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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Tuesday, April 20, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Reverend Samuel L. Gandy, dean, School of Religion, Howard University, Washington, D.C., offered the following prayer:

We gather this day, our Father, as citizens and statesmen who are believers in a free society, and who seek day in and day out within this historic Chamber to devote ourselves to the basic goals of democratic faith and function.

We gather afresh this day to further the living documents of a free society by sustaining within ourselves an honest and rigorous exercise of mind and spirit. We cherish the privilege which is ours to move always in the direction of justice and along the pathway of freedom, to the end that the endowment of human life, under Thee, shall hold priority in all our deliberations.

We beseech Thee, our Father, so to strengthen us that our courage shall transcend our faintheartedness; and that the inevitable debates on vital issues may be vigorous as we differ and far from folly to dicker.

May our institutions honor Thee by their clarion call to liberty and equality and the love of humanity, keeping us ever mindful of so glorious a heritage and ever loyal to so precious a promise: O, Thou, who art the Lord of life and the source of our strength. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 19, 1971, be dispensed with.

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

Mr. MANSFIELD. Mr. President, unless the acting minority leader has something to say, I should like to be recognized at an appropriate time.

The ACTING PRESIDENT pro tempore. Does the majority leader seek recognition under the standing order, or does the Senator from Montana wish to be recognized under the order of yesterday?

Mr. MANSFIELD. Under the order of yesterday.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

"FRAGGING" IN VIETNAM

Mr. MANSFIELD. Mr. President, 1 week ago yesterday, a young constituent of my distinguished colleague (Mr. METCALF) and myself, an Army first lieutenant, was to have ended his tour of duty in Vietnam. He was a West Point graduate, an honor student in high school, a National Merit Scholarship semifinalist, president of his student council and of his CYO chapter, and a three-sport letterman. He graduated from the Military Academy near the top of his class, served on the honor committee, and, following graduation, completed a course in Ranger training. In every respect, this young Montanan had every right and every reason to live. Like many other young men today, he volunteered for service in Southeast Asia to carry on a war, not of his making or choice, but prosecuted pursuant to policies formed and implemented here in Washington.

On March 15, just 4 weeks before his tour was to end, this young Montanan was killed. He was not a victim of combat. He was not a casualty of a helicopter crash or a jeep accident. In the early morning hours of March 15, the first lieutenant from Montana was "fragged" to death as he lay sleeping in his billet at Bien Hoa. He was murdered by a fellow serviceman, an American GI. "Fragging" so I have been advised by the Secretary of the Army, refers to the use of a fragmentation grenade in other than a combat situation by one person against another to kill or do bodily harm. While I carry on my person at all times the death and casualty figures arising out of this tragic war, none reflect expressly the killing and maiming that are caused by "fragging"—by the act of one American serviceman, who, for whatever reason, unleashes a grenade against a fellow American serviceman. It is a grim statistic of this war that I shall not lose sight of.

The questions that arise from such actions are profound, indeed. What failure of order within our Armed Forces, may I ask first of all, has produced the kind of atmosphere that resulted last year alone in 209 "fraggings"—murders of one GI by another with weapons that are supposed to be used only against the Vietnamese enemy? Even more important: What has caused this rather widespread and total disregard for human life and limb among our American soldiers? And what can be done about it? Surely, a soldier's access to weapons can be curtailed while he is not in a combat area. That such is necessary is an unfortunate side effect of this war. The Army has found this alternative necessary. It is being practiced now in Vietnam. But even confiscation of a soldier's weapons when not in combat does not reach the real problem. The atmosphere that drives an American GI to kill his fellow GI or superior is the real problem. I feel deeply, however, that the only solution is the total dissolution of our involvement in Indochina. "Fragging", I fear is just another outgrowth of this mistaken and tragic conflict.

Right now, my thoughts and deepest sympathy go out to a young widow and to a family back in Montana. Nothing can rectify their loss, or the Nation's. How inadequate it is to say we hope his assassin is apprehended, convicted, and receives just punishment for this craven act of violence. I have great faith in the system of military justice, but justice is very little compensation to the loved ones he leaves behind.

Mr. President, I am in receipt of a letter from the mother of this young Montanan in which she, in part, has the following to say:

> The reason for this letter is to ask your help in working for a volunteer army. Several weeks ago, he (her son) told me he did not think anyone should be forced to serve in our armed forces; and if what we read in the paper is true, I will have to agree with him.

I, too, agree with that sentiment. I think I should say that I am a cosponsor of the bill which seeks to create a volunteer army, based on the recommendations of the Gates Commission and the President. In that respect I have joined with Senator HATFIELD and other Senators, including the distinguished Senator from Arizona (Mr. GOLDWATER), to try to achieve this end.

I also received a copy of a letter which

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her son had written to her. It is a most eloquent letter but I shall not read it to the Senate because I consider it as confidential. Her closing sentence contains the expression, "May God have mercy." I can think of no better expression at this time; nor one more appropriate to this entire matter.

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

Mr. MANSFIELD. I yield.

Mr. METCALF. I thank the majority leader for yielding.

This young Montanan, this soldier, was one of my nominees to West Point. Looking back over the file, he was anxious to serve his country. Some of the phrases from his letter of application to be appointed to West Point are most eloquent indicating that he desired to be a career soldier for the United States of America.

In addition to the achievements that the majority leader has outlined, this man was active in church activities. He was president of his church group. All during the time he was in high school, he was a class officer, and he finished his career in high school as president of the student body. He was popular among his classmates. When he went to West Point, he again attained popularity among his classmates. Here was a young man of outstanding ability, and at the same time an ability to get along with people.

He was a talented musician, a boy who, had he been permitted to come back to Montana on April 12, would have achieved an eminent career and would have been an outstanding citizen of this country.

Yet, in a senseless and insane moment, he was killed by a haphazard and random demonstration of an enlisted man who threw a hand grenade into an officers' barracks. I am certain, from going over the record and over his attainments and his achievements as an officer, that the hand grenade was not directed at this young man. It was just an insane and senseless gesture on the part of some young enlisted man who resented the activities of the officers who were in his command. This young Montanan was an outstanding officer, one of the finest officers of his grade and rank in the Army.

I concur with my eminent colleague from Montana that the death of this boy is attributable to all of us. This insane and senseless action of one soldier in Vietnam is just a part of an insane and senseless war that should be brought to an end immediately. It is a cancer that is growing in the heart of America, and activities such as 209 fraggings are only symptoms of what is going to continue if we do not get out of our involvement in Southeast Asia.

My heart goes out to the parents and to the wife of this very talented and able young man. We in the United States have lost the abilities of a fine, patriotic boy, but we are losing more than that in continuing this crazy action in Vietnam. We are losing the confidence of the American people. We are going to have a continuation of the involvement of these symptoms of senseless activity because we are perpetuating and continuing a senseless war.

So, all I can say to the family of this fine boy is that they have my heartfelt sympathy. He died just as surely for his country had he died in a helicopter crash or receiving gunfire from the Vietcong.

I say to my colleagues in the Senate: Let this be the beginning of the end of our involvement in Southeast Asia so that these things will not occur again.

Mr. MANSFIELD. Mr. President, I thank my distinguished colleague. I join wholeheartedly in his sentiments.

