like to memorialize the Congress to take such action as necessary to require all credit cards to include the address of the holder.

*Now, therefore, be it resolved* by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby requested to take such action as is necessary to require that all credit cards contain the addresses of the persons to whom they are issued.

Be it further resolved that a copy of this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives and to each member of the Congressional Delegation representing South Carolina.

## CONCLUSION OF ADDITIONAL MORNING BUSINESS

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. BYRD of West Virginia. Mr. President, how much time remains under the previous request for morning business?

The PRESIDING OFFICER. Three additional minutes.

Mr. BYRD of West Virginia. I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 10 minutes.

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

Mr. BYRD of West Virginia. Mr. President, does the Senator need additional time?

Mr. THURMOND. I should like to have some additional time.

Mr. BYRD of West Virginia. If the Chair will recognize me, I will be glad to yield my 3 minutes to the able Senator from South Carolina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. I need approximately 9 or 10 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business again be closed at this time.

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

## ORDER FOR RECOGNITION OF SENATORS THURMOND AND BROOKE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina may be recognized for not to exceed 15 minutes and that he be followed by the able Senator from Massachusetts (Mr. BROOKE), for not to exceed 15 minutes.

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

## ORDER FOR ADDITIONAL MORNING BUSINESS

Mr. BYRD of West Virginia. I ask unanimous consent that, at the conclusion of the remarks of the able Senator from Massachusetts, a period for the transaction of routine morning business

again be instituted, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

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

The Senator from South Carolina is recognized.

## THE SOVIET STRATEGIC MISSILE TROOPS AND THEIR SPECIALIZED TRAINING ACADEMY

Mr. THURMOND. Mr. President, with the strategic arms limitation talks—SALT—now underway in Vienna, great attention is being focused upon the strategic weapons and military hardware of the two superpowers. Yet, I think that we should all be aware that much more than military hardware is involved. We must become aware of the military structure of the Soviet Union, the training of their professional officer corps, and the strategic concepts which support the growth of the Soviet military apparatus.

It is a mistake to think of Soviet capacity solely in terms of weaponry and systems development. The Soviets have devoted great attention and a sizable budget to the development of human resources to support their military plans. They have systematically set about to provide themselves with the necessary supply of technicians, advanced experts, and strategic thinkers appropriate to advanced weapon technology.

The United States has four topnotch military academies, which down through the years have provided us with some great officers. I do not in any sense want to downgrade the job they are doing. Yet, I want to point out that the Soviets have 98 military colleges, each graduating about 60 to 80 officers annually, and 19 academies providing advanced military education. Today I want to focus attention on just one of these academies, the Dzerzhinskiy Military Engineering Academy in Moscow. One of the oldest schools of its type in the world, the evidence indicates that it has been dedicated for the past decade almost exclusively to providing advanced studies for the officer corps of the strategic missile troops of the Soviet Armed Forces.

The significance of this development goes back to the reorganization of the Soviet Armed Forces in January 1960 into five independent services, as compared to the traditional three of the United States. One of these coequal services is devoted exclusively to the strategic missile troops; that is, troops trained in the use of intercontinental ballistic missiles and other strategic weapons. The other Soviet service is devoted to air defense. This reorganization was in line with Soviet strategic thinking which recognizes strategic missiles as a unique development in the history of warfare, requiring a whole new approach to the military art. While the growth of the U.S. forces has occurred largely along the lines of the historical development of military systems, the Soviet organization is purely on a functional basis.

This reorganization forced the Soviets to take a new look at the preparation of their troops, and to concentrate on the new job to be done. In the early sixties, five military colleges were apparently assigned to train the commanding officers and engineering experts for this service. These schools are located in Perm, Rostov, Serpukhov, Kharkov, and Riga. They graduate second lieutenant-engineers, who are entitled to engineering positions if out of military service. The Soviet strategic missile troops have no parallel in the free world. From the start, it was an elite corps. By now, about 75 percent of the commanding officers have an engineering degree of some type or other.

Such an elite corps requires even further preparation, however. There are many indications that the Soviets took one of their most prestigious institutions, the 150-year-old Dzerzhinskiy Academy, and used its facilities largely for the advanced training of the officers of the strategic missile troops. In the first place this is evident in studies of the personnel who graduated from the academy and subsequently were placed in high positions in the strategic missile corps.

Second, we know that the activity of the academy is subordinated to the central organs of the U.S.S.R. Ministry of Defense, and in particular to the commander in chief of the strategic missile troops, Marshal No. I. Krylovo. The commander in chief of the strategic missile troops is always the speaker at the graduation ceremonies of the academy, and the academy participates in the military festival days of the strategic missile troops.

Finally, we can see that the curriculum of the academy has been reoriented to the changed technology. In the decade 1960–70, the academy granted 56 doctoral degrees in military science, a degree which has no parallel in the Western academic world.

The curriculum changes must be reviewed against the pattern of its long history, during which the academy has been renowned for the quality of its scientific training and the research projects undertaken. Its roster includes some of the greatest names in Soviet artillery, engineering and missiles, such as that of academician and Lt. Gen. A. A. Blagonravov, N. R. Drozdov and others. During the war, the academy contributed much to the military engineering effort of the U.S.S.R. and since then has been a major center for the research effort and training of artillery and later missile experts for military services. The academy has adapted itself to changing conditions and requirements. Its postwar activities may be said to comprise three periods of growing intensification of development and research, periods which coincide with the stages of development of Soviet artillery and rocketry and later missiles.

The first period, extending from 1946 to 1953, was one of reassessment and reevaluation of the wartime efforts and experiences projecting them toward the future trends in military affairs and objectives. The curriculum of the academy prior to World War II was handled within six departments, 29 chairs, and eight divisions and services, covering the following general topics: Command, military instruments, artillery weapons, artillery materials, combat supplies, gunpowders, explosives, and so forth. Starting with the 1946–47 academic year, the curriculum of the Command Department was extended to 4 years and 2 months, and of the Engineering Department to 5 years and 2 months.

The second period, extending from 1953 to 1959, coincided with the beginning of the revolutionary changes in military affairs, which affected directly the organizational structure, training and research programs of the academy. The number of specialties in the academy was increased and new scientific projects were undertaken.

During this period when nuclear means of warfare were being introduced, the academy began to train not only specialists in ground and aircraft artillery, but also engineers for tank artillery and automatic control system. The number of specialties related to artillery and military instrumentation was broadened and expanded again.

The third period, which extends from 1960 to the present, is the most important and coincides with the creation and development of the Strategic Missile Troops. Their creation was immediately reflected in a new unprecedented overhaul, streamlining and expansion of the academy.

There took place a radical reconstruction of the entire organizational structure of the academy, of its training process, scientific research work, and material and technical base. All the chairs and laboratories were reorganized. Many laboratories were created anew. In the departments, chairs, divisions, studies sections and in the courses, the planned curricula and study programs were modified to adapt to new weapons requirements. In order to broaden the training program in new weapons and reach the distant localities of the country, a correspondence department was created in 1961. The political administration training and supervision were also streamlined and adjusted to the new requirements.

The expansion of the facilities and curriculum of the academy continued all throughout the sixties. This was a decade of continuous growth. A new laboratory building, a new training building, a new suburban training center equipped with the latest technological equipment were erected to take care of rapid development in the new weapon system technology. The academy started to work on important new complex projects and the number of scientific research works published rose from 20–30 in 1960 to 100 in 1970.

Between 1962 and 1970, the academy carried out 11 scientific research projects and published 20 methodological handbooks. It may be indicative of the scale and importance of the projects that a methodology of operation and control and technological testing of one of the new installations, built under the guidance of Prof. L. I. Karpov, resulted in a yearly saving of 10 to 20 million rubles.

These examples show the magnitude of operations of this academy, which performs the scientific support mission to the strongest land-based strategic mis-

sile system in the world. The present chief of the academy is Lt. Gen. F. P. Tonkikh, who recently replaced the brilliant Soviet artillery specialist, Marshal G. Odintsov.

Because of the highly secret mission of the Soviet academy's work, its work is not publicized in detail in the Soviet press. Yet it is evident from the prestige given to the graduates and to its public functions that the Soviets assign its special role a high priority. These priorities will not be changed lightly. Let us be aware, then, of the difficulties which the U.S. negotiators face at the SALT talks. The work of the academy is just one example of the elaborate military structure which the Soviets have built up in support of their grand plan.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 15 minutes.

## THE UNENDING WAR IN SOUTHEAST ASIA

Mr. BROOKE. Mr. President, it has been 10 years since the first American ground advisers were sent to Vietnam. In that time the total cost of our war effort in Southeast Asia has exceeded $125 billion. Nearly 50,000 American lives have been lost in combat and hundreds of thousands of Americans have been wounded. Asian casualties, civilian and military, can only be estimated. However, these estimates have reached a million.

Mr. President, whatever objectives we had in mind at the outset of this conflict, there is no national or international security consideration worth the price we have paid. We have begun a withdrawal from Vietnam. Already 253,000 American troops have returned home. Another 100,000 are scheduled to be brought home before the end of this year. And this is to President Richard Nixon's credit. However, that still leaves nearly 200,000 American troops in Southeast Asia to conduct the conflict, the destruction, and the death which has come in such large measure to the Asian and the American people fighting in South Vietnam.

What is more, as long as our forces remain in Vietnam, our prisoners of war—whose names and numbers are yet unknown and who have borne the pains of separation and deprivation for so many years—will remain there, too.

The North Vietnamese have said that they will negotiate the return of our prisoners of war as soon as a deadline is established for withdrawal. President Nixon has said that we plan to withdraw, and I believe we will withdraw. However, the question is when.

It seems to me that the time of our withdrawal is a fact that we can afford to announce to the world so that negotiations may proceed. These negotiations could result in an immediate exchange of prisoners of war. They could also result in an agreement covering the safe withdrawal of our forces from Southeast Asia. Further, there could be a cease-fire which would stop the killing.

If the North Vietnamese do not live up to their commitment to negotiate an exchange of prisoners and a cease-fire our agreement will not be irrevocable.

As we look at what is happening in the Soviet Union, Communist China, and around the world, I believe that this is the right time for us to assume this risk.

I urge our President in the name of humanity and for the sake of those who have borne the burden of so much of the conflict, to take this last logical step toward ending the Vietnam war.

Mr. President, last year I voted for the McGovern-Hatfield amendment. At that time 39 Members of the Senate were in concurrence that such a deadline for withdrawal was required. Today I have joined as a cosponsor of that amendment. I urge my colleagues to do likewise.

Our goal must be at least 51 Members of the Senate of the United States who are ready to assume the risk, who are ready to say to the world—and particularly to the North Vietnamese—we believe that there is a time certain and we have acted on a time certain, for the withdrawal of all American forces from Southeast Asia.

Our President has said—and I believe him—that he has in his mind a timetable for the withdrawal of our troops from Southeast Asia. However, I believe that the time is now for him to state that timetable.

If he does not agree that December 31, 1971, is the time, then let him set his own time certain. Perhaps he believes it should be June 1, 1972. But whatever he says, at least let him say it now. Let him set that time certain. Let us get on with negotiations for the exchange of our prisoners of war. Let us get on with the negotiations for a cease-fire to stop the killing in Southeast Asia.

Mr. President, I believe, as I have said, that the time is right, that we can assume the risk, that there is no danger to the U.S. forces in South Vietnam in the establishment of a time certain by the President of the United States.

Mr. President, I have always believed that the responsibility for the conduct of the war in Southeast Asia and the extrication of American forces from Southeast Asia are matters to be jointly considered and decided upon by the Congress of the United States and the Chief Executive Officer. I think that we should share the responsibility with the President.

In these days it would appear that we are opening up the doors to better communication with the Communist Chinese. To be sure, it is only a ping pong team now, but hopefully it will be much more later. We have recognized that we cannot ignore the existence of 800 million people on earth, that we cannot live in peace as long as there is a nation such as Communist China which is unknown to the American people and to others across the world.

The time is now when through a normalization of relations with all of Asia, we can begin to open up the doors for the generation of peace that our President has so eloquently spoken of in his address.

Mr. President, we intend to talk and talk and talk on the floor of this Senate until the number of 39 Senators, who last year voted for a time certain, will grow to at least 51 Senators voting for a time certain for the withdrawal of all American forces from South Vietnam. Let us bring an end once and for all to this disastrous, this devastating, this unconscionable war which rages in Southeast Asia.

Mr. President, I speak with full recognition of all that President Nixon has attempted to do. I have often said, and I repeat, that when he took office in 1969 there were 549,000 American forces in Vietnam. Now, we have below 300,000 American forces there and he is continuously decreasing that number. But the fighting still rages on. The level of violence is still high. The deaths that are rained upon Americans and Vietnamese alike, military and civilian, still go on.

No one can deny that between now and 1972 there will still be thousands more people dying as a result of that war which we, unfortunately, have not been able to bring to an end.