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

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

Mr. MATHIAS. I thank the distinguished majority leader for yielding. I take these few moments to join him and his colleague, Mr. METCALF, in expressing my very deep, personal sympathy to the family of this young officer who has died so tragically, and also to the families of all the other servicemen who have died in similar incidents in Vietnam—all too many of them.

Mr. President, I would suggest that today the distinguished majority leader has, in a sense, made history because, for the first time to my knowledge, he has surfaced the word "fragging" on the Senate floor.

In every war a new vocabulary springs up. They are often words that are happy, words that are fun. I remember during World War II that "qidunk" became the word for ice cream and "gizmo" became the universal word for any kind of new gadget we did not quite understand. But in all the lexicon of war there has never been a more tragic word than "fragging."

I asked one of the judges on the Court of Military Appeals recently if he knew what "fragging" meant, and he said that he did not, and so I told him that it was "to kill or injure a military superior by the use of a fragmentation grenade." He said, "No, I did not know the word, but unhappily we all know about the act because these cases are coming through the military court system in great numbers."

In all the lexicon of war there is not a more tragic word than "fragging" with all that it implies of total failure of discipline and the depression of morale, the complete sense of frustration and confusion, and the loss of goals and hope itself. I join the distinguished majority leader in his resolve and determination to see this evil, and all the other evils that blight the spirit of man that have sprung from the miasmic swamps and bogs of Vietnam, be terminated with an end to this tragic war.

Mr. MANSFIELD. Mr. President, I thank the distinguished acting minority leader. So many things have arisen out of Vietnam that bode ill for the American people and have from the very beginning—"fragging," corruption, drugs, disease, casualties—now well beyond the 350,000 mark; not to mention the loss of treasure, which could be better spent in facing up to the problems of our people at home.

An ill-starred adventure if ever there has been one—a most tragic and mistaken war. So many good, young men losing their lives, lives which could have been a credit to their Nation for years and decades to come, lives which we can ill afford to lose, and capabilities and careers which would have done much to help map out the future of this country and help it to continue to be the great Nation it should be and will be—God willing—with the passage of time.

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

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

Mr. HUGHES. I want to commend the distinguished majority leader on his statement. If I heard correctly, he said that in the past year, according to the Pentagon, there have been 209 of these incidents.

Mr. MANSFIELD. 209, for calendar year, 1970.

Mr. HUGHES. And those that are recorded, I would presume, are basically domiciliary type incidents, rather than on the battlefield.

Mr. MANSFIELD. That is right.

Mr. HUGHES. So, in effect, we have no real knowledge, probably, of what the total number of these so-called incidents of assassination might be, if they did take place in battle?

Mr. MANSFIELD. The Senator is correct.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time of the distinguished majority leader has expired.

Under the order previously entered, the distinguished Senator from New York (Mr. BUCKLEY) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. BUCKLEY when he introduced S. 1577 and the ensuing debate are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Iowa (Mr. HUGHES) is recognized for not to exceed 15 minutes.

DRUG ABUSE IN THE MILITARY

Mr. HUGHES. Mr. President, inasmuch as the distinguished majority leader was speaking of "fragging" in South Vietnam, I would like to continue in that context for just a few minutes before I begin with the statement I prepared for this period.

As I listened to the distinguished majority leader this morning note the 209 reported incidents of last year in Vietnam, and later we developed in colloquy the fact that this figure undoubtedly did not include any of those incidents which may have taken place under actual combat conditions or conditions where combat troops were other than outer perimeter or central defensive troops, the thought occurred to me that in the study I am presenting this morn-

ing on drug dependence and drug use in the military we will see the causes behind many of those incidents of fragging or assassinations of American officers by others in the military, regardless of the circumstances.

Mr. President, I herewith transmit to the Senate a comprehensive report on drug abuse in the Armed Forces prepared by the staff of the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare. I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks as exhibit 2.

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

(See exhibit 2.)

Mr. HUGHES. Mr. President, this report is the result of an extended study by the subcommittee which began a year ago with the approval of the distinguished chairman of the Committee on Armed Services, Senator JOHN STENNIS, and the distinguished ranking minority member of that committee, Senator MARGARET CHASE SMITH.

The report does not purport to be an indepth analysis and investigation of this very large and complicated subject field. It is, rather, an inclusive, preliminary, base-level survey. Its tone is dispassionate and objective, reflecting a conscientious, bipartisan effort on the part of the staff. It represents, I believe, a valuable and necessary first step in realistically facing a very large and compelling national problem.

I believe no one can read this report, low keyed as it is, without feeling the urgency, the magnitude, the pervasiveness, and the peril of the infiltration of our Armed Forces by the drug epidemic prevalent throughout our civilian society.

The report will be used primarily as a working tool in discussions with the appropriate military authorities to identify those actions which can be taken under existing administrative framework and those that may require legislation for achieving solutions. The primary intent of the subcommittee from the beginning has been to explore a serious problem and to help find effective remedies for it, not to sensationalize the subject matter or to try to affix blame. Our approach is from the health standpoint, rather than from the law enforcement standpoint, although in some respects the two approaches overlap somewhat.

Mr. President, in all fairness, it must be recognized that the sudden explosion of the drug epidemic in our armed services, as in our civilian society, was not foreseen. The Armed Forces were understandably not equipped to handle it. The principal business of an army is to fight, not to treat and rehabilitate drug addicts. Yet, the problem is upon us and the Armed Forces, like the rest of our society, must face it realistically. And here we are talking about a matter that has a profound bearing on our national security as well as on the health of the personnel involved and the well-being of the civilian society to which they will eventually return.

The dilemma our military leadership faces is the same dilemma that confounds the civilian sector of American society. That dilemma flows from a conflict between laws based on traditional moralistic attitudes and, on the other hand, a very real American desire to aid the afflicted. Boiled down to its simplest terms, that dilemma is this: Shall the person who abuses drugs be treated punitively or as someone who needs help?

In a limited attempt to resolve that question, the Defense Department last October authorized the military services to establish amnesty programs on a trial basis. Essentially, this policy permits the individual services to offer treatment without punishment to any drug user who asks for it.

So far, only the Army and the Air Force have adopted implementing policies. Neither is consistent with the other. Indeed, as the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) has pointed out, the Army policy permits a unit commander to determine in the final analysis whether to execute the policy. The Air Force policy—much in the pattern of its policy toward alcoholics—seems to discourage those of its members on flying status or in sensitive positions from even volunteering for treatment.

Although 6 months have elapsed since the Defense Department amnesty policy was announced, the Navy and the Marine Corps have not yet implemented it. I understand that such a policy instruction in draft form, however, is working its way through the Pentagon mills.

My primary recommendation, therefore, is that the Defense Department should establish a comprehensive, integrated, and mandatory policy under which service members who are drug dependent or who are medically ill drug abusers are provided the same opportunity for treatment and rehabilitation as would be afforded to any military person who is ill.

Such a policy would include the following principles:

First. A member who is a medically ill drug abuser or a drug dependent person should be summarily discharged from the service only if he has refused to accept appropriate treatment as shall be offered by the service.

Second. A member who is identified as a drug dependent person or a medically ill drug abuser as a result of his arrest for a drug-related offense should be dealt with through normal military judicial or disciplinary processes. In determining how to handle an individual case, primary emphasis should be given to how best to treat and rehabilitate the individual. It may be useful, for example, to consider postponement of the trial or disciplinary proceeding, suspension of sentence, or other devices commonly used in civilian courts in order to effect rehabilitation.

Third. A member with drug abuse or drug dependence problems should be encouraged to seek medical or other assistance and, when he does so, should not be subject to disciplinary or other punitive action—administrative or otherwise—based on information he has given in seeking or receiving such assistance. The military does not now recognize confidentiality in the doctor-patient relationship. Under this recommendation, absolute confidentiality would be preserved unless competent medical authority determines that the patient is a danger to himself or others; however, no information divulged by the patient in confidence should be admitted into evidence in disciplinary proceedings against him without his consent.

Fourth. A member who seeks such assistance should be offered every opportunity to be restored to useful military service with the Armed Forces. This contemplates that such persons may be offered temporary sick leave or given tasks they are capable of performing while undergoing treatment and rehabilitation.

Fifth. When security clearance, flying status, or other classification affecting job position or pay is withdrawn from a member who sought assistance as a drug dependent person or as a medically ill drug abuser, it should be reinstated within 6 months after his treatment has been completed unless he fails during this period to perform at the level at which he was performing prior to his request for treatment.

Sixth. A member who has sought or accepted treatment and rehabilitation should be separated only when such treatment and rehabilitation has repeatedly failed and competent medical authority has determined that he cannot be restored to useful military service.

These, Mr. President, are some recommendations I would make in the treatment and rehabilitation area. But there are other problem areas demanding attention if we are to prevent present and future generations of military personnel from abusing drugs and if we are to bring into treatment programs those who already have drug problems no matter where they surface in the military system.

One finding in the staff report is that a significant proportion of drug users, including those on "hard" drugs, are being admitted to the service because of inadequate preinduction screening. In my opinion, the Armed Forces should not only give special priority to developing reliable methods of identfying actual and potential drug abusers at this point in the system; they should also create a mechanism whereby those rejected for military service because of drug problems are referred, with their consent, to civilian prevention and treatment facilities.

It is also clear from the report that the military's drug abuse prevention-education programs have failed to teach commanders to understand the causes of drug abuse among their troops or how to deal with it in other than a punitive way. These programs have also failed to motivate service personnel effectively against the use of drugs.

I recommend that the Armed Forces—in consultation with the Office of Education, the National Institute of Mental

Health, the Bureau of Narcotics and Dangerous Drugs, and outside experts—carry out a massive upgrading of its present prevention and educational efforts with the objectives I have outlined in mind.

These efforts should present factual information in an unbiased way, encourage individual discussion and participation, and include discussions both of alcohol and alcoholism together with nonchemical alternatives to drug use and abuse. It is extremely important that these efforts reach every level of the military structure—commanders as well as troops.

In some segments of the Armed Forces, special traveling drug abuse teams with expertise in effective educational techniques and with knowledge of the legal, medical, and social ramifications of drug use and abuse are already being used effectively. These teams should be given additional support, and this program should be expanded.

Perhaps most importantly in the prevention area, the Armed Forces should give greater attention to providing more recreation, entertainment, physical activity and meaningful work in order to abate those conditions—particularly boredom and "make work" jobs—which appear to be conducive to drug abuse.

This need is already apparent among our troops in Germany, and it is becoming increasingly apparent in Southeast Asia where many towns are off limits, our troops have less to do, and a vast assortment of potent drugs—marihuana, virtually pure heroin, stimulants, and depressants—are readily and inexpensively available.

In the training area, two categories of military personnel demand special attention. One group, as I have indicated, includes those involved in screening candidates for induction into the Armed Forces. The other group includes those who are involved in day-to-day interpersonal dealings with drug abuse problems—unit commanders, noncommissioned officers, chaplains, medical and social workers, law enforcement personnel, and the like. Both of these groups require specialized training not only in detecting actual and potential drug abusers but, more importantly, in dealing effectively and humanely with the consequences of their abuse.

As for those drug-dependent individuals or medically ill drug abusers who are separated from service for those reasons, I propose that they be granted a nonpunitive discharge and be afforded the same opportunities for treatment and rehabilitation afforded all persons discharged as physically or mentally disabled. Their drug-related actions should not be regarded as the result of intentional misconduct or willful neglect. In this connection, the Veterans' Administration should give priority to increasing its capacity to care for drug-dependent persons or medically ill drug abusers.

These are the highlights of my own recommendations. I have a more detailed list, and I ask unanimous consent that this list be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HUGHES. Mr. President, the drug epidemic has reached a point that is no longer acceptable in our civilian society. It is even more unacceptable in the armed services entrusted with the defense of our country.

As the report shows, the subcommittee staff did not find factual evidence that would establish drug usage as a significant factor in actual combat. In Vietnam, commanders told the staff that, because of the personal danger involved, there was far less smoking of marihuana in combat areas than in rear support areas. Yet, some studies indicate a positive correlation between marihuana usage and combat exposure. In any event, one cannot believe there is anything less than immense danger in the use of dangerous drugs in a war theater, as we have heard stated on the floor of the Senate today.

After all, this is a guerrilla war, a war of infiltration in which the ambush and the booby trap figure largely. A lapse of vigilance or judgment could easily mean the loss of life—even in rear support areas.

We know the relationship between violence and drug addiction here at home. While no reliable studies on the relation of drug abuse and violence in battle areas are available, there is ample reason to believe there is a close tie.

While we have no hard evidence that drug abuse contributed to such incidents as My Lai, there is that possibility.

Press reports carry stories, one of which has been eloquently presented here this morning, of widespread "fragging" in Vietnam—the assassination of American officers by our own troops in the field. If a man will go to the extent of rolling a fragmentation bomb under the flap of an officer's tent, it is reasonable to suspect that drugs may and probably do figure in the story in some way.

Finally, we have the hideous picture before us of men, inured to violence and addicted to drugs, returning to civilian society from the war area compelled to use the skills of violence they have learned as soldiers in criminals acts here at home in order to support their habit.

Mr. President, I believe it is imperative that strong measures be taken to stem the rapidly growing drug epidemic in our armed services. I believe the Armed Forces are in a unique position to move out on this and to assert national leadership in the drug abuse prevention, control, treatment, and rehabilitation field. I feel confident that we in Congress will give them our full support in these endeavors. It is my hope that the public release today of this staff report will encourage those in the highest positions of our military leadership to accept the challenge, will encourage those of us in the Congress of the United States to support the military leadership in the initiation of programs that are absolutely essential to the military of this country, and will encourage us to take those actions legislatively that can undergird and support, so that we can begin to alleviate the great dangers from these problems.

Mr. President, there are many ways in which we can begin. Just a few weeks ago, for example, I had the opportunity to stop by the Glasgow Air Force Base in Montana, where there are excellent facilities for long-term usage, fully and completely built, with excellent hospital facilities already existing, yet standing idle. We are talking about the need for long-range rehabilitation and treatment, and for feeding back into our society those men who are the responsibility of our society, and have served our country in combat. Certainly, at this critical time, we must not be said to lack the initiative to accept the challenge or the innovative ability to adopt the programs that can begin to resolve these issues.

EXHIBIT 1

IDENTIFICATION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS

The Armed Forces should give special priority to developing reliable methods of identifying drug abusers and potential drug abusers at the Armed Forces Examining and Entrance Stations and elsewhere in the military system.

The General Accounting Office (GAO) should be asked to undertake a study to determine whether entrance examinations can and should be made more effective in screening out drug abusers and those who are prone to drug abuse. Such a study should include an analysis of the techniques which can be used to screen such individuals, a cost-benefit analysis of such techniques, and recommendations of those techniques which can and should be used by the Armed Forces.