So, Mr. President, I think the time has come—in fact, I should say the time has long passed—when this Nation should have the full participation and cooperation of its elected leaders, who have shared the responsibility in law but not in fact for bringing an end to the war in Southeast Asia.

In closing I again urge the President to establish his date; and I urge him to accept the 31st of December of this year for the extrication of all American forces from South Vietnam.

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

Mr. BROOKE. I am pleased to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I express my appreciation in the highest terms for what the Senator from Massachusetts just said, and the contribution he has made.

I associate myself with him specifically on 2 points: One, that a time certain must be fixed and announced; and two, that the time certain be for the removal of all American forces from the Southeast Asia area.

I think his suggestion that we discuss this intensively is most in order. I expect tomorrow to address myself to this precise question. I think it is especially timely because the Secretary of Defense has made it rather clear that so far as he is concerned there is to be no time limit on the removal of our air and supply assistance. That is not my view, as it is not the view of the Senator from Massachusetts.

I think this is a subject in which Congress, and particularly the Senate, has a responsibility which no longer can be avoided or evaded.

I commend the Senator from Massachusetts for his contribution.

Mr. BROOKE. I thank the distinguished senior Senator from New Jersey for his comments. I know that he

feels deeply and passionately about this matter. His eloquent and effective voice in the Senate, will be heard not only tomorrow but also from now on as we try to convince more and more of our colleagues to join in the establishment and the announcement of a date certain for the withdrawal of all American forces from Southeast Asia.

It is not easy for the distinguished senior Senator from New Jersey and I to take this position. Both of us are members of the President's party. We support the President, we believe in him, we understand the tremendous tasks which he faces, and appreciate what he has been able to accomplish since he has been in office. But I think we both agree that if the North Vietnamese will live up to their frequent assertion that they will negotiate for the return of all the prisoners and possibly a cease fire upon the announcement of a date certain, then certainly this is a risk that our Government can afford to take.

I believe that if we fail to do this at this time, we are defeating ourselves in the eyes of the world. I would like to see us put the burden now on the North Vietnamese and the Vietcong. For if they do not intend to negotiate merely upon the announcement that we have a time certain for withdrawal, if they fail to negotiate for an exchange of prisoners, or if they fail to negotiate for a cease fire, then they will suffer greatly in the eyes of the world.

So, Mr. President, I serve notice that from this day forward this Senator, and I am sure there will be many more, will continue to speak out both in this forum and elsewhere, urging both our colleagues and our President to assume this risk.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of additional routine morning business for a period of not to exceed 10 minutes, with statements therein limited to 3 minutes.

## EXTENSION OF TIME TO REPORT EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight Friday to report the Emergency School Aid and Quality Integrated Education Act of 1971.

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

## STAR PRINT OF SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a star print of Senate Resolution 73, to amend rule XVI and that the paragraph which is numbered 8 in Senate Resolution 73 be renumbered 9 in the star print.

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

## HOUSING FOR PERSONS OF LOW AND MODERATE INCOME—REREFERRAL OF PROPOSED BILL AND COMMUNICATIONS TO THE COMMITTEE ON COMMERCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication which was entered on March 16, 1971, from the Secretary of Housing and Urban Development, addressed to the Honorable SPIRO T. AGNEW, President of the Senate, together with a proposed bill "to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income," and a memorandum on the proposed amendment to the Public Utility Holding Company Act of 1935 to authorize participation in low and moderate income housing programs, be rereferred from the Committee on Banking, Housing and Urban Affairs to the Committee on Commerce.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Without objection, it is so ordered.

## ORDER FOR THE EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971 TO BE MADE THE PENDING BUSINESS UPON BEING REPORTED FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time on Friday as the Emergency School Aid and Quality Integrated Education Act of 1971 is reported from the Committee on Labor and Public Welfare, it be made the pending legislative business, even though the Senate will not be in session on Friday.

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

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the Emergency School Aid and Quality Integrated Education Act of 1971 will then become the unfinished business on Monday next.

## LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate today, I shall proceed to outline the program for tomorrow.

Mr. President, on tomorrow the Senate will convene at 11 o'clock a.m. Immediately following the recognition of the majority and minority leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from New Jersey (Mr. CASE) for not to exceed 15 minutes, to be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes, to be followed by the distinguished Senator from Wisconsin (Mr. NELSON) 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 limited therein to 3 minutes.

I call attention to the fact that the legislative calendar is as clear as crystal and as clean as a hound's tooth. Hence, there will be no rollcall votes tomorrow. The leadership on both sides of the aisle would, of course, urge and hope that committees will continue to work diligently and to report bills and resolutions to the Senate for floor action.

The majority leader has indicated that there will be no business on Friday, and, of course, the Senate will, when it completes its business tomorrow, go over until Monday next at 10 o'clock a.m.

The majority leader has also indicated that there will be a rollcall vote and, by unanimous consent, that vote has been set for 1 o'clock p.m. on Monday next on Calendar No. 4 of the Executive Calendar, Executive H, 91st Congress, second session, Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America. Senators are again reminded that there will be a rollcall vote, therefore, at 1 o'clock p.m. on Monday next.

The unfinished business for Monday next will be the Emergency School Aid and Quality Integrated Education Act of 1971.

## ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 15, 1971, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 7, 1971, under authority of the order of the Senate of April 5, 1971:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Douglas W. Toms, of Washington, to be Administrator of the National Highway Traffic Safety Administration; new position.

U.S. CIRCUIT COURTS

Donald Stuart Russell, of South Carolina, to be a U.S. circuit judge, fourth circuit, vice Simon E. Sobeloff, retired.

Herbert Y. C. Choy, of Hawaii, to be a U.S. circuit judge, ninth circuit, vice Stanley N. Barnes, retired.

U.S. ARMY

The following-named officer under the provisions of title X, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Robert Clinton Taber, xxx-xx-x... xxxx Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

Vice Adm. Turner F. Caldwell, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title X, United States Code, section 5233.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

ARMY PROMOTION LIST

*To be colonel*

Nye, Roger H., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

*To be lieutenant colonel*

Aarestad, James H., xxx-xx-xxxx.
Abood, Edmond P., xxx-xx-xxxx.
Adams, Lawrence E., xxx-xx-xxxx.
Aines, Donald S., xxx-xx-xxxx.
Akers, Albert B., xxx-xx-xxxx.
Albert, Benjamin B., xxx-xx-xxxx.
Albree, John A., xxx-xx-xxxx.
Alter, Charles P., xxx-xx-xxxx.
Alverson, Willard G., xxx-xx-xxxx.
Anderson, Dee R., xxx-xx-xxxx.
Anderson, Julian A., xxx-xx-xxxx.
Anderson, Skinner E., xxx-xx-xxxx.
Andrews, Donald A., xxx-xx-xxxx.
Andrews, George N., xxx-xx-xxxx.
Arculis, Sherwin, xxx-xx-xxxx.
Armstrong, Charles, xxx-xx-xxxx.
Arnet, Robert A., xxx-xx-xxxx.
Arter, Robert, xxx-xx-xxxx.
Ashley, Floy L., xxx-xx-xxxx.
Atkeson, Edward B., xxx-xx-xxxx.
Atkinson, Larry R., xxx-xx-xxxx.
Aude, Peter N., Jr., xxx-xx-xxxx.
Austin, Garratt A., xxx-xx-xxxx.
Bachinski, Stephen, xxx-xx-xxxx.
Badger, Joseph E., xxx-xx-xxxx.
Baez-Murphy, Julio, xxx-xx-xxxx.
Bailey, Bruce B., xxx-xx-xxxx.
Bailey, Robert A., Jr., xxx-xx-xxxx.
Baker, Arthur R., xxx-xx-xxxx.
Baker, Harold L., xxx-xx-xxxx.
Baker, Theodore A., xxx-xx-xxxx.
Barber, Ransom E., xxx-xx-xxxx.
Barnes, Wilman D., xxx-xx-xxxx.
Barringer, Fred A., xxx-xx-xxxx.
Barringer, John D., xxx-xx-xxxx.
Barron, James T., xxx-xx-xxxx.
Barry, Thomas M., Jr., xxx-xx-xxxx.
Basanez, Edward S., xxx-xx-xxxx.
Bashore, Frank M., xxx-xx-xxxx.
Bates, James D., xxx-xx-xxxx.
Bauers, Robert E., xxx-xx-xxxx.
Baxter, Daryle K., xxx-xx-xxxx.
Bayless, Robert M., xxx-xx-xxxx.
Beaty, Raymond H., xxx-xx-xxxx.
Beavers, Joseph E., xxx-xx-xxxx.
Beczkiewicz, Peter, xxx-xx-xxxx.
Bednar, Richard J., xxx-xx-xxxx.
Beers, Edwin D., xxx-xx-xxxx.
Bell, John E., xxx-xx-xxxx.
Benefiel, Daniel J., xxx-xx-xxxx.
Bergstrom, Richard, xxx-xx-xxxx.
Bernier, Jacques W., xxx-xx-xxxx.
Berry, Thomas S., xxx-xx-xxxx.
Best, Frederic W., Jr., xxx-xx-xxxx.
Bicher, George A., xxx-xx-xxxx.
Biggs, Odie E., xxx-xx-xxxx.
Bilon, John J., xxx-xx-xxxx.
Birch, Harold B., xxx-xx-xxxx.
Birdseye, Elmer H., xxx-xx-xxxx.
Bishop, James M., xxx-xx-xxxx.
Bittick, Emmett K., xxx-xx-xxxx.
Black, John R., xxx-xx-xxxx.
Black, Roscoe, xxx-xx-xxxx.
Blanchard, Howard B., xxx-xx-xxxx.
Blazina, Joseph J., xxx-xx-xxxx.
Bludworth, Donald G., xxx-xx-xxxx.
Boatner, James G., xxx-xx-xxxx.
Boggs, Lewis A., IV, xxx-xx-xxxx.
Bonham, Mark M., Jr., xxx-xx-xxxx.
Bowden, James C., Jr., xxx-xx-xxxx.
Bowers, Emmett W., xxx-xx-xxxx.
Bowman, Elmo L., xxx-xx-xxxx.
Bradford, Duke C., Jr., xxx-xx-xxxx.
Bradley, James T., xxx-xx-xxxx.
Bradley, Philip H., xxx-xx-xxxx.
Bradley, William J., xxx-xx-xxxx.
Bradshaw, John N., xxx-xx-xxxx.
Brady, Morris J., xxx-xx-xxxx.
Braim, Paul F., xxx-xx-xxxx.
Branch, Raymond L., xxx-xx-xxxx.
Brandenburg, John F., xxx-xx-xxxx.
Brandenburg, John N., xxx-xx-xxxx.
Breen, Thomas A., xxx-xx-xxxx.
Britton, Thomas N., xxx-xx-xxxx.
Broady, James P., xxx-xx-xxxx.
Brooks, Harry W., Jr., xxx-xx-xxxx.
Brosky, Vincent I., xxx-xx-xxxx.
Brosnan, John F., xxx-xx-xxxx.
Brown, Dewey E., xxx-xx-xxxx.
Brown, Harry W., xxx-xx-xxxx.
Brown, Jack W., xxx-xx-xxxx.
Brown, Norman, xxx-xx-xxxx.
Brubaker, Russell E., xxx-xx-xxxx.
Bryson, Baird P., xxx-xx-xxxx.
Buchan, Earl K., xxx-xx-xxxx.
Buck, Bruce F., xxx-xx-xxxx.
Burke, John P., xxx-xx-xxxx.
Burke, Robert B., Jr., xxx-xx-xxxx.
Burkholder, Lowell, xxx-xx-xxxx.
Burton, Kenneth J., xxx-xx-xxxx.
Burton, Thomas M., xxx-xx-xxxx.
Butler, Jack R., xxx-xx-xxxx.
Butler, Lawrence E., xxx-xx-xxxx.
Byers, John R., xxx-xx-xxxx.
Callaway, Jack G., xxx-xx-xxxx.
Calvert, Charles L., xxx-xx-xxxx.
Campbell, Clarence, xxx-xx-xxxx.
Canham, Charles D. W., xxx-xx-xxxx.
Cannon, James W., xxx-xx-xxxx.
Capers, Norris R., xxx-xx-xxxx.
Caras, James, xxx-xx-xxxx.
Carlson, Gerald J., xxx-xx-xxxx.
Carmichael, Donald, xxx-xx-xxxx.
Carpenter, Archie E., xxx-xx-xxxx.
Carpinteri, Paul S., xxx-xx-xxxx.
Carrigan, Marion R., xxx-xx-xxxx.
Carroll, David A., xxx-xx-xxxx.
Carter, David G., xxx-xx-xxxx.
Carter, Edd M., xxx-xx-xxxx.
Carter, William G., xxx-xx-xxxx.
Casbon, Lewis M., xxx-xx-xxxx.
Case, Onore E., xxx-xx-xxxx.
Casey, Joe P., xxx-xx-xxxx.
Casner, Earl L., Jr., xxx-xx-xxxx.
Castro, Joseph F., xxx-xx-xxxx.
Cathrall, Eugene H., xxx-xx-xxxx.
Cavazos, Richard E., xxx-xx-xxxx.
Champion, Alfred N., xxx-xx-xxxx.
Champlin, Allen R., xxx-xx-xxxx.
Chancey, Clarence W., xxx-xx-xxxx.
Chapman, James N., xxx-xx-xxxx.
Chappell, James H., xxx-xx-xxxx.
Charles, Carlyle H., xxx-xx-xxxx.
Charney, Theodore J., xxx-xx-xxxx.
Chastain, John D., xxx-xx-xxxx.
Check, James A., xxx-xx-xxxx.
Chesak, Kenneth L., xxx-xx-xxxx.
Chrisco, Robert H., xxx-xx-xxxx.
Christiansen, Thomas, xxx-xx-xxxx.
Cipolla, Francis R., xxx-xx-xxxx.
Clark, Donald T., xxx-xx-xxxx.
Clark, Steven T., xxx-xx-xxxx.
Clarke, Robert B., xxx-xx-xxxx.
Clause, James D., xxx-xx-xxxx.
Clay, Jack H., xxx-xx-xxxx.
Clemons, Joseph G., Jr., xxx-xx-xxxx.
Cobb, John E., xxx-xx-xxxx.
Cochran, Arthur F., xxx-xx-xxxx.
Coe, George B., xxx-xx-xxxx.
Cole, Billie J., xxx-xx-xxxx.
Coleman, Walter E., xxx-xx-xxxx.
Coleman, William E., xxx-xx-xxxx.
Coley, James P., xxx-xx-xxxx.
Collier, Harry H., xxx-xx-xxxx.
Collins, Roland H., xxx-xx-xxxx.
Compton, Thomas J., xxx-xx-xxxx.
Conn, Jack L., xxx-xx-xxxx.
Cook, Harold E., xxx-xx-xxxx.
Cook, James H., xxx-xx-xxxx.
Cook, Morris G., xxx-xx-xxxx.
Cooper, John P., xxx-xx-xxxx.
Cooper, William E., Jr., xxx-xx-xxxx.
Cooper, William W., xxx-xx-xxxx.
Corbett, Charles D., xxx-xx-xxxx.
Corkill, Harry L., Jr., xxx-xx-xxxx.
Corliss, James J., xxx-xx-xxxx.
Cortner, Sanders A., xxx-xx-xxxx.
Costanzo, Albert C., xxx-xx-xxxx.
Coughlin, Paul A., xxx-xx-xxxx.
Couris, John G., xxx-xx-xxxx.
Cousins, John H., xxx-xx-xxxx.
Cox, Carlisle B., Jr., xxx-xx-xxxx.
Craig, Francis W., xxx-xx-xxxx.
Craig, Max A., xxx-xx-xxxx.
Craig, Verne P., xxx-xx-xxxx.
Cramer, Raymond A., Jr., xxx-xx-xxxx.
Craun, Noel E., Jr., xxx-xx-xxxx.
Criswell, Daniel L., xxx-xx-xxxx.
Crochet, Elby J., xxx-xx-xxxx.
Cromley, David J., xxx-xx-xxxx.
Cromwell, Raymond B., xxx-xx-xxxx.
Cronin, Walter J., Jr., xxx-xx-xxxx.
Crouch, William E., Jr., xxx-xx-xxxx.
Crow, Eldward E., xxx-xx-xxxx.
Crowe, Charles A., xxx-xx-xxxx.
Crowe, J. Godfrey, xxx-xx-xxxx.
Crowley, Ellsworth, xxx-xx-xxxx.
Culp, James F., xxx-xx-xxxx.
Cummings, Clyde E., xxx-xx-xxxx.
Cunningham, Gene S., xxx-xx-xxxx.
Cuny, Philip A., xxx-xx-xxxx.
Curran, George W., xxx-xx-xxxx.
Daigh, John D., xxx-xx-xxxx.
Daigneau, Louis A., xxx-xx-xxxx.
Dall, Burt, xxx-xx-xxxx.
Daly, Earl E., Jr., xxx-xx-xxxx.
Daniels, John L., xxx-xx-xxxx.
Darrington, Kenneth, xxx-xx-xxxx.
Dashiell, John C., xxx-xx-xxxx.
Davis, Clarence A., Jr., xxx-xx-xxxx.
Davis, Ernest J., xxx-xx-xxxx.
Davis, Francis J., xxx-xx-xxxx.
Davis, Michael M., xxx-xx-xxxx.
Davis, William E., xxx-xx-xxxx.
Davison, Evan R., xxx-xx-xxxx.
De Loach, William W., xxx-xx-xxxx.
De Ramus, Thomas B., xxx-xx-xxxx.
Decker, Oscar C., Jr., xxx-xx-xxxx.
Deichmeister, Frank, xxx-xx-xxxx.
Denny, Lawrence E., xxx-xx-xxxx.
Depew, William L., xxx-xx-xxxx.
Derrick, John T., xxx-xx-xxxx.
Deskis, Anthony J., xxx-xx-xxxx.
Dews, Robert W., xxx-xx-xxxx.
Dickson, John F., Jr., xxx-xx-xxxx.
Dicus, Forest J., xxx-xx-xxxx.
Dietrich, Daniel H., xxx-xx-xxxx.
Dillard, Douglas C., xxx-xx-xxxx.
Dittamo, Roy J., xxx-xx-xxxx.
Dixon, Willie F., xxx-xx-xxxx.
Dobson, Robert R., xxx-xx-xxxx.
Doerflinger, Otto C., xxx-xx-xxxx.
Donaldson, John E., xxx-xx-xxxx.
Donnan, Joseph A., xxx-xx-xxxx.
Donovan, Timothy H., xxx-xx-xxxx.
Doss, Jesse B., xxx-xx-xxxx.
Dotur, Stephen P., xxx-xx-xxxx.
Dover, Ralph S., xxx-xx-xxxx.
Downing, Earl D., xxx-xx-xxxx.
Drake, Charles F., xxx-xx-xxxx.
Drenkhahn, Andrew O., xxx-xx-xxxx.
Driscoll, Vender B., xxx-xx-xxxx.
Driver, Owen J., Jr., xxx-xx-xxxx.
Dubia, Christian F., xxx-xx-xxxx.
Dudney, Charles L., xxx-xx-xxxx.
Dufour, Elmore G., xxx-xx-xxxx.