Individuals who are rejected for service in the Armed Forces because of drug abuse or drug dependence should, with their consent, be referred to appropriate civilian prevention and treatment facilities. This would apply to candidates for induction as well as to in-service personnel.

The Armed Forces should establish a system for evaluating the performance of each AFEES station in screening out drug abusers. Such a system should seek to identify those AFEES stations where significant numbers of individuals have been admitted to service with undetected drug abuse and drug dependence problems which subsequently interfere with their military performance.

PREVENTION

The Armed Forces, in consultation with the Office of Education, the National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, and outside experts, should carry out a massive upgrading of its present efforts toward preventing and educating against drug abuse and drug dependence. These efforts should present factual information in an unbiased way, encourage individual discussion and participation, include discussions of alcohol abuse and alcoholism, and include discussions of non-chemical alternatives to drug use and abuse. It is extremely important that these efforts be tailored to and reach each level of the military structure.

Special traveling drug abuse teams with expertise in effective educational techniques and a knowledge of legal, medical and social ramifications of drug use and abuse are being used effectively in some segments of the Armed Forces. Adidtional support should be given to these teams, and this program should be expanded.

The Armed Forces should give greater attention to providing more recreation, entertainment, physical activity and meaningful work in order to abate those conditions,

particularly boredom and "make work" jobs, which appear to be conducive to drug abuse.

An intensive evaluation of all prevention efforts in this area should be carried out to insure their effectiveness.

TRAINING

Specialized information and training in the recognition of drug abuse and drug dependence should be provided to personnel involved in screening candidates for induction into the Armed Forces.

Additional emphasis should be given to providing specialized information and training to personnel involved in dealing with drug abuse problems, including unit commanders, noncommissioned officers, chaplains, medical and social work personnel, law enforcement personnel and the like.

An intensive evaluation of all training efforts in this area should be carried out in order to insure their effectiveness.

TREATMENT AND REHABILITATION

A. The Defense Department should establish a comprehensive, integrated, and mandatory policy under which service members who are drug dependent or are medically ill drug abusers are provided with the same opportunities for treatment and rehabilitation as would be afforded to any military personnel who are ill. Such a policy should include the following principles:

1. A member who is a medically ill drug abuser or a drug dependent person should not be summarily discharged from the service, unless he has refused to accept appropriate treatment as shall be offered by the service.

2. A member who is identified as a drug dependent person or a medically ill drug abuser as a result of his arrest for a drug-related offense, should be dealt with through normal military judicial or disciplinary processes. In determining how to handle an individual case, primary emphasis should be given to how best to treat and rehabilitate the individual. It may be useful, for example, to consider postponement of the trial or disciplinary proceeding, suspension of sentence, and other devices commonly used in civilian courts in order to effect rehabilitation.

3. A member with drug abuse or drug dependence problems should be encouraged to seek medical assistance and, when he does so, should not be subject to disciplinary or other punitive action based on information he has given in seeking or receiving such assistance. Absolute confidentiality should be preserved unless competent medical authority determines that the patient is a danger to himself or others; however, no information divulged by the patient in confidence should be admitted into evidence in disciplinary proceedings against him without his consent.

4. A member who seeks such assistance should be offered every opportunity to be restored to useful military service within the Armed Forces. This contemplates that such person may be offered temporary sick leave or given tasks they are capable of performing while undergoing treatment and rehabilitation.

5. When security clearance, flying status or other classification affecting job position or pay is withdrawn from a member who sought assistance as a drug dependent person or a medically ill drug abuser, it should be reinstated within six months after his treatment has been completed unless he fails during this period to perform at the level at which he was performing prior to treatment.

6. A member who has sought or accepted treatment and rehabilitation should be separated only when such treatment and rehabilitation has repeatedly failed and competent medical authority has determined that he cannot be restored to useful military service.

B. The present amnesty program should be totally re-evaluated in the light of the above principles and objectives.

C. A study should be carried out to determine whether treatment and rehabilitation efforts should be carried out in Armed Forces-wide central treatment facilities or, rather, in local settings.

SEPARATION

A member who is a medically ill drug abuser or a drug dependent person should be granted a non-punitive discharge and should be afforded the same opportunities for treatment and rehabilitation afforded all persons discharged as physically or mentally disabled. His drug-related actions should not be regarded as the result of intentional misconduct or willful neglect. Such a person should retain the same rights and benefits as any other person afflicted with serious illnesses, and should not lose pension, retirement, medical or other rights because he is a medically ill drug abuser or a drug dependent person.

The Veterans Administration should give priority to increasing its capability to care for drug dependent persons or medically ill drug abusers. In doing so, it should consider entering into contractual arrangements with such facilities as have demonstrated their effectiveness in the treatment and rehabilitation area.

MISCELLANEOUS

In general, the Armed Forces should recognize their unique position to assert national leadership in identifying drug abusers and drug dependent persons; in developing and evaluating effective treatment and rehabilitation, research, prevention and education programs; and making a distinct contribution toward the abatement of this national problem.

The Armed Forces should consider ways by which they can have an affirmative impact on the abatement of the drug epidemic in civilian society. The most obvious contributions would include sharing information and data relevant to the drug problem, and the donation or sale at present value of surplus equipment, facilities and the like that might be useful in combatting the drug problem.

The Armed Forces should establish a special program to provide prevention, treatment and rehabilitation services to dependents of military personnel.

Special consideration should be given to insuring that continuity is preserved in all prevention and treatment and rehabilitation programs. This should apply to personnel operating these programs. It should also apply to those receiving the benefits of treatment and rehabilitation programs.

The Congress should authorize and appropriate sufficient funds to carry out the above recommendations.

A special impacted aid program should be created to assist communities whose drug problem has been aggravated by the prevalence of drug abuse among military personnel stationed nearby.

The Armed Forces should provide written reports, at six-month intervals, on their progress toward achieving the objectives outlined above.

EXHIBIT 2

STAFF REPORT ON DRUG ABUSE IN THE MILITARY

To: Members of Alcoholism and Narcotics Subcommittee.

From: The Subcommittee Staff.

I. INTRODUCTION

In the spring of 1970, the Subcommittee staff began an investigation of drug abuse in the military. This was undertaken by authority of an April 16, 1970, letter from Senator John C. Stennis, Chairman of the Armed Services Committee, to Senator Hughes, Chairman of the Subcommittee, as well as under the Subcommittee's own authority to act in the drug abuse area. The objectives of the investigation were to explore: the extent and nature of drug and alcohol abuse in the military; the impact which this abuse is having upon individuals, the armed services, and American society as a whole; the measures, particularly in the areas of education, treatment, and rehabilitation, which the military is taking to meet the problem; and the areas in which further investigation or action might be taken.

In carrying out the investigation the members of the staff attempted to cover the problem from two approaches. First, we attempted to look at the problem from a geographical point of view. We looked at stateside bases (primarily in the Eastern United States), Southeast Asia and the Far East (Hong Kong, Thailand, South Vietnam, Japan, and Korea), and Europe (Germany and England). We visited Southeast Asia and the Far East in September, 1970, and Europe in January, 1971. In order to cover the broadest possible ground in the short time we had available, we split into teams in both Southeast Asia and Europe.

Second, the staff also attempted to visit examples of installations covering the entire range of the military system: induction, basic training, advanced training, support troops, and combat troops (in the field and returnees). We concentrated primarily on the Army for two reasons: it has the largest number of personnel and it has nearly all of the draftees. However, in Southeast Asia and Europe we also looked at the other branches in the same environment to determine what contrast, if any, we would find.

Members of the staff were: Southeast Asia: Robert O. Harris, Staff Director; Wade Clarke, Majority Counsel; Julian Granger, staff investigator; Richard J. Wise, Minority Counsel, and Jay B. Cutler, Minority Counsel. In Europe the above were joined by Nik Edes of Senator Williams' staff.

Our primary method of investigation was discussion with and collection of data from the members of command at each facility visited. At virtually every installation, we discussed the problems with groups composed of command personnel, the provost marshal, the medical officer, the judge advocate, the chaplain, and, on occasion, the information officer. In most installations, command relied most heavily on the data supplied by the provost marshal and the medical officer to answer our questions. This data does not give an accurate picture of either the extent of use or the nature of use, but it is the best available in most command situations. In addition to command discussions, we attempted, where possible, and within the limited time available, to interview individual enlisted men and junior officers. We also collected data in written and oral form from other agencies and individuals associated with the military.

On all of our visits we made it clear to those contacted that we were interested in low key, informal discussion and that our primary interest was in the health and prevention aspects of the problem. The staff believes that this allayed some of the fears that we were attempting to gather data for an expose or criticism of the military and increased the cooperation we received, particularly from the Army. In general we were satisfied with the truthfulness of those we contacted. The Army was more realistic in assessing their problem. They seemed more willing to recognize drug abuse as a problem and to take action both to prevent it and to alleviate its effects. In this regard, we would rate the other services in the following order: the Air Force, the Navy, and the Marines.

What follows is a synthesis by the staff of its findings and recommendations based upon its investigation.

II. THE NATURE AND EXTENT OF DRUG USE

The staff has attempted to ascertain who the military drug users are; how many of them there are, where they use their drugs, what drugs they use, when they tend to use drugs, and why they use drugs. While we make some conclusions about these factors, they are by no means applicable to all military drug users. The nature of drug use, the circumstances of use and the reasons for use vary widely. However, the generalizations which we do draw indicate the direction in which drug abuse appears to be going and suggest the areas in which further action might be taken in order to meet the drug abuse crisis.

A. The users: Who and how many

There is a paucity of hard data on which to base an authoritative finding of the extent of drug use in the military. The few studies which exist have been made exclusively among Army populations and are severely limited both in numbers and in scope. This void was recognized when Department of Defense witnesses disclosed plans for a worldwide epidemiological survey of drug use among all members of the armed forces, to be undertaken this year.

Nevertheless, certain insights may be gained from the available studies. It should be noted that these studies generally reveal drug use of a greater amount than do the medical and law enforcement figures given the staff. However, they seem to be lower than the subjective assessments of command particularly at junior levels. Among those studies most heavily relied upon in this report (all cited in the hearings record) are the following: (1) Patterns of Drug Use: A Study of 5,482 Subjects, by Black, Owens and Wolff, Fort Sill, Oklahoma, 1970; (2) Drug Use in Vietnam—A Survey Among Army Personnel in the Two Northern Corps, Stanton, 1969; (3) Marihuana in Vietnam: A Survey of Use Among Army Enlisted Men in the Two Southern Corps, Roffman and Sapol, 1967; (4) Marihuana in a Tactical Unit in Vietnam, Treanor and Skripol, 1970; (5) Marihuana Use in Vietnam: A Preliminary Study, 1968; and (6) A Study of Marihuana and Opiate Use in the 82nd Airborne Division, 1969. Of these, only the Stanton and Treanor-Skripol studies used samples which included both officers and enlisted men; the others concentrated on enlisted men in the lower ranks.

Patterns of drug use shown by the most recent studies seem to be consistent with the findings from what is considered to be the most scientifically valid study of them all, the one by Stanton. He grouped nonusers, (1–20 times used), heavy users (21–199 times used), and habituated users (200 or more times used). He also sampled both incoming and outgoing troops. Overall, he found that 53.2 percent of enlisted men had used marihuana at least once in their lives. He also found a trend toward more frequent usage in Vietnam than had been reported two years earlier. Of the 50.1 percent who reported using marihuana in Vietnam, 20.5 percent were casual users, 11.9 percent were heavy users, and 17.7 percent were habituated users; in other words, heavy and habituated users were more numerous than casual users.

Patterns of other drug use which Stanton found among soldiers leaving Veitnam included the following: (1) opium use was reported by 17.4 percent (9.8 percent casual users, 5.8 percent heavy users, 1.8 percent habituated users); (2) amphetamine use was reported by 16.2 percent (11 percent casual users, 4 percent heavy users, 1.2 percent habituated users); (3) barbiturate use was reported by 11.6 percent (7.8 percent casual users, 2.7 percent heavy users, 1.1 habituated users); (4) heroin/morphine use was reported by 2.2 percent (1.4 percent casual users, .6 percent heavy users, .2 percent habituated users); (5) acid (LSD, STP) use was reported by 5.3 percent (3.2 percent casual users, 1.6 percent heavy users, .5 percent habituated users).

In general, it can be concluded from all these studies that drug use, at least among Army members, has been increasing with the passage of years since 1967, when the first study was conducted, and that a growing proportion of servicemen are entering the service with a history of drug use.

There is no pure stereotype of the drug user in the military, just as there is none in civilian society. While the great bulk of drug abusers are enlisted men of lower rank between the ages of 18 and 25, users may also be found in the non-commissioned and commissioned officer ranks; for example, a heroin-hooked sergeant at Fort Bragg was "the outstanding NCO in his company" or a colonel in Vietnam who became a "speed freak" from taking amphetamines to stay awake on long patrols and then used other drugs to get to sleep. While these extremes do exist, the age group of the typical user is much the same as it is in civilian society.

From the studies and from our on-site investigation we would ascribe the following characteristics to most drug abusers in the military: age 19–22, rank E–4 or below, unmarried, less than high school graduate, either draftee or non-career oriented enlistee, equally from field or support units on first overseas tour.

Other factors seem to be present in those who become regular or habituated users. These persons are generally from broken homes, have a lower education (are high school drop-outs), have insufficient personalities to deal with their fears and stress (passive-aggressive personalities, immature, situational adjustment problems, low-self-esteem, lack of long-term ambitions, etc.) and are likely to become involved in other behavioral problems within the military society. In Vietnam, we were told that nearly all of the arrests for drug offenses were incidental to arrests for other violations, such as uniform violation, curfew violation, off-limits violations, etc. The cases which required medical treatment usually were those with these kinds of negative behavior patterns and with psychological problems which went beyond their drug use. At Fort Dix, New Jersey, many of those who were being held in the Special Processing Detachment were also drug abusers. The Special Processing Detachment is primarily a holding unit for individuals apprehended anywhere along the East Coast for being AWOL. They are sent to Fort Dix until their records can be located and their proper unit determined.

This individual who is going to become a habitual user of drugs and who is going to become a problem for the military—in either medical or disciplinary terms—is an individual who has personality problems sufficiently serious that he would likely become a problem in whatever societal structure he is in.