Duke, Lee E., xxx-xx-xxxx.
Dukes, David D., xxx-xx-xxxx.
Dunham, John R. Jr. xxx-xx-xxxx.
Dupont, Albert A., xxx-xx-xxxx.
Duskin, Edgar W., xxx-xx-xxxx.
Dyer, Robert, A. J., Jr., xxx-xx-xxxx.
Eastman, Robert W., xxx-xx-xxxx.
Eaton, Loren D., xxx-xx-xxxx.
Eberhardt, Ernest M. xxx-xx-xxxx.
Ebersberger, Robert, xxx-xx-xxxx.
Eicher, William E., xxx-xx-xxxx.
Eichinger, Louis S., xxx-xx-xxxx.
Einsel, David W., Jr., xxx-xx-xxxx.
Ellis, David M., xxx-xx-xxxx.
Ellis, George V., xxx-xx-xxxx.
Emig, Harvey E. xxx-xx-xxxx.
Erdrich, Robert H. xxx-xx-xxxx.
Ernst, Harold O., Jr. xxx-xx-xxxx.
Escribano-Aponte, Angel xxx-xx-xxxx.
Esper, Donald, xxxx.
Esser, Alan C., xxx-xx-xxxx.
Eva, Norman Jr., xxx-xx-xxxx.
Evans, Arthur B. xxx-xx-xxxx.
Evans, Henry C., Jr., xxx-xx-xxxx.
Evans, John C., xxx-xx-xxxx.
Evans, Lester J. xxx-xx-xxxx.
Faistenhammer, Ludwig xxx-xx-xxxx.
Fant, Joseph L., III xxx-xx-xxxx.
Faulkner, Donald H. xxx-xx-xxxx.
Felch, James F. xxx-xx-xxxx.
Fessenden, Jack C. xxx-xx-xxxx.
Finch, Edward B., Jr., xxx-xx-xxxx.
Finch, Homer J. xxx-xx-xxxx.
Fish, Curtis D., xxx-xx-xxxx.
Fitzgerald, Leo J. xxx-xx-xxxx.
Fitzgibbons, Eugene xxx-xx-xxxx.
Flanagan, Robert W. xxx-xx-xxxx.
Fleck, Herbert A., xxx-xx-xxxx.
Fletcher, Robert A. xxx-xx-xxxx.
Foldberg, John D. xxx-xx-xxxx.
Ford, Clarence E., xxx-xx-xxxx.
Forman, Robert H. xxx-xx-xxxx.
Forrester, Redmond xxx-xx-xxxx.
Foss, Peter J., xxx-xx-xxxx.
Foster, Thomas G., II xxx-xx-xxxx.
Fountain, Foster F. xxx-xx-xxxx.
Fox, Douglas E., xxx-xx-xxxx.
Fox, Harley C., xxx-xx-xxxx.
Fox, William I., xxx-xx-xxxx.
Francis, Gordon H. xxx-xx-xxxx.
Franz, Robert F., Jr. xxx-xx-xxxx.
Fraser, Danny P. xxx-xx-xxxx.
Frazier, Lee V., xxx-xx-xxxx.
Fred, Walter A., xxx-xx-xxxx.
French, Daniel W. xxx-xx-xxxx.
French, Harry W. xxx-xx-xxxx.
Friar, Robert G. xxx-xx-xxxx.
Frick, Alan A., xxx-xx-xxxx.
Fridy, Richard S. xxx-xx-xxxx.
Friend, Edgar V., Jr., xxx-xx-xxxx.
Fucci, Michael A., xxx-xx-xxxx.
Fulmore, Charles E. xxx-xx-xxxx.
Fulton, James F., Jr. xxx-xx-xxxx.
Fyock, James A., xxx-xx-xxxx.
Gabe, Donald D. xxx-xx-xxxx.
Gafford, Travis M., xxx-xx-xxxx.
Galli Alexander L. xxx-xx-xxxx.
Galligan, Hugh S. xxx-xx-xxxx.
Gardes, George H., xxx-xx-xxxx.
Garner, Frank R., III xxx-xx-xxxx.
Garrison, Frank L., xxx-xx-xxxx.
Gately, Matthew, J. xxx-xx-xxxx.
Gauger, Daniel M., xxx-xx-xxxx.
Gecoma, Richard M., xxx-xx-xxxx.
Gendron, Alvin J. xxx-xx-xxxx.
Gentry, Edwin B. xxx-xx-xxxx.
Gentry, Paul xxx-xx-xxxx.
German, Robert L. xxx-xx-xxxx.
Getz, Wilbur D., xxx-xx-xxxx.
Gilbert, John M. xxx-xx-xxxx.
Gilbertson, Rodney xxx-xx-xxxx.
Gillilland, William, xxx-xx-xxxx.
Gillis, Charles A., xxx-xx-xxxx.
Gillis, Ronald J. xxx-xx-xxxx.
Gluck, Donald W., xxx-xx-xxxx.
Goettel, Donald J. xxx-xx-xxxx.
Goodnow, Chandler, xxx-xx-xxxx.
Goodson, Allen M., xxx-xx-xxxx.
Goodwin, Warner S., xxx-xx-xxxx.
Goosman, John F. xxx-xx-xxxx.
Gordon, John D. xxx-xx-xxxx.
Gould, Jack W., xxx-xx-xxxx.
Gow, Arthur J., xxx-xx-xxxx.
Granger, Clinton E. xxx-xx-xxxx.
Granicher, John W. xxx-xx-xxxx.
Gray, Daniel P., xxx-xx-xxxx.
Gray, William W., xxx-xx-xxxx.
Green, Gordon, xxx-xx-xxxx.
Green, James A., xxx-xx-xxxx.
Greimann, Theodore xxx-xx-xxxx.
Gressette, William xxx-xx-xxxx.
Griffith, James C., xxx-xx-xxxx.
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Thompson, Nathaniel, xxx-xx-xxxx.
Thompson, Richard H., xxx-xx-xxxx.
Thompson, Thomas E., xxx-xx-xxxx.
Thorsen, Peter L., xxx-xx-xxxx.
Tominac, John J., xxx-xx-xxxx.
Toole, Raymond L., xxx-xx-xxxx.
Treat, Charles J., xxx-xx-xxxx.
Tucker, George G., Jr., xxx-xx-xxxx.
Tuggey, Howard J., xxx-xx-xxxx.
Tumlin, Grady H., Sr., xxx-xx-xxxx.
Uttinger, Joe W., xxx-xx-xxxx.
Valella, Dominic, xxx-xx-xxxx.
Van Matre, Donald A., xxx-xx-xxxx.
Vandenberg, William, xxx-xx-xxxx.
Vassey, Lyman W., xxx-xx-xxxx.
Vaughn, Edward R., Jr., xxx-xx-xxxx.
Vaughn, George L., xxx-xx-xxxx.
Vellella, Frank P., xxx-xx-xxxx.
Vetort, Herman J., xxx-xx-xxxx.
Villaret, Gustave I., xxx-xx-xxxx.
Vincent, Robert D., xxx-xx-xxxx.
Von Schlemmer, Robert, xxx-xx-xxxx.
Wade, David E., xxx-xx-xxxx.
Walby, Wiliam G., xxx-xx-xxxx.
Waldman, Francis J., xxx-xx-xxxx.
Walker, Billy G., xxx-xx-xxxx.
Walker, Charles J., xxx-xx-xxxx.
Walker, John R., Jr., xxx-xx-xxxx.
Walker, Samuel S., xxx-xx-xxxx.
Walpole, Philip P., xxx-xx-xxxx.
Wang, Jesse, xxx-xx-xxxx.
Wardrop, Daniel H., xxx-xx-xxxx.
Warren, James R., xxx-xx-xxxx.
Waters, William W., xxx-xx-xxxx.
Watkins, John B., Jr., xxx-xx-xxxx.
Watson, Robert G., xxx-xx-xxxx.
Weaver, Jonathan M., xxx-xx-xxxx.
Weidner, Earl R., Jr., xxx-xx-xxxx.
Welch, Paul B., Jr., xxx-xx-xxxx.
Wells, Obel H., xxx-xx-xxxx.
Wells, Richard M., xxx-xx-xxxx.
Wenneson, Richard M., xxx-xx-xxxx.
West, Charles F., xxx-xx-xxxx.
Westrich, Ralph L., xxx-xx-xxxx.
Weyand, Alexander M., xxx-xx-xxxx.
Whipple, Ward J., xxx-xx-xxxx.
White, Kenneth H., Jr., xxx-xx-xxxx.
White, Marion E., xxx-xx-xxxx.
Whitmire, Nelson L., xxx-xx-xxxx.
Whitted, Jack G., xxx-xx-xxxx.
Wholey, Paul R., xxx-xx-xxxx.
Wiard, Seth, Jr., xxx-xx-xxxx.
Wiethuechter, Donald, xxx-xx-xxxx.
Wilhelmi, Sylvester, xxx-xx-xxxx.
Wilkinson, Don A., xxx-xx-xxxx.
Williams, Aylwyn D., xxx-xx-xxxx.
Williams, Davant T., xxx-xx-xxxx.
Williams, Lawrence, xxx-xx-xxxx.
Williams, Paul S., Jr., xxx-xx-xxxx.
Williford, Oliver J., xxx-xx-xxxx.
Willis, Edward M., xxx-xx-xxxx.
Wilmot, Francis G., Jr., xxx-xx-xxxx.
Wilson, Franklin L., xxx-xx-xxxx.
Wilson, James R., xxx-xx-xxxx.
Winfield, Francis E., xxx-xx-xxxx.
Winn, Arthur C., xxx-xx-xxxx.
Winter, Kenneth L., xxx-xx-xxxx.
Wirth, Herman L., xxx-xx-xxxx.
Wolf, William S., xxx-xx-xxxx.
Wong, Frank, xxx-xx-xxxx.
Wood, Donald M., xxx-xx-xxxx.
Woodley, Thomas R., xxx-xx-xxxx.
Woodrow, Ralph T., xxx-xx-xxxx.
Woods, Chester A., xxx-xx-xxxx.
Woodward, Arthur Q., xxx-xx-xxxx.
Wright, Corey J., xxx-xx-xxxx.
Wright, Dean E., Jr., xxx-xx-xxxx.
Wright, Louie E., xxx-xx-xxxx.
Wroth, James M., xxx-xx-xxxx.
Yamashita, Kanshi S., xxx-xx-xxxx.
Yerks, Robert G., xxx-xx-xxxx.
Yoder, Donald A., xxx-xx-xxxx.
Yoder, Harry A., Jr., xxx-xx-xxxx.
Yost, William L., xxx-xx-xxxx.
Young, Fletcher R., xxx-xx-xxxx.
Youngblood, James O., xxx-xx-xxxx.
Yurko, Joseph J., xxx-xx-xxxx.
Zalonis, John A., Jr., xxx-xx-xxxx.
Zamparelli, Alfred, xxx-xx-xxxx.
Zastrow, Richard E., xxx-xx-xxxx.
Zeigler, William A., xxx-xx-xxxx.
Zeller, Norman C., xxx-xx-xxxx.
Zeller, Richard G., xxx-xx-xxxx.

CHAPLAIN CORPS

*To be lieutenant colonel*

Ammerman, Elmer H., xxx-xx-xxxx.
Anderson, Robert T., xxx-xx-xxxx.
Brown, Norman R., xxx-xx-xxxx.
Carothers, Merlin R., xxx-xx-xxxx.
Covington, Donald M., xxx-xx-xxxx.
Keys, Clifford E., Jr., xxx-xx-xxxx.
Lightcap, Thomas K., xxx-xx-xxxx.
McMaster, Stanley, xxx-xx-xxxx.
Sather, Donald R., xxx-xx-xxxx.
Schweitzer, Gordon, xxx-xx-xxxx.
Siege, John C., xxx-xx-xxxx.
Treuer, Warren L., xxx-xx-xxxx.
Young, George R., xxx-xx-xxxx.

WOMEN'S ARMY CORPS

*To be lieutenant colonel*

Bouldin, Patricia L., xxx-xx-xxxx.
Clarke, Mary E., xxx-xx-xxxx.
Dohnal, June P., xxx-xx-xxxx.
Garrett, Pola L., xxx-xx-xxxx.
George Delma G., xxx-xx-xxxx.
MacMichael, Kitt M., xxx-xx-xxxx.
McWilliams, Bonnie, xxx-xx-xxxx.
Sherba, Dorothy, xxx-xx-xxxx.
Wardell, Barbara J., xxx-xx-xxxx.

MEDICAL CORPS

*To be lieutenant colonel*

Alexander, Joseph L., xxx-xx-xxxx.
Augerson, William S., xxx-xx-xxxx.
Boyce, Henry W., Jr., xxx-xx-xxxx.
Brugger, Archie M., xxx-xx-xxxx.
Cohn, Gerald H., xxx-xx-xxxx.
Conklin, Harvey B., xxx-xx-xxxx.
Corbet, Paul A., Jr., xxx-xx-xxxx.
Coultrip, Raymond L., xxx-xx-xxxx.
Cutting, Robert T., xxx-xx-xxxx.

Dalbey, Charles G., xxx-xx-xxxx
Davis, Charles J., Jr., xxx-xx-xxxx
Davis W. Rex, xxx-xx-xxxx
De Castro, Carlos M., xxx-xx-xxxx
Deubler, Keith F., xxx-xx-xxxx
Devaris, Dionisios, xxx-xx-xxxx
Dirks, Kenneth R., xxx-xx-xxxx
Freeman, Mahlon, V. R., xxx-xx-xxxx
Gauld, John R., xxx-xx-xxxx
Hammon, William M., xxx-xx-xxxx
Harris, Stanley C., xxx-xx-xxxx
Hartvigsen, Robert, xxx-xx-xxxx
Hefner, James D., xxx-xx-xxxx
Hudson, Thomas L., xxx-xx-xxxx
Ionno, Joseph A., xxx-xx-xxxx
Kamin, Edward J., III xxx-xx-xxxx
Kelly. Thomas W., xxx-xx-xxxx
Kernan, Philip M., Jr., xxx-xx-xxxx
Kiel, Frank W., xxx-xx-xxxx
Kmiecik, Joseph E., xxx-xx-xxxx
Krekorian, Edmund A., xxx-xx-xxxx
Lau, Bennett M. K., xxx-xx-xxxx
Lindahl, James B., xxx-xx-xxxx
MacGregor Robert, xxx-xx-xxxx
McClure, Jack B., xxx-xx-xxxx
Miller, Robert E., xxx-xx-xxxx
Mitchell, George L., xxx-xx-xxxx
Mosebar, Robert H., xxx-xx-xxxx
Nelson, Harold S., xxx-xx-xxxx
North, Robert L., xxx-xx-xxxx
Pegg, John R. P., xxx-xx-xxxx
Plunkett, Guy D., xxx-xx-xxxx
Roper, Maxcy D., xxx-xx-xxxx
Sample, Donald W., xxx-xx-xxxx
Schane, William P., xxx-xx-xxxx
Scherz, Robert G., xxx-xx-xxxx
Skipworth, George B., xxxx
Smith, Joseph J., xxx-xx-xxxx
Stanek, Robert G., xxx-xx-xxxx
Stromberg, Lawayne, xxx-xx-xxxx
Terry, Nathaniel V., xxx-xx-xxxx
Tilson, Donald H., Jr., xxx-xx-xxxx
Vaughn, Daniel L., xxx-xx-xxxx
Vazquez, Angel M., xxx-xx-xxxx
Waugh, David E., xxx-xx-xxxx
Willi, Franz J. P., xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Adams, John C., xxx-xx-xxxx
Baker, Frank L., xxx-xx-xxxx
Board, Hal J., xxx-xx-xxxx
Boegel, Paul N., xxx-xx-xxxx
Bond, William R., Jr., xxx-xx-xxxx
Brown, Allen, W., Jr., xxx-xx-xxxx
Clifford, Arthur G., xxx-xx-xxxx
Clinton, Everett E., xxx-xx-xxxx
Conley, Patrick J., xxx-xx-xxxx
Cote, Robert R., xxx-xx-xxxx
Crase, Silas M., xxx-xx-xxxx
Duval, Charles H., xxx-xx-xxxx
Gardner, Robert J., xxx-xx-xxxx
Gardner, Thomas V., Jr., xxx-xx-xxxx
Gasior, Edwin J., xxx-xx-xxxx
Hargis, Harold W., xxx-xx-xxxx
Hettinger, Dale A., xxx-xx-xxxx
Hunsuck, Ervin E., xxx-xx-xxxx
Jacobson, Sheldon E., xxx-xx-xxxx
Jacoway, John R., xxx-xx-xxxx
Keagle, James G., xxx-xx-xxxx
Kobrinsky, Samuel, xxx-xx-xxxx
Lilly, Gilbert E., xxx-xx-xxxx
Lord, Raymond Y., Jr., xxx-xx-xxxx
Maddox, Belman C., xxx-xx-xxxx
Milligan, Vernon L., xxx-xx-xxxx
Nichols, Wharton A., xxx-xx-xxxx
Obermeier, Bernard, xxx-xx-xxxx
Osbon, Donald B., xxx-xx-xxxx
Peppe, Isadore O., xxx-xx-xxxx
Radentz, William H., xxx-xx-xxxx
Shepard, Walter L., xxx-xx-xxxx
Stewart, Hugh A., Jr., xxx-xx-xxxx
Suddarth, Jerome A., xxx-xx-xxxx
Valkavich, Eugene S., xxx-xx-xxxx
Vinall, William H., xxx-xx-xxxx
Wagner, Allyn G., xxx-xx-xxxx
Wormley, John H., xxx-xx-xxxx
Zimmerman, Joseph S., xxx-xx-xxxx