It should be emphasized that the drug user—particularly the heavy user—is likely to be a member of a peer group or sub-cultural group in which the taking of drugs plays an important role. For example, we were told that in Germany most arrests for drug abuse were made in groups. These arrests by the Criminal Investigation Division were usually the result of the infiltration of a group by an agent and when the arrests were made the entire group was taken.

The sub-culture is best illustrated by the experience at Ft. Bragg, North Carolina. There the drug users leave the post to congregate in pads rented by small groups for the purpose of off-duty relaxation through drugs. These pads are characterized by psychedelic decorations, acid rock music, and by the mod dress of the participants. We were also told in several places that the figures on the extent of use were distorted depending upon which group an individual trooper belonged to. If the person questioned was a non-user, he associated with other non-users and tended to view all use in terms of his group; his estimates were usually low. The user on the other hand associated with other users and tended to feel that everyone used drugs.

B. The drugs being used

The kinds of drugs being used in any particular area depend to a large degree upon the extent to which they are locally available. In Thailand and Vietnam, there are few effective controls on the availability of any drug. Because of a lack of doctors, apothecary shops dispense virtually every manufactured drug and many herbs and other types of remedies. These are dispensed without a prescription to any buyer. Also in Thailand and Vietnam, as in most Southeast Asia nations, opium, particularly among the Chinese populations, has been the drug of choice of the natives. This and its derivatives, morphine and heroin, were reportedly supplied primarily by an organized network of Chinese operating in nearly all nations.

In Vietnam and Thailand marihuana was freely available. In Thailand, the members of the staff had no difficulty in procuring "tailored" marihuana cigarettes with filtertips. These cost $1.50 for 15. In the United States a similar amount would cost at least five times as much. They can be procured from or through bar girls, taxi drivers, and even young children on the street. In Nakhon Phanom, Thailand, we were shown apothecary shops which dispense the various amphetamines and barbiturates which some Air Force troops use. These were small shops with an open front and shelves loaded with bottles and jars. Drugs were dispensed either by name or by describing a set of symptoms which led the shopkeeper to dispense whatever he felt would solve the problem.

The Southeast Asia marihuana is fresh and potent. Delta 9 Tetrahydrocannabinol (THC) is the active ingredient in marihuana. The average sample available in Southeast Asia contains between 3.5 and 4.0 percent THC. This is much higher than the average ½ to ¾ of one percent THC which U.S.-grown marihuana contains. The preference for marihuana in Southeast Asia among U.S. troops is ascribed to ready availability, inexpensiveness, ease of cachement, non-addictiveness and the quality of the intoxication produced.

Stanton found a growing trend among U.S. troops in Vietnam toward the use of opium. This is available in liquid or powdered form. Among the departing enlisted men in his sample, only 6.3 percent reported having used opium before their arrival but 17.4 percent reported use upon leaving. However, the question has been raised as to whether these troops really know what they were using was opium. We also heard of opium being available in the form of "OJ's"—marihuana cigarettes dipped in liquid opium.

Stanton's 17.4 percentage figure for opium use in Vietnam places that drug ahead of amphetamines, or "speed," in popularity among the troops. The incidence of amphetamine use among outgoing enlisted men was 16.2 percent, up from 12.4 percent usage before their arrival in Vietnam. Barbiturates were favored by 11.6 percent. Other drugs used were heroin, morphine and "acid" (LSD, STP), with the use of "acid" actually showing a drop in the before and after figures.

We were regularly informed that there was an increase in the availability, experimentation with, and use of heroin. There seemed to be an increase in the hospitalizations for heroin withdrawal. Heroin is available in two forms: "Red Rock" heroin from Thailand (reportedly brought to Vietnam by Thai troops) and refined heroin. Red Rock is generally 3–4 percent heroin, 3–4 percent strychnine, and 32 percent caffeine. The refined heroin is in 100- and 300-milligram capsules containing 97 percent heroin as compared to

the 5 or 6 percent heroin usually available in the U.S.

The two most commonly used amphetamines come in liquid form. They are Maxitone Forte and Obesitol, both of French manufacture. Maxitone Forte is taken orally mixed with Coke or used intravenously. Obesitol is taken orally. The barbiturates most commonly used in Southeast Asia are Binoctal and Aminoctal, also of French manufacture.

In Germany, there is a plentiful supply of hashish, amphetamines, and barbiturates, and U.S. troops and their dependents have easy and inexpensive access to them. Hashish is by far the drug of choice and is in widespread use. It is reputedly brought in by "guest worker" nationals from growing countries such as Turkey, Pakistan, and Lebanon and by a number of criminal syndicates. We were told it is distributed by German nationals, by American military personnel and former servicemen who were discharged in Europe. "Uppers" and "downers"—amphetamine preparations, Librium, Valium and Darvon—may be purchased inexpensively over the counter, without prescription, in any German drug store.

LSD is also used in significant amounts by troops in Germany. This is either brought in from the U.S. or made in illicit laboratories in Germany. We had very little indication of heroin or cocaine use. Both the law enforcement personnel and the medical personnel had had very little contact with these drugs.

Regardless of location, marihuana and hashish usually is smoked in pipes or cigarette form. In Vietnam, the marihuana cigarettes are sometimes filled with Red Rock heroin and smoked. The amphetamines and barbiturates are generally taken orally but occasionally they are injected intravenously. Heroin is generally smoked (sniffed) by beginners and injected by heavy users.

It is important to note that most of the regular or heavy users are multiple drug users. They will substitute one drug for another if availability is a problem or will use a variety of drugs to meet their emotional needs. The takers of amphetamines will use barbiturates to come down off their high. Most of the users of hallucinogenic drugs such as LSD or STP also use marihuana.

C. When and where drugs are being used

It is difficult to disagree with the impression of an Army psychiatrist who says that "the use of drugs and alcohol can occur anywhere at any time." However, it is our general impression that it is more likely to occur on off-duty hours whether in the United States or abroad. It is also likely to occur away from the military post.

The most crucial question on time and place of use concerns the use of drugs in combat. In Vietnam, commanders universally told the staff that, because of the personal danger involved, there was far less smoking of marihuana in combat areas than in rear support areas. The same was stated by commanders to the Department of Defense Drug Abuse Control Committee Task Force headed by Jerome A. Vacek of the Marine Corps during its visit there in the fall of 1970. We were told that there was considerable self-policing among the troops while in combat areas because they did not want to endanger themselves or be endangered by another who might be "high" at a critical moment. However, there is evidence to contradict this. While he did not approach the question head-on, Stanton found "a slight positive correlation . . . between marihuana use and combat exposure." While this shows that combat experienced troops probably were those who had the greatest marihuana experience, it does not necessarily indicate that they used it while actually in combat. Postel's study also indicates the same thing but adds that the usage came after combat "to calm down." Treanor and Skripol likewise found apparently increased usage with field-type duty; far greater numbers reported usage at large and small "LZ forward areas" than numbers reporting usage at "rear support areas." Reinforcing this was their further finding that an overwhelming majority of regular users (once weekly to once daily or more frequently) thought that marihuana should be permitted on fire-bases either during off-duty hours or whenever the individual chooses. Other individuals indicated in person to the staff that they had used marihuana in combat situations.

As noted above, the use of drugs at Ft. Bragg takes place primarily in rented "pads" away from the base and on off-duty hours. In Vietnam and Thailand, it is likely that most use takes place away from established posts because of availability of drugs and the likelihood of nondetection off post.