*To be lieutenant colonel*

Baker, Roger W., xxx-xx-xxxx
Eckermann, Edgar H., xxx-xx-xxxx
Galbreaith, John D., xxx-xx-xxxx
Johnson, Edward L., xxx-xx-xxxx
Shay, Warren J., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Anderson, James E., xxx-xx-xxxx
Angel, Charles R., xxx-xx-xxxx
Benson, Albert G., xxx-xx-xxxx
Bethea, Thomas M., xxx-xx-xxxx
Bradley, John J., xxx-xx-xxxx
Caras, George, xxx-xx-xxxx
Carmick, Edward J., xxx-xx-xxxx
Carmody, Francis J., xxx-xx-xxxx
Cavanaugh, Dan C., xxx-xx-xxxx
Christopherson, William xxx-xx-xxxx
Church, Roy S, xxx-xx-xxxx
Cooksley, Boyd E., xxx-xx-xxxx
Doyle, Thomas M., xxx-xx-xxxx
Foley, Paul M., xxx-xx-xxxx
Foulk, William J., xxx-xx-xxxx
Funk, John C., xxx-xx-xxxx
Garis, Kenneth D., xxx-xx-xxxx
Godfrey, William H., xxx-xx-xxxx
Haas, Robert F., xxx-xx-xxxx
Hamm, Charles R., xxx-xx-xxxx
Hammett, John W. xxx-xx-xxxx
Hardwick, Willard E., xxx-xx-xxxx
Holland, Willis D., xxx-xx-xxxx
Holman, Edward F., xxx-xx-xxxx
Knowles, William R., xxx-xx-xxxx
Maclennan, Robert, xxx-xx-xxxx
Madrano, Joseph P., xxx-xx-xxxx
Marshall, John D., Jr. xxx-xx-xxxx
McCaffrey, Joseph, xxx-xx-xxxx
McCandless, Earl R., xxx-xx-xxxx
McFarland, Cowan J., xxx-xx-xxxx
Miner, Lewis C., xxx-xx-xxxx
Nichols, Robert S., xxx-xx-xxxx
Parker, Albert E., xxx-xx-xxxx
Peterson, Merrill C., xxx-xx-xxxx
Ports, Kenneth N. xxx-xx-xxxx
Rogers, John E., Jr., xxx-xx-xxxx
See, Herbert G., xxx-xx-xxxx
Shaw, Robert M., Jr. xxx-xx-xxxx
Short, Robert D., xxx-xx-xxxx
Smith, Jack C., xxx-xx-xxxx
Spencer, Lloyd E., xxx-xx-xxxx
Trahan, Robert G., xxx-xx-xxxx
Veltri, Benjamin J. xxx-xx-xxxx
Wagner, John R., xxx-xx-xxxx
Walsh, Ralph J., xxx-xx-xxxx
Walton, Bryce C., xxx-xx-xxxx
Welton, George C., xxx-xx-xxxx
Wilkinson, Clarence xxx-xx-xxxx
Wold, Vernon H., xxx-xx-xxxx

ARMY NURSE CORPS

*To be lieutenant colonel*

Anderson, Alma B., xxx-xx-xxxx
Arnold, Vivian M., xxx-xx-xxxx
Ascher, Julia T., xxx-xx-xxxx
Black, Mary L., xxx-xx-xxxx
Blackwell, Mildred, xxx-xx-xxxx
Blomer, Elizabeth A., xxx-xx-xxxx
Brantly, Ruth S., xxx-xx-xxxx
Carroll, Helene D., xxx-xx-xxxx
Casey, Marguerite C., xxx-xx-xxxx
Cavagnaro, Mary M., xxx-xx-xxxx
Cox, Juana J., xxx-xx-xxxx
Decker, Julia E., xxx-xx-xxxx
Everett, Anna E., xxx-xx-xxxx
Flagg, Alice N., xxx-xx-xxxx
Grech, Anna Alma, xxx-xx-xxxx
Hill, Nellie M., xxx-xx-xxxx
Holtz, Betty L., xxx-xx-xxxx
Liberty, Frances M., xxx-xx-xxxx
Lofton, Juliet P. xxx-xx-xxxx
Lundy, Sara N., xxx-xx-xxxx
McLean, Mary F., xxx-xx-xxxx
Mobley, Ruth Z., xxx-xx-xxxx
Morgan, Betty F., xxx-xx-xxxx
Moseley, Leanora M., xxx-xx-xxxx
Nuttall, Edith M., xxx-xx-xxxx
Olson, Ruth E., xxx-xx-xxxx
Parks, Madelyn N., xxx-xx-xxxx
Quinn, Mary C., xxx-xx-xxxx
Ransone, Muriel J. xxx-xx-xxxx
Rothrock, Lois R., xxx-xx-xxxx
Ryan, Patricia A., xxx-xx-xxxx
Setter, Marian J. xxx-xx-xxxx
Sharpe, Lorraine K., xxx-xx-xxxx
Starkey, Elizabeth, xxx-xx-xxxx
Steinhilber, Marion, xxx-xx-xxxx
Straley, Rose V., xxx-xx-xxxx
Suess, Helen V., xxx-xx-xxxx
Travers, Veronica R., xxx-xx-xxxx
Vandive, Frances O., xxx-xx-xxxx
Watson, Elinor M., xxx-xx-xxxx
Wright, Cecille D., xxx-xx-xxxx

ARMY MEDICAL SPECIAL CORPS

*To be lieutenant Colonel*

Anderson, Marilyn J. xxx-xx-xxxx
Fecenko, Helen, xxx-xx-xxxx
Hammill, Janet A. xxx-xx-xxxx
Keegan, Nanette G. xxx-xx-xxxx
Lambertson, Elizabeth xxx-xx-xxxx
Louis, Winfred M., xxx-xx-xxxx
Noble, Beulah C., xxx-xx-xxxx
O'Brien, Eileen F., xxx-xx-xxxx
Stafford, Helen R., xxx-xx-xxxx
Wakefield, Patricia, xxx-xx-xxxx
Weshoven, Mary F., xxx-xx-xxxx

ARMY PROMOTION LIST

*To be major*

Blubaugh, Thomas C., xxx-xx-xxxx
Ferguson, William W., xxx-xx-xxxx
Iller, Alfred J., Jr., xxx-xx-xxxx
Pertain, George H., Jr., xxx-xx-xxxx
Prados, Alfred B., xxx-xx-xxxx
White, Stanley Z., xxx-xx-xxxx

CHAPLAIN CORPS

*To be major*

Ellison, Joe M., xxx-xx-xxxx
Phillips, Major H., Jr., xxx-xx-xxxx

ARMY PROMOTION LIST

*To be captain*

Alien, Robert A., xxx-xx-xxxx
Baker, Ralph K., Jr., xxx-xx-xxxx
Brown, John E., xxx-xx-xxxx
Carusi, Joseph J., Jr., xxx-xx-xxxx
Dabney, James F., xxx-xx-xxxx
Drolet, Robert A., xxx-xx-xxxx
Edwards, Gilbert R., xxx-xx-xxxx
Elrod, Thomas W., xxx-xx-xxxx
Ericksen, Harold J., xxx-xx-xxxx
Evans, Thomas C., xxx-xx-xxxx
Everett, Harry Jr., xxx-xx-xxxx
Ferland, Paul E., xxx-xx-xxxx
Finegan, Ray D., xxx-xx-xxxx
Frazier, Robert E., xxx-xx-xxxx
Green, Herbert J., xxx-xx-xxxx
Greenwell, Bernard J., xxx-xx-xxxx
Henderson, Donald R., xxx-xx-xxxx
Hershey, Michael T., xxx-xx-xxxx
Higginbotham, Norman D., xxx-xx-xxxx
Johns, Sidney M., xxx-xx-xxxx
Joiner, James C., xxx-xx-xxxx
LaCroix, Francis A., xxx-xx-xxxx
Lake, Roy G., xxx-xx-xxxx
Landers, Curtis H., xxx-xx-xxxx
Lloyd, Herbert J., xxx-xx-xxxx
McBride, Reid A., xxx-xx-xxxx
Morton, Philip W., xxx-xx-xxxx
Moser, Mark V., xxx-xx-xxxx
Niel, George M., Jr., xxx-xx-xxxx
Pierce, Kenneth R., Jr., xxx-xx-xxxx
Poole, Walter A., Jr., xxx-xx-xxxx
Popp, Ronald S., xxx-xx-xxxx
Smith, Grady A., xxx-xx-xxxx
Taylor, Morris M., Jr., xxx-xx-xxxx
Tracy, David S., xxx-xx-xxxx
Trent, Alexander B., xxx-xx-xxxx
Unlaub, Carl G., xxx-xx-xxxx
Yates, Walter H., Jr., xxx-xx-xxxx

CHAPLAIN

*To be captain*

Gantt, Stephen Y., xxx-xx-xxxx
Kuhlman, Kenneth D., xxx-xx-xxxx
Luedee, Rene, xxx-xx-xxxx
Richardson, Eugene, xxx-xx-xxxx
Sharp, Billy R., xxx-xx-xxxx
Snider, John E., xxx-xx-xxxx
Wasserman, Harold, xxx-xx-xxxx

MEDICAL CORPS

*To be captain*

Bullard, Ponce D., Jr., xxx-xx-xxxx

DENTAL CORPS

*To be captain*

Mitchell, Wayne H., xxx-xx-xxxx.

VETERINARY CORPS

*To be captain*

Stephen, Edward L., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

*To be captain*

Morton, Phillip W., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

*To be first lieutenant*

Ciscoe, Alton B., xxx-xx-xxxx
Mannix, Robert W., xxx-xx-xxxx
Smith, John C. B., Jr., xxx-xx-xxxx
Torbert, Ronald D., xxx-xx-xxxx
Worthing, Robert W., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

*To be first lieutenant*

Nakayame, Harvey K., xxx-xx-xxxx.

IN THE ARMY

The following-named officer for appointment as professor of history, U.S. Military Academy, under the provisions of title 10, United States Code, sections 3075, 3205, and 4333:

Nye, Roger H., xxxx

The following-named person for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

*To be colonel*

Hill, Garrett L., xxx-xx-xxxx.

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

*To be captain*

Fishburne, Francis J., Jr., xxx-xx-xxxx.
Weiss, James W., xxx-xx-xxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be lieutenant colonel*

Strum, Major, xxx-xx-xxxx.

*To be major*

Bobay, Carl J., xxx-xx-xxxx.
Degeneffe, Delano E., xxx-xx-xxxx.
Distefano, Joseph, xxx-xx-xxxx.
Fountain, Ernest H., Jr., xxx-xx-xxxx.
Hoffman, Howard J., xxx-xx-xxxx.
Leone, John N., xxx-xx-xxxx.
McCoy, Arthur L., xxx-xx-xxxx.
Simmons, Ruth L., xxx-xx-xxxx.

*To be captain*

Alm, Philip F., xxx-xx-xxxx.
Bailey, William E., xxx-xx-xxxx.
Barrick, Earl F., xxx-xx-xxxx.
Bensinger, Thomas A., xxx-xx-xxxx.
Billy, Ronald J., xxx-xx-xxxx.
Bird, Richard B., xxx-xx-xxxx.
Bopp, James E., xxx-xx-xxxx.
Brown, Robert E., xxx-xx-xxxx.
Burris, William K., Jr., xxx-xx-xxxx.
Buyle, Kenneth R., xxx-xx-xxxx.
Chesher, Phillip B., xxx-xx-xxxx.
Christian, Zack, xxx-xx-xxxx.
Clement, Robert D., xxx-xx-xxxx.
Collins, George J., Jr., xxx-xx-xxxx.
Cornell, Allen C., xxx-xx-xxxx.
Costanten, Leon M., xxx-xx-xxxx.
Cox, Dallas L., xxx-xx-xxxx.
Cristini, John A., xxx-xx-xxxx.
Crowle, James L., xxx-xx-xxxx.
Curl, William W., III, xxx-xx-xxxx.
David, James R., xxx-xx-xxxx.
Daknis, William R., xxx-xx-xxxx.
Davis, Marion L., xxx-xx-xxxx.
Deeds, Richard T., xxx-xx-xxxx.
Dillon, Terance, xxx-xx-xxxx.
Diodene, Alonzo N., Jr., xxx-xx-xxxx.
Doerr, Marvin L., xxx-xx-xxxx.
Edes, Richard H., xxx-xx-xxxx.
Esher, John D., xxx-xx-xxxx.
Faggett, Walter L., II, xxx-xx-xxxx.
Farmer, Danny C., xxx-xx-xxxx.
Fishburn, Ronald M., xxx-xx-xxxx.
Freeman, Eugene A., xxx-xx-xxxx.
Gagon, Terry E., xxx-xx-xxxx.
Gilbertson, Larry H., xxx-xx-xxxx.
Grabhorn, Larry L., xxx-xx-xxxx.
Gunnels, Julian R., xxx-xx-xxxx.
Hastings, James E., xxx-xx-xxxx.
Heffren, Monica A., xxx-xx-xxxx.
Hendricks, Bernard D., xxx-xx-xxxx.
Holzheuser, Henry R., xxx-xx-xxxx.
Hopkins, Robert G., Jr., xxx-xx-xxxx.
Hopp, Duane F., xxx-xx-xxxx.
Iannone, Liberto A., xxx-xx-xxxx.
Ireland, John R., III, xxx-xx-xxxx.
Jones, Grady F., xxx-xx-xxxx.
Kalandros, Konstantine E., xxx-xx-xxxx.
Kaminiski, Mitchell V., Jr., xxx-xx-xxxx.
Kehn, Brent D., xxx-xx-xxxx.
Knippa, Leroy E., xxx-xx-xxxx.
Kosonen, Richard H., xxx-xx-xxxx.
Kubus, Louis J., xxx-xx-xxxx.
Ladue, Wade W., xxx-xx-xxxx.
Lawson, Michael A., xxx-xx-xxxx.
Lee, Wilbur L., xxx-xx-xxxx.
Lefevre, Robert S., Jr., xxx-xx-xxxx.
Lepine, Eugene M., xxx-xx-xxxx.
Levine, Stanley B., xxx-xx-xxxx.
Low, James C., xxx-xx-xxxx.
Lupton, Harold W., xxx-xx-xxxx.
MacIntyre, John A., xxx-xx-xxxx.
Marcolesco, Robert E., xxx-xx-xxxx.
Merrill, Jerry E., xxx-xx-xxxx.
Mills, James J., xxx-xx-xxxx.
Mitchell, Kenneth M., xxx-xx-xxxx.
Prichard, John P., xxx-xx-xxxx.
Ramsey, Yancy S., xxx-xx-xxxx.
Rhodes, Remus C., III, xxx-xx-xxxx.
Ringle, Elmer C., xxx-xx-xxxx.
Quinones, Ruben D., xxx-xx-xxxx.
Roberts, Lawrence W., xxx-xx-xxxx.
Sacco, Donald N., xxx-xx-xxxx.
Saunders, Otis H., xxx-xx-xxxx.
Schulz, Anson W., xxx-xx-xxxx.
Sears, Daniel G., xxx-xx-xxxx.
Shohan, Robert W., xxx-xx-xxxx.
Siegfried, Richard S., xxx-xx-xxxx.
Smith, John E., xxx-xx-xxxx.
Soder, Marion F., xxx-xx-xxxx.
Tasket, Ronald W., xxx-xx-xxxx.
Thacker, James H., xxx-xx-xxxx.
Tolley, Elmer W., xxx-xx-xxxx.
Voegele, Henry D., xxx-xx-xxxx.
Wacloff, Robert L., xxx-xx-xxxx.
Wallace, Bobby S., xxx-xx-xxxx.
Walls, Merritt P., xxx-xx-xxxx.
Weber, Glenn R., xxx-xx-xxxx.
Werner, Steven M., xxx-xx-xxxx.
Williams, Walter G., xxx-xx-xxxx.
Wilson, Charles V., xxx-xx-xxxx.
Woronchuk, Ivan, xxx-xx-xxxx.
Zirkle, Lewis G., Jr., xxx-xx-xxxx.

*To be first lieutenant*

Alden, Charles E. F., xxx-xx-xxxx.
Allred, Kenneth L., 418–56–1577.
Arndt, Georgene E., xxx-xx-xxxx.
Avant, Jack B., xxx-xx-xxxx.
Barnes, Sidney L., xxx-xx-xxxx.
Bartlett, Charles D., Jr., xxx-xx-xxxx.
Battcher, John A., xxx-xx-xxxx.
Bell, William J., III, xxx-xx-xxxx.
Bernard, Bradford J., xxx-xx-xxxx.
Borland, William E., xxx-xx-xxxx.
Bovais, Don A., xxx-xx-xxxx.
Bowen, Frank W., Jr., xxx-xx-xxxx.
Brown, Milton E., xxx-xx-xxxx.
Brown, Robert C., xxx-xx-xxxx.
Bruni, Salvatore M., xxx-xx-xxxx.
Buchan, James C., xxx-xx-xxxx.
Bockman, Frank W., xxx-xx-xxxx.
Cabanillas, Claude E., xxx-xx-xxxx.
Caggins, Myles B., Jr., xxx-xx-xxxx.
Campbell, Donald J., xxx-xx-xxxx.
Cascioli, Robert J., xxx-xx-xxxx.
Casey, Bernard M., xxx-xx-xxxx.
Casey, Bobby E., xxx-xx-xxxx.
Cassady, George E., xxx-xx-xxxx.
Chinn, David W., xxx-xx-xxxx.
Chiverton, Frederick W., xxx-xx-xxxx.
Cirone, Salvatore M., xxx-xx-xxxx.
Clark, James J., xxx-xx-xxxx.
Coffman, Dale R., xxx-xx-xxxx.
Conroy, Thomas F., xxx-xx-xxxx.
Cooper, Clarence C., xxx-xx-xxxx.
Coventry, John A., xxx-xx-xxxx.
Craig, William R., xxx-xx-xxxx.
Critchfield, Carl F., xxx-xx-xxxx.
Cross, Ned G., xxx-xx-xxxx.
Darnell, Louis J., xxx-xx-xxxx.
Deen, Wallace A., xxx-xx-xxxx.
Degyurky, Szabolcs, xxx-xx-xxxx.
Dennis, Earl W., Jr., xxx-xx-xxxx.
Dismdale, Roger, xxx-xx-xxxx.
Dixon, James H., xxx-xx-xxxx.
Donley, James M., xxx-xx-xxxx.
Doody, Harry A., xxx-xx-xxxx.
Drayton, Marion G., xxx-xx-xxxx.
Duncan, John D., xxx-xx-xxxx.
Dunn, Jack L., xxx-xx-xxxx.
Eicke, George D., xxx-xx-xxxx.
Elliott, Ronald E., xxx-xx-xxxx.
Emerick, Robert G., xxx-xx-xxxx.
Evankovich, Genevieve, I., xxx-xx-xxxx.
Faxon, Don R., xxx-xx-xxxx.
Fields, Thomas J., Jr., xxx-xx-xxxx.
Gallinaro, Alfred S., xxx-xx-xxxx.
Geistwhite, Donald S., Jr., xxx-xx-xxxx.
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The following-named cadets, graduating class of 1971, United States Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3284 through 4353:

Aaron, Alvin D., xxx-xx-xxxx
Abaya, Narciso L., xxx-xx-xxxx
Abrahamson, Dale M., xxx-xx-xxxx
Ackerman, Bartley C., xxx-xx-xxxx
Adelman, Joseph A., xxx-xx-xxxx
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Alexander, Gary J., xxx-xx-xxxx
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Lentini, Anthony R., Jr., xxx-xx-xxxx