In the career context, Treanor and Skripol found the highest incidence of marihuana usage during the first two or three years of a soldier's military service. They also reported that apparently there is a slight increase in usage as the first tour progresses, but not with those on extensions.

As for Vietnam, Stanton found that the probability was greatest that if a man was going to start using marihuana there, he would begin in the first three months, or certainly in the first six months. Conversely, amphetamines showed the opposite trend, with more enlisted men beginning use as their tour progressed.

D. Why drugs are being used

The reasons which have been presented to us as to why drugs are being used by young men in the military fall into two general categories. First, there are those which lie with the individual himself. Second, there are the external factors which arise in the individual's environment. The former are related to his ability to deal with his situation and the latter are those which place burdens upon him which he must deal with. If his ability to deal with environmental stresses is inadequate, or if the burdens of stress which the environment places upon him are unusual, the individual user will take one of the drugs available to help him cope with the situation.

As mentioned earlier, the habitual drug user is likely to be young, have a low education, come from a broken home, and have psychological and emotional problems which lead him to conflict in whatever society he happens to be in. These are individuals with a low self-esteem who are unable to meet most life situations. Other individual reasons presented to us are related to the attitudes held by many of the age-group from which the typical drug user comes. These include the following: (1) youth, being "now" oriented, are impatient and frustrated by the gradual process of social change; (2) middle-class youth reject the life goals of affluance and prestige held by their elders; (3) lower-class and minority youth are impatient and frustrated with the disparity between their goals and perceived opportunities to attain them "now," and they see the Establishment as trying to block them; (4) young people "get hung up somewhere along the developmental line" toward maturity, with a conflict developing between dependency and autonomy; (5) drugs are a means of acting out behavior disapproved of by parents or the senior generation and thus help to concretely distinguish the "self" from Establishment norms. The latter point seems to be particularly valid in regard to the troops in Germany. There we found, to a greater degree than in Vietnam, an attitude of division between the enlisted or drafted lower rank soldiers and the "lifer" NCO's and officers. Perhaps these troops are using drugs as a means of setting themselves off from the older and higher-ranking personnel who use alcohol as their social drug.

Other factors lie with the environment in which the young soldier finds himself. Pressures are put upon him which are difficult to cope with. Prime among these is the lack of sense of value which many soldiers feel about their job. Treanor and Skripol found that job dissatisfaction seemed to correlate with marihuana use. This factor was also cited among many of the returned troops who have several months of stateside duty left before discharge. These men are given unfulfilling tasks to do while waiting out their time. This factor appeared to be particularly acute in Korea and Germany where there is little or no actual combat. Since the troop units there must be combat-ready, there is apparently much routine work aimed at preparing for inspections. A jeep driver in Germany, for example, told us that his only consistent job during the three months in advance of a unit-wide vehicle inspection was to "maintain" his own vehicle. A platoon leader said the only time the morale of his troops seemed to lift was when they were preparing to go on a tough training exercise, which was infrequently. There was widespread griping about the many "make work" jobs that troops were being given to do.

In Vietnam, stress from combat was cited as a factor. It was felt that some troops used drugs, particularly marihuana, to unwind or relax after combat. This is accentuated when the soldier moves from a stressful situation to a combat lull where only routine work is required of him.

Another important external factor is peer group pressure. There were indications that peer group pressure "to be one of the boys" was strong. The young man, placed in a new situation, seeking to establish his own identity, looks to join a group in which he will get approval and support. He may be trying to feel independent of his elders' authority and so when the group pressures him to conform by trying drugs, he finds it hard to resist. We heard reports of individuals being threatened if they did not conform to drug usage patterns but were unable to verify any of these.

We learned of several factors which tend to enhance the peer group situation. We were told that the non-commissioned officers generally did not live among their troops in barracks areas. The older "lifer" non-commissioned officer was regarded very negatively by the young soldiers. There was apparently little identification of the young soldier with the older, non-commissioned officers. Contributing to this problem is the fact that many of the young soldiers were coming from a sub-culture in civilian life which accepts the use of drugs. They not only would want to perpetuate their life style but would resent and resist those who might prevent them from living it.

Another factor is the lack of acceptable alternatives to drug use to meet either stress or boredom. The soldier in Vietnam has little or no way of dealing with his frustration in any constructive fashion. Most towns are off-limits and those that are not are limited in what they have to offer. The primary activity when they are permitted off the post is drinking in the local bars and meeting with local women, most of whom are prostitutes. In Germany, the opportunities for meeting local girls are somewht improved for white soldiers but an obvious problem exists for blacks who are also barred from certain German-operated "white only" discotheques. In Vietnam, recreational facilities are generally unavailable and are advocated as an alternative to drug abuse. However, it is questionable if these would be used, since in Germany we were told that there is a general lack of troop interest in recreational activities available—playing basketball, skiing, academic courses, even three-day expenses paid excursions.

In contrast to this picture is the experience of the Air Force in Vietnam and especially in Thailand. The extent of drug use was reported to be decidedly lower among the Air Force men at the four bases we visited in Thailand. The command personnel gave evidence that both arrest and medical statistics were much lower. The reasons which they gave for this lower use might be instructive: they stated that the typical airman tends to be older than the soldier; nearly all are high school graduates with a significant number having some college experience; they tend to identify with the military; they have good self-esteem; and they feel that they have something to lose if they use drugs. They also said that in Thailand, airmen were working a 12-hour-a-day, 7-days-a-week schedule and were doing tasks of a higher caliber. (In Thailand much of the more menial-type tasks are performed by local natives.) The Air Force personnel are said to have a high sense of job satisfaction whether they are flying or are engaged in maintenance work: the flight crews feel more worthwhile because they are engaged in a task they feel is significant.

Other factors cited by the Air Force include a higher ratio of officers and noncommissioned officers to enlisted personnel. This is said to give the airman a closer identification with the "Establishment." Also advanced as operative to keep Air Force usage down is the selectivity factor. It is felt by the Air Force that it gets a better grade person both in motivation and ability than does the Army. The Air Force has no draftees. The Air Force also contends that further selectivity operates within its ranks in determining the kind of man who is sent to Southeast Asia. Command in Thailand claimed that the cream of the Air Force crop was being selected to serve in Southeast Asia because of the importance of their mission there. The Command in Thailand also attributed their reputed lower incidence rate to the easy accessibility of alcohol and local women. It appeared that while the drug use rate might be low, the V.D. rate was high.

Another factor which may militate against drug abuse in some situations is the so-called "buddy" system. The Marines and Navy command personnel we spoke with in Vietnam and the Army in Thailand felt that the encouragement of close ties with another individual for the purpose of mutual support and concern helped stop drug abuse before it began. This is a positive variation of the peer-group pressure factor. In this instance a peer situation with anti-drug use values is encouraged. If one individual in the pair is suffering unusual stress or boredom, he has another individual with whom he can share his burden. This gives some relief so that crisis can be met without resort to drugs. We did not have an opportunity to look at this system directly and hence cannot give any independent evaluation. It does, however, appear to have at least theoretical value in terms of action to be taken to combat drug abuse.

III. THE IMPACT OF DRUG ABUSE

The staff has attempted to access the impact or effect which drug abuse is having upon the individual military man, upon the Armed Services, upon American society as a whole and upon the various relationships that exist between individuals and groups in the military. We looked for signs of breakdown which would point to remedial measures and looked for trends or directions which would suggest preventive actions which might be taken.