Levine Jay E., xxx-xx-xxxx.
Lewis, David R., xxx-xx-xxxx.
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Libby, Kevin G., xxx-xx-xxxx.
Libershal, Charles E., xxx-xx-xxxx.
Liberty, Michael A., xxx-xx-xxxx.
Lilley, John F., xxx-xx-xxxx.
Lincoln, Jeffrey A., xxx-xx-xxxx.
Lindeman, James L., xxx-xx-xxxx.
Lindsay, Stuart C., xxx-xx-xxxx.
Lindstrom, Clifford O., Jr., xxx-xx-xxxx.
Liss, Ronald A., xxx-xx-xxxx.
Litchfield, Robert L., Jr., xxx-xx-xxxx.
Litwin, Bruce D., xxx-xx-xxxx.
Lohr, Stony R., xxx-xx-xxxx.
Lord, William G., xxx-xx-xxxx.
Lorenz, Terry R., xxx-xx-xxxx.
Lovell, James C., xxx-xx-xxxx.
Lower, Philip E., xxx-xx-xxxx.
Ludrick, Robert N., xxx-xx-xxxx.
Lujan, Thomas R., xxx-xx-xxxx.
Lundy, Robert A., xxx-xx-xxxx.
Mabry, Garry A., xxx-xx-xxxx.
Macaaron, Kenneth A., II, xxx-xx-xxxx.
Maclaren, Donald R., Jr., xxx-xx-xxxx.
Macdonald, Glen M., xxx-xx-xxxx.
Macdonald Hugh C., Jr., xxx-xx-xxxx.
Maday, Roy E., xxx-xx-xxxx.
Malleris, Leonidas C., xxx-xx-xxxx.
Mankowski, Joseph E., Jr., xxx-xx-xxxx.
Mann, William R., xxx-xx-xxxx.
Mannle, Thomas E., Jr., xxx-xx-xxxx.
Mansager, Bard K., xxx-xx-xxxx.
Maples, Michael D., xxx-xx-xxxx.
Marriott, Carl B., xxx-xx-xxxx.
Marsala, John A., xxx-xx-xxxx.
Marsh, Stephen J., xxx-xx-xxxx.
Marshman, Stephen J., xxx-xx-xxxx.
Martin, Thomas G., xxx-xx-xxxx.
Masciello, Michael A., xxx-xx-xxxx.
Mase, Randolph L., xxx-xx-xxxx.
Mason, Glenn M., xxx-xx-xxxx.
Mason, Timothy P., xxx-xx-xxxx.
Mattfeld, William H., xxx-xx-xxxx.
Matthews, Edward H., Jr., xxx-xx-xxxx.
Matwiczak, Kenneth M., xxx-xx-xxxx.
McClelland, George R., xxx-xx-xxxx.
McConaghy, John M., Jr., xxx-xx-xxxx.
McDonald, Patrick D., xxx-xx-xxxx.
McGrath, Craig J., xxx-xx-xxxx.
McGuire, Terrence J., xxx-xx-xxxx.
McHenry, John R., xxx-xx-xxxx.
McIntyre, David H., xxx-xx-xxxx.
McKenney, Richard F., xxx-xx-xxxx.
McKeon, Thomas C., xxx-xx-xxxx.
McKinney, Raymond H., Jr., xxx-xx-xxxx.
McLaughlin, John T., Jr., xxx-xx-xxxx.
McMonagle, Daniel S., Jr., xxx-xx-xxxx.
McNally, Jeffrey A., xxx-xx-xxxx.
McNulty, Michael L., xxx-xx-xxxx.
McQuistion, Brian E., xxx-xx-xxxx.
McRee, Michael J., xxx-xx-xxxx.
Meier, Douglas A., xxx-xx-xxxx.
Melesky, James B., xxx-xx-xxxx.
Merkl, Lawrence C., xxx-xx-xxxx.
Metcalf, Douglas H., xxx-xx-xxxx.
Methered, James R., xxx-xx-xxxx.
Metz, Thomas F., xxx-xx-xxxx.
Miller, Daniel A., xxx-xx-xxxx.
Miller, Max E., Jr., xxx-xx-xxxx.
Miller, Monty L., xxx-xx-xxxx.
Miller, Robert W., Jr., xxx-xx-xxxx.
Miller, Rodney D., xxx-xx-xxxx.
Mirakian, Stephen G., xxx-xx-xxxx.
Mitchell, John W., xxx-xx-xxxx.
Moffett, Terrill K., xxx-xx-xxxx.
Mohn, Robert A., xxx-xx-xxxx.
Monastra, John R., xxx-xx-xxxx.
Montrone, Thomas L., xxx-xx-xxxx.
Moore, Charles D., xxx-xx-xxxx.
Moore, John W. M., xxx-xx-xxxx.
Morash, Peter L., xxx-xx-xxxx.
Morehead, Hubert L., xxx-xx-xxxx.
Morgeson, James D., xxx-xx-xxxx.
Morrison, John D., xxx-xx-xxxx.
Morrison, John T., xxx-xx-xxxx.
Morrison, William E., xxx-xx-xxxx.
Moses, Steven L., xxx-xx-xxxx.
Moss, Terry R., xxx-xx-xxxx.
Munden, Ronald L., xxx-xx-xxxx.
Munoz, Leonel X., xxx-xx-xxxx.
Mura, Steven J., xxx-xx-xxxx.
Mussa, Maurice A., xxx-xx-xxxx.
Musser, Ronald M., xxx-xx-xxxx.
Nastasi, Michael, xxx-xx-xxxx.
Navin, Lawrence P., xxx-xx-xxxx.
Nead, Bruce E., xxx-xx-xxxx.
Neenan, John R., Jr., xxx-xx-xxxx.
Nelsen, Don A., Jr., xxx-xx-xxxx.
Nelson, David E., xxx-xx-xxxx.
Nelson, Lyle B., xxx-xx-xxxx.
Nelson, Paul H., xxx-xx-xxxx.
Nelson, Palmer, Michael K., xxx-xx-xxxx.
Newell, Michael H., xxxx.
Neyland, Michael A., xxx-xx-xxxx.
Nichols, Gary V., xxx-xx-xxxx.
Nichols, Joe R., xxx-xx-xxxx.
Nichols, William S., Jr., xxx-xx-xxxx.
Nickel, Gary W., xxx-xx-xxxx.
Nido, Luis M., xxx-xx-xxxx.
Nolde, John F., xxx-xx-xxxx.
O'Brien, George T., III, xxx-xx-xxxx.
O'Brien, James M., xxx-xx-xxxx.
O'Neil, Patrick J., xxx-xx-xxxx.
O'Neill, Patrick J., xxx-xx-xxxx.
Oakley, Paul D., xxx-xx-xxxx.
Oaks, Steven A., xxx-xx-xxxx.
Odom, Danny L., xxx-xx-xxxx.
Ogilvy, Thomas W., xxx-xx-xxxx.
Ogren, John W., xxx-xx-xxxx.
Oliver, Randall G., xxx-xx-xxxx.
Parrot, William G., xxx-xx-xxxx.
Passanante, Joseph F., Jr., xxx-xx-xxxx.
Patterson, Albert L., III, xxx-xx-xxxx.
Patterson, Daniel K., xxx-xx-xxxx.
Pawlicki, Raymond, xxx-xx-xxxx.
Payne, Allan D., xxx-xx-xxxx.
Payne, Robert T., xxx-xx-xxxx.
Pazak, Thomas P., xxx-xx-xxxx.
Pegg, John D., xxx-xx-xxxx.
Penhallegon, William M., xxx-xx-xxxx.
Perry, Doyle P., xxx-xx-xxxx.
Petersen, Gerald S., xxx-xx-xxxx.
Petersen, Kent E., xxx-xx-xxxx.
Peterson, James W., xxx-xx-xxxx.
Peterson, Thomas W., xxx-xx-xxxx.
Pfenning, Ronald H., xxx-xx-xxxx.
Phernambucq Stanley G., xxx-xx-xxxx.
Phillips, Gary N., xxx-xx-xxxx.
Pierce, Raymond E., xxx-xx-xxxx.
Pillasch, Daniel W., xxx-xx-xxxx.
Pingel, John J., xxx-xx-xxxx.
Piper, Dennis C., xxx-xx-xxxx.
Pirkle, Dale F., xxx-xx-xxxx.
Pitts, John W., Jr., xxx-xx-xxxx.
Pjesky, Steven D., xxx-xx-xxxx.
Plugge, Patrick W., xxx-xx-xxxx.
Plummer, William W., III, xxx-xx-xxxx.
Pogue, Edward W., xxx-xx-xxxx.
Pohl, Cordell A., xxx-xx-xxxx.
Post, Nelson J., Jr., xxx-xx-xxxx.
Postell, Edward D., xxx-xx-xxxx.
Powell, Clifford N., xxx-xx-xxxx.
Pride, Samuel G., xxx-xx-xxxx.
Procopio, Russell F., xxx-xx-xxxx.
Publow, Christopher S., xxx-xx-xxxx.
Pyrz, Thomas A., xxx-xx-xxxx.
Quinlan, William C., xxx-xx-xxxx.
Rasmussen, Raymond E., II, xxx-xx-xxxx.
Rau, Steven J., xxx-xx-xxxx.
Raymo, Michael L., xxx-xx-xxxx.
Raymond, William D., Jr., xxx-xx-xxxx.
Reed, John F., xxx-xx-xxxx.
Reese, Martin P., xxx-xx-xxxx.
Register, Richard O., xxx-xx-xxxx.
Reiley, William J., Jr., xxx-xx-xxxx.
Reischl, Timothy J., xxx-xx-xxxx.
Reitnour, Raymond J., Jr., xxx-xx-xxxx.
Renaud, William E. M., xxx-xx-xxxx.
Rentz, Richard E., xxx-xx-xxxx.
Reynolds, Paul E., xxx-xx-xxxx.
Rhyne, David W., xxx-xx-xxxx.
Rhyne, Joseph C., xxx-xx-xxxx.
Rice, Stephen C., xxx-xx-xxxx.
Richards, Harry E., III, xxx-xx-xxxx.
Richardson, David A., xxx-xx-xxxx.
Richardson, Michael E., xxx-xx-xxxx.
Ridder, William J., xxx-xx-xxxx.
Rini, Thomas J., xxx-xx-xxxx.
Ritchie, Michael G., xxx-xx-xxxx.
Rivette, Patrick D., xxx-xx-xxxx.
Roark, Michael J., xxx-xx-xxxx.
Roberts, Brian W., xxx-xx-xxxx.
Robinson, John R., xxx-xx-xxxx.
Rock, Alan J., xxx-xx-xxxx.
Roden, William C., xxx-xx-xxxx.
Root, Peter B., xxx-xx-xxxx.
Rose, John B., III, xxx-xx-xxxx.
Rosenberg, Stephen H., xxx-xx-xxxx.
Rowe, Richard L., xxx-xx-xxxx.
Rowland, Donald M., xxx-xx-xxxx.
Rucker, Steve C., xxx-xx-xxxx.
Rudzinskyj, Bohdan J., xxx-xx-xxxx.
Ryan, Michael C., xxx-xx-xxxx.
Ryan, Michael K., xxx-xx-xxxx.
Ryder, Richard E., xxx-xx-xxxx.
Sabata, William T., xxx-xx-xxxx.
Sakas, Edward L., xxx-xx-xxxx.
Sanders, Robert M., xxx-xx-xxxx.
Sansone, James A., xxx-xx-xxxx.
Sapp, Bernard B., II, xxx-xx-xxxx.
Satchell, Robert M., xxx-xx-xxxx.
Scales, Richard S., xxx-xx-xxxx.
Schlener, David P., xxx-xx-xxxx.
Schlesinger, James S., xxx-xx-xxxx.
Schmieder, Jay R., xxx-xx-xxxx.
Schnabel, Andrew G., xxx-xx-xxxx.
Schrader, Henry C., Jr., xxx-xx-xxxx.
Schrantz, John M., xxx-xx-xxxx.
Schroeder, Larry C., xxx-xx-xxxx.
Schrubbe, Gregory D., xxx-xx-xxxx.
Schwartzstein, Henry A., xxx-xx-xxxx.
Schwei, James P., xxx-xx-xxxx.
Scioletti, Daniel C., Jr., xxx-xx-xxxx.
Scott, John F., III, xxx-xx-xxxx.
Seaman, Richard N., xxx-xx-xxxx.
Seitz, Joe H., xxx-xx-xxxx.
Seletsky, Joseph P., xxx-xx-xxxx.
Sellick, Kim L., xxx-xx-xxxx.
Shadell, Michael J., xxx-xx-xxxx.
Sherfey, Lloyd W., xxx-xx-xxxx.
Shively, Robert G., xxx-xx-xxxx.
Shoemaker, Christopher C., xxx-xx-xxxx.
Shoemaker, John O., Jr., xxx-xx-xxxx.
Shoji, Dennis C., xxx-xx-xxxx.
Shuff, William T., Jr., xxx-xx-xxxx.
Singer, Harry J., xxx-xx-xxxx.
Sitler, David K., xxx-xx-xxxx.
Sivess, George P., xxx-xx-xxxx.
Smith, Ben M., xxx-xx-xxxx.
Smith, Bruce L., xxx-xx-xxxx.
Smith, Charles O., xxx-xx-xxxx.
Smith, David M., xxx-xx-xxxx.
Smith, Donald K., xxx-xx-xxxx.
Smith, Donald W., xxx-xx-xxxx.
Smith, Palmer F., xxx-xx-xxxx.
Smith, Randall K., xxx-xx-xxxx.
Smith, Thomas E., xxx-xx-xxxx.
Smoak, Andrew W., xxx-xx-xxxx.
Smyth, David T., xxx-xx-xxxx.
Snyder, Robert J., xxx-xx-xxxx.
Socea, Larry S., xxx-xx-xxxx.
Spears, John A., Jr., xxx-xx-xxxx.
Speight, Thomas C., xxx-xx-xxxx.
Spiezia, John J., III, xxx-xx-xxxx.
Spivey, Hugh M., xxx-xx-xxxx.
Spohn, Edward A., III, xxx-xx-xxxx.
St. Germain, Robert P., xxx-xx-xxxx.
Steele, Danton G., II, xxx-xx-xxxx.
Stevenson, John G., xxx-xx-xxxx.
Stith, Michael R., xxx-xx-xxxx.
Stock, Gerald G., xxx-xx-xxxx.
Stockstill, Byron J., xxx-xx-xxxx.
Stone, William T., xxx-xx-xxxx.
Streeter, Douglas L., xxx-xx-xxxx.
Suermann, Thomas C., xxx-xx-xxxx.
Sundin, Eric M., xxx-xx-xxxx.
Sutter, Samuel J., Jr., xxx-xx-xxxx.
Swannack, Charles H., Jr., xxx-xx-xxxx.
Szczepanski, John C., xxx-xx-xxxx.
Taylor, Charles R., xxx-xx-xxxx.
Teesdale, Thomas J., xxx-xx-xxxx.
Tetu, William J., xxx-xx-xxxx.
Theaux, Thomas N., xxx-xx-xxxx.
Thomas, Joseph E., Jr., xxx-xx-xxxx.
Thomas, Stephen R., xxx-xx-xxxx.
Thomason, Terry E., xxx-xx-xxxx.
Thompson, Jerald L., xxx-xx-xxxx.
Thompson, Jerry W., xxx-xx-xxxx.
Threatt, Alan H., xxx-xx-xxxx.
Tighe, Terry M., xxx-xx-xxxx.
Timmers, Christopher B., xxx-xx-xxxx.
Tokarsky, Michael E., xxx-xx-xxxx.
Tomasulo, Robert M., xxx-xx-xxxx.
Tornehl, Walter T., xxx-xx-xxxx.
Trabue, William C., xxx-xx-xxxx.

Trowbridge, Ronald S., xxx-xx-xxxx
Tryon, William J., xxx-xx-xxxx
Turk, John W., Jr., xxx-xx-xxxx
Turner, Daniel L., xxx-xx-xxxx
Turner, Thomas W., xxx-xx-xxxx
Tyndall, Robert D., Jr., xxx-xx-xxxx
Vagt, Lee H., xxx-xx-xxxx
Van Buskirk, Ray M., xxx-xx-xxxx
Van Winkle, Hans A., xxx-xx-xxxx
Vandal, Steven O., xxx-xx-xxxx
Varnas, Lawrence J., xxx-xx-xxxx
Vaughan, Russell P., xxx-xx-xxxx
Vaughn, Stephen D., xxx-xx-xxxx
Villecco, John A., xxx-xx-xxxx
Visinski, Joseph R., xxx-xx-xxxx
Vlk, Ronald G., xxx-xx-xxxx
Vonseggern, Keith V., xxx-xx-xxxx
Waddington, Paul A., xxx-xx-xxxx
Wade, Robert R. G., xxx-xx-xxxx
Wagner, Douglas C., xxx-xx-xxxx
Wake, Carl K., xxx-xx-xxxx
Waldhaus, Joseph J., xxx-xx-xxxx
Walker, Walton H., II, xxx-xx-xxxx
Wall, Hubert B., Jr., xxx-xx-xxxx
Walter, James A., xxx-xx-xxxx
Walters, James R., xxx-xx-xxxx
Wamsted, Michael L., xxx-xx-xxxx
Watkins, Howard E., xxx-xx-xxxx
Watkins, Paul B., xxx-xx-xxxx
Watson, Thomas R., Jr., xxx-xx-xxxx
Watts, Wayland M., III, xxx-xx-xxxx
Weddle, Peter D., xxx-xx-xxxx
Weidner, Glenn R., xxx-xx-xxxx
Weiman, Mark M., xxx-xx-xxxx
Weinstock, Jeffrey B., xxx-xx-xxxx
Weiss, Robert D., xxx-xx-xxxx
Weldon, Claude M., xxx-xx-xxxx
Wenick, Louis M., xxx-xx-xxxx
Wenker, Dennis A., xxx-xx-xxxx
Wenzloff, Gregory R., xxx-xx-xxxx
Werner, Robert J., xxx-xx-xxxx
Werthmuller, Roy W. F., Jr., xxx-xx-xxxx
West, James L., xxx-xx-xxxx
West, William F., xxx-xx-xxxx
Wharton, Phillip L., xxx-xx-xxxx
White, Stephen J., xxx-xx-xxxx
Wielkoszewski, Arthur R. P., xxx-xx-xxxx
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Wilcox, Stephen F., xxx-xx-xxxx
Williams, Charles H., Jr., xxx-xx-xxxx
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Williams, Richard A., xxx-xx-xxxx
Wilson, Charles B., xxx-xx-xxxx
Wing, John K., xxx-xx-xxxx
Witschonke, Ross P., xxx-xx-xxxx
Wood, Steven F., xxx-xx-xxxx
Worthington, Glen D., xxx-xx-xxxx
Worthington, Robert G., xxx-xx-xxxx
Wray, Timothy A., xxx-xx-xxxx
Wright, Gary A., xxx-xx-xxxx
Wright, Steven J., xxx-xx-xxxx
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Wyman, Francis L., xxx-xx-xxxx
Wynn, Donald T., xxx-xx-xxxx
Wyrick, Kenneth L., xxx-xx-xxxx
Yakovac, Joseph L., Jr., xxx-xx-xxxx
Young, Odos G., xxx-xx-xxxx
Yrazabal, Mark A., xxx-xx-xxxx
Zimmerman, Richard E., xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerman, Kenneth W., xxx-xx-xxxx
Allan, Edward G., xxx-xx-xxxx
Amy, William T., xxx-xx-xxxx
Anderson, William E., Jr., xxx-xx-xxxx
Andrew, James D., xxx-xx-xxxx
Antosh, Raymond H., xxx-xx-xxxx
Armitage, Robert J., xxx-xx-xxxx
Arnold, Mark W., xxx-xx-xxxx
Arnold, Norman E., II, xxx-xx-xxxx
Bailey Paul T., xxx-xx-xxxx
Baker, Richard A., xxx-xx-xxxx
Beeson, Terry D., xxx-xx-xxxx
Berke, Ralph L., Jr., xxx-xx-xxxx
Boulware, Frederick D., II, xxx-xx-xxxx
Bounds, Paul S., xxx-xx-xxxx
Bowe, Thomas G., xxx-xx-xxxx
Bradsher, John R., xxx-xx-xxxx
Brooks, Elmer T., xxx-xx-xxxx
Buck, Wayne M., xxx-xx-xxxx
Burton, Daniel B., xxx-xx-xxxx
Carder, Stephen F., xxx-xx-xxxx
Carter, William J., xxx-xx-xxxx
Chamberlain, Jason A., xxx-xx-xxxx
Chamberlain, Royal L., xxx-xx-xxxx
Charkowick, Frank, Jr., xxx-xx-xxxx
Christensen, Michael, xxx-xx-xxxx
Ciriello, Richard J., xxx-xx-xxxx
Colburn, Duel O., xxx-xx-xxxx
Conley, Stafford G., xxx-xx-xxxx
Conner, Larry J., xxx-xx-xxxx
Coroso, Louis F., Jr., xxx-xx-xxxx
Cosnahan, Robert F., Jr., xxx-xx-xxxx
Crow, Douglas L., xxx-xx-xxxx
Dale, Michael C., xxx-xx-xxxx
Danekas, Steven D., xxx-xx-xxxx
Davis, Thomas W., xxx-xx-xxxx
De Angelo, Walter A., xxx-xx-xxxx
Dean, Richard L., xxx-xx-xxxx
Deas, Alfred, Jr., xxx-xx-xxxx
Decamp, James A., xxx-xx-xxxx
Dibbert, Bernard W., Jr., XXXX
Driggers, Donald P., xxx-xx-xxxx
Duhon, Howard R., xxx-xx-xxxx
Dupre, Marcy M., IV, xxx-xx-xxxx
Egan, Edward P., III, xxx-xx-xxxx
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Ellis, Steven M., xxx-xx-xxxx
Epstein, William H., xxx-xx-xxxx
Ettinger, Dean D., xxx-xx-xxxx
Everett, Michael W., xxx-xx-xxxx
Faint, Donald R., xxx-xx-xxxx
Farke, Gregg A., xxx-xx-xxxx
Firster, John G., xxx-xx-xxxx
Fischetti, John R., xxx-xx-xxxx
Flowers, Walter E., xxx-xx-xxxx
Frutchey, William C., xxx-xx-xxxx
Gerdes, Karl F., xxx-xx-xxxx
Gibbons, Richard S., xxx-xx-xxxx
Gieseman, Gary L., xxx-xx-xxxx
Gonzalez, Jose M., xxx-xx-xxxx
Grasser, William J., xxx-xx-xxxx
Gulliams, Dennis P., xxx-xx-xxxx
Haralson, Michael A., xxx-xx-xxxx
Hardaker, Paul R., xxx-xx-xxxx
Hately, Robert R., xxx-xx-xxxx
Helton, Howard L., xxx-xx-xxxx
Herald, David A., xxx-xx-xxxx
Hobson, Dana E., Jr., xxx-xx-xxxx
Hogan, George W., Jr., xxx-xx-xxxx
Holland, Ronald M., xxx-xx-xxxx
Hoover, David R., xxx-xx-xxxx
Howard, Thomas D., Jr., xxx-xx-xxxx
Huckabee, Robert G., xxx-xx-xxxx
Hurley, James P., xxx-xx-xxxx
Johnson, Alan J., Jr., xxx-xx-xxxx
Johnson, James N., xxx-xx-xxxx
Jones, Porter, xxx-xx-xxxx
Joyner, Spencer A., Jr., xxx-xx-xxxx
Keckeisen, George L., Jr., xxx-xx-xxxx
Kimball, Steven L., xxx-xx-xxxx
Kreizenbeck, Randy J., xxx-xx-xxxx
Lamb, Lafayette J., xxx-xx-xxxx
Landergren, Donald K., xxx-xx-xxxx
Little, Thomas W., xxx-xx-xxxx
Loria, Bruce R., xxx-xx-xxxx
Loving, Harry G., Jr., xxx-xx-xxxx
Lyon, David M., xxx-xx-xxxx
Maag, Edward T., xxx-xx-xxxx
Maddox, Coburn S., xxx-xx-xxxx
Manatt, James C., Jr., xxx-xx-xxxx
Mandeville, John A., xxx-xx-xxxx
Matthews, James A., xxx-xx-xxxx
Mayeux, David F., xxx-xx-xxxx
McDaniel, Joseph W., Jr., xxx-xx-xxxx
McGuire, Michael L., xxx-xx-xxxx
McNamara, George T., xxx-xx-xxxx
McSwain, Michael R., xxx-xx-xxxx
Measley, Wilbur T., III, xxx-xx-xxxx
Melton, Terry L., xxx-xx-xxxx
Mettala, Erik G., xxx-xx-xxxx
Milligan, Ted G., xxx-xx-xxxx
Minarik, Peter, xxx-xx-xxxx
Mishko, John B., xxx-xx-xxxx
Mlynarski, John T., xxx-xx-xxxx
Moody, Gary W., xxx-xx-xxxx
Mosby, Charles L., Jr., xxx-xx-xxxx
Moser, Stephen H., xxx-xx-xxxx
Mouldin, Richard B., xxx-xx-xxxx
Moulton, Robert B., Jr., xxx-xx-xxxx
Murray, Alan L., xxx-xx-xxxx
Nagy, Robert S., xxx-xx-xxxx
Nizolek, Raymond R., xxx-xx-xxxx
Norman, Jack E., Jr., xxx-xx-xxxx
Oliva, Pablo S., xxx-xx-xxxx
Ortelli, Wayne E., xxx-xx-xxxx
Overton, Davis C., xxx-xx-xxxx
Paeth, Gale A., xxx-xx-xxxx
Palmer, Jacob A., III, xxx-xx-xxxx
Pearson, Ronald G., xxx-xx-xxxx
Pengitore, Francis C., xxx-xx-xxxx
Pickler, Harold T., xxx-xx-xxxx
Powe, Stephen F., xxx-xx-xxxx
Powell, Denny W., xxx-xx-xxxx
Price, Stephen C., xxx-xx-xxxx
Purdy, David W., xxx-xx-xxxx
Putnam, James A., xxx-xx-xxxx
Pylant, David B., xxx-xx-xxxx
Race, John C., Jr., xxx-xx-xxxx
Ramos, Jose E., xxx-xx-xxxx
Reynard, Dana F., xxx-xx-xxxx
Roberts, Arthur J., xxx-xx-xxxx
Ruyak, Robert F., Jr., xxx-xx-xxxx
Schaeper, Dwight D., xxx-xx-xxxx
Schnieders, Daniel J., xxx-xx-xxxx
Scott, Paul R., xxx-xx-xxxx
Shewmaker, Stephen M., xxx-xx-xxxx
Smith, Alan W., xxx-xx-xxxx
Somers, Bruce W., xxx-xx-xxxx
Sommese, Dennis A., xxx-xx-xxxx
Stamy, Spencer A., xxx-xx-xxxx
Stehm, Thomas W., xxx-xx-xxxx
Stein, Robert D., xxx-xx-xxxx
Studnicka, Donald F., xxx-xx-xxxx
Thompson, Charles B., xxx-xx-xxxx
Thurber, Richard J., xxx-xx-xxxx
Tierney, Thomas F., xxx-xx-xxxx
Tipton, James M., xxx-xx-xxxx
Toone, Steven B., xxx-xx-xxxx
Touchet, Neil H., xxx-xx-xxxx
Trice, Lafayette, Jr., xxx-xx-xxxx
Vaughan, David H., xxx-xx-xxxx
Wallace, Thomas R., xxx-xx-xxxx
Wells, Burnie D., xxx-xx-xxxx
Williams, Hilary M., III, xxx-xx-xxxx
Williamson, Herbert A., xxx-xx-xxxx
Woolfolk Clyde R., Jr., xxx-xx-xxxx
Wright, Jerome T., xxx-xx-xxxx
Wuenker, Richard A., xxx-xx-xxxx
Zorn, Howard H., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Acuff, Ronald D., xxx-xx-xxxx
Ada, Thomas C., xxx-xx-xxxx
Adamo, Jeffrey W., xxx-xx-xxxx
Anderson, John A., xxx-xx-xxxx
Anthony, Patrick J., xxx-xx-xxxx
Arlinghaus, Bruce E., xxx-xx-xxxx
Arntz, Stephen J., xxx-xx-xxxx
Ashley, Richard W., xxx-xx-xxxx
Auflick, George R., xxx-xx-xxxx
Ayers, Charles M., xxx-xx-xxxx
Bacher, James W., xxx-xx-xxxx
Baker, Edwin Wesley, xxx-xx-xxxx
Barb, Paul F., Jr., xxx-xx-xxxx
Barron, Michael J., xxx-xx-xxxx
Bell, Leo, Jr., xxx-xx-xxxx
Bennett, Ronald L., xxx-xx-xxxx
Bernardo, Jack M., xxx-xx-xxxx
Bickel, Carl W., xxx-xx-xxxx
Blaschke, Joseph D., xxx-xx-xxxx
Bort, Roger E., xxx-xx-xxxx
Bover, William J., xxx-xx-xxxx
Box, Alan G., xxx-xx-xxxx
Brooks, James, xxx-xx-xxxx
Brownell, Alan C. D., xxx-xx-xxxx
Buckles, Tony J., xxx-xx-xxxx
Burns, Johnny L., xxx-xx-xxxx
Butler, James L., xxx-xx-xxxx
Butler, John P., xxx-xx-xxxx
Caldwell, Joe R., Jr., xxx-xx-xxxx
Campbell, Clark P., xxx-xx-xxxx
Cirillo, Roger, xxx-xx-xxxx
Clark, Michael D., xxx-xx-xxxx
Corbin, Robert P., xxx-xx-xxxx
Corr, Brian A., xxx-xx-xxxx
Craig, Joseph M., xxx-xx-xxxx

Creel, Buckner M., IV, xxx-xx-xxxx
Cunningham, Harry V., xxx-xx-xxxx
D'Agostino, Michael F., xxx-xx-xxxx
Dandrea, Thomas J., xxx-xx-xxxx
Dellaganna, George A., xxx-xx-xxxx
Dennett, Michael R., xxx-xx-xxxx
Dickey, Horace W., xxx-xx-xxxx
Dickson, John R., Jr., xxx-xx-xxxx
Didio, John S., xxx-xx-xxxx
Diggs, Isaacs W., xxx-xx-xxxx
Dikeman, Lawrence B., xxx-xx-xxxx
Dreher, Lawrence J., xxx-xx-xxxx
Dressel, Walter R., Jr., xxx-xx-xxxx
Dube, Timothy J., xxx-xx-xxxx
Duncan, Charles A., xxx-xx-xxxx
Dunn, Royce N., xxx-xx-xxxx
Dutton, Frederick L., xxx-xx-xxxx
Elliott, Clifford, xxx-xx-xxxx
Eng, David G. F., xxx-xx-xxxx
Fawcett, John S., xxx-xx-xxxx
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Wyand Michael W., xxx-xx-xxxx
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Yuen Raymond K., xxx-xx-xxxx

## Executive nominations received by the Senate April 14, 1971:

### U.S. District Courts

Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia, vice Edward M. Curran, retired.

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana, vice a new position created by Public Law 91–272, approved June 2, 1970.

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana, vice a new position created by Public Law 91–272, approved June 2, 1970.

Murray I. Gurfein, of New York, to be a U.S. district judge for the southern district of New York, vice Thomas F. Murphy, retired.

### Department of the Interior

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, vice Leslie Lloyd Glasgow; resigned.

### Department of Commerce

William N. Letson, of Ohio, to be General Counsel of the Department of Commerce, vice James T. Lynn.

### Department of Transportation

John W. Ingram of Illinois, to be Administrator of the Federal Railroad Administration, vice Reginald Norman Whitman; resigned.

### Interstate Commerce Commission

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the terms of 7 years expiring December 31, 1977; reappointment.

Dale Wayne Hardin. of Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977, vice Laurence Walrath; term expired.

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972, vice Dale Wayne Hardin.

### U.S. Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Cassidy, xxx-... xxx-xx-x..., U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Edmonston Coffin, xxx-... xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).

### U.S. Navy

Vice Adm. Isaac C. Kidd, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title X, United States Code, section 5231, for appointment to the grade of admiral while so serving.

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## CONFIRMATIONS

Executive nominations confirmed by the Senate April 14, 1971:

### Department of Labor

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor, effective in accordance with the provisions of law.

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor.

### Occupational Safety and Health Review Commission

The following-named persons to be members of the Occupational Safety and Health Review Commission for the terms indicated, effective in accordance with the provisions of law:

For a term of 2 years: Alan F. Burch, of Maryland.

For a term of 4 years: James F. Van Namee, of Pennsylvania.

For a term of 6 years: Robert D. Moran, of Massachusetts.