A. The impact on the individual

The medical effects of drug abuse upon the individual in the military do not seem to vary substantially from those reported in the civilian community. Marihuana produces a range of effects which include mild euphoria, mild time-space distortions, hallucinatory episodes and delusion ideation. Those who are turning up at medical facilities with adverse reactions to marihuana are generally those who suffer anxiety reactions when they first use the drug. Their condition lasts for a very short period and is normally cleared up in 24–72 hours. The reaction seems to be dependent upon the state of mind of the user rather than upon the effect of the drug. It is likely to occur in an individual who has guilt feelings about the use of marihuana and is apprehensive about being arrested or caught. A very few instances of persistent conditions, psychotic states and violence were also reported. However, these seem to involve individuals with deeper, more long-standing psychological conditions of which drug abuse is merely one manifestation of the problem. Many of these situations involved persons who were using marihuana on a heavy basis every day over a considerable period of time. The number or the nature of these cases did not seem to be sufficient to justify a conclusion that marihuana causes lasting psychosis or violence in users.

An interesting phenomenon reported was the "marihuana flashback." A flashback is commonly associated only with LSD usage. Several doctors reported that they had had patients who claimed having flashbacks after use only of marihuana. These flashbacks were described as being reoccurrences of prior experiences while under the influence of the drug. They were described as occuring in moments of stress as if the mind was involuntarily reaching back for a pleasant experience while under intolerable pressure of the moment. However, the subject can apparently be brought out of the flashback by someone talking to him and telling him to return to the present moment. There were no reports of deaths or permanent physical damage from the use of marihuana among military personnel. The military medical personnel also regularly reported that marihuana is non-addictive in terms of physical dependence but that users could and did become dependent upon its use in the psychological or behavioral sense. Medical officers also felt that marihuana does not in itself lead to the use of harder drugs. This is supported by the Black, Owens, and Wolff study which reported: "It should be noted that, although initial experiences with marihuana tend to lead to continued use, marihuana usage does not lead most individuals into experimentation with heroin. The belief that marihuana use is dangerous because it predisposes toward heroin is fallacious, although it is true that nearly all the heroin users in the present study had also used marihuana." Other studies also support this conclusion and indicate that while there is no causal relationship between marihuana use and opiate use, most habitual opiate users have been heavy marihuana users first.

Another important factor which was reported to us is that the effects of hashish use in Germany do not seem to be any more severe or extreme than the effects of marihuana smoked in either the United States or in Vietnam. The medical staff of the hospitals we visited in Germany reported that the cases involving marihuana which required medical or psychological treatment were no more severe than they had seen in other locales including some in the continental U.S. This was true even though the general impression is that the THC content of hashish is higher than marihuana alone.

The reason for this may be in the psychological state of mind of the users and in the setting in which marihuana is used. Also important is the ability of the experienced smoker of either marihuana or hashish to control his level of intoxication. To explain further, the effects of cannabis use seem to depend to a great degree upon the subjective state of the user. If he goes into the experience expecting and desiring a pleasant, mildly euphoric experience with no negative effects and he is doing this in a social setting with fellow users who are compatible and who desire the same kind of experience, his expectations will likely be realized. In addition, because the active ingredient is taken in through the lungs the quickest way to get it into the bloodstream, the user is able to control or "fine tune" his level of intoxication. When he feels himself getting too high he can relax for a while and not smoke any more until he starts to come down. This control by the smoker enables him to keep the intoxication within a manageable range and avoid adverse reactions. Neither the military nor the Bureau of Narcotics was able to supply us with an analysis of the hashish being used in Germany. It is possible that the product bought by the consumer is so cut with adulterants that the THC content is lower than in straight marihuana.

One of the drugs with the greatest impact upon individuals, in medical terms is heroin. It is physically addicting when taken regularly and in sufficient doses. However, we received mixed reports as to the severity of the addiction. Many doctors reported that they saw very few cases of classic withdrawal symptoms in patients who claim the use of heroin. The sniffers of Red Rock heroin were reported not to have become severely addicted. This was also true of some of the injectors of refined heroin. However, the heroin of 97 percent purity available in Vietnam is particularly dangerous, inasmuch as it will likely lead to frequent occurence of overdoses and death even in experienced hands. Heroin use is also likely to lead to secondary medical complications such as serum hepatitis from unsterile needles.

The opium native to Vietnam is of such poor quality that in all but one case observed by an experienced military psychiatrist, withdrawal symptoms were mild. The exception involved an individual who had taken 2 cc. intravenously four times a day and whose abstinence-withdrawal presented serious problems. Another serious result of opium use which occurs occasionally comes from mixing it with marihuana in cigarettes. This synergistic or multiple effect of the two drugs together can exceed the expectation of the user and present him with a reaction with which he cannot cope.

Deaths from heroin abuse or overdose in Vietnam are increasing. For the entire calendar year of 1969, only 16 deaths from drugs were reported: 5 from chloroquine (used to prevent malaria), 4 from barbituates, 3 from Darvon, 3 from morphine or heroin, 1 from opium. During the nine-month period January-October 1970, however, the number of deaths had already more than doubled to 34: 2 from chloroquine, 5 from barbituates, 3 from Darvon, and 26 from heroin-morphine. It will be seen that heroin or morphine has become the most frequently used lethal agent.

One additional significant effect which drug abuse may have on an individual soldier is the role which drugs may come to play in his life. Those individuals who are unable to cope with life and turn to drugs may end up relying on drugs as the core of their life. When this occurs the individual loses interest in other aspects of his life and devotes most of his time to the procurement of drugs and to their "enjoyment." This modification of behavior will likely lead this type of user into conflict with the military community and consequently he is likely to have to face legal or disciplinary action.

While the individual who becomes a heavy user or is psychologically or physically habituated to drug use may come to the attention of legal authorities, it is the conclusion of the staff that the illegality of marihuana use does not have a significant impact upon the great majority of marihuana smokers in the military. It clearly does not

have a deterrent effect. The illegality of marihuana use has been widely publicized within and without the military. Indeed, one of the major thrusts of military drug education is to stress the legal consequences of marihuana use. We believe that the lack of deterrent effect exists for several reasons. First is the basic attitude of young Americans toward marihuana use. Unlike many of the senior generation, many young Americans including those in the military do not regard the use of marihuana as a moral question. They do not see the user of marihuana as a "bad" or "immoral" person. They believe that marihuana should be legalized and its use left up to the individual. They also do not regard the effects of marihuana as detrimental to their health or to their functioning. Many of them regard marihuana as a social drug to be used for relaxation and as superior to alcohol for this purpose because it does not leave the user with a hangover.

B. The impact upon the military

We did not find that the use of drugs has a significant direct impact upon the military mission of the Armed Services. While we were made aware of rare, isolated instances where marihuana had been used in combat situations in Vietnam, we saw no evidence that any mission or operation had been jeopardized by drug use. Virtually every commander to whom the Subcommittee staff put the question stated unequivocally and categorically that drug use has not adversely affected military effectiveness or the military mission of his unit.

However, it is clear that drug abuse does impose an indirect but significant burden upon the entire military community and organization. There is a relationship between drug use and manifestations of social and behavioral disorganization such as AWOL, sleeping on the job, failure to appear for duty, disrespect, indebtedness, and unhealthy and unclean living habits. Of these, General John J. Tolson, the Commanding General of Fort Bragg, singled out AWOL's saying, "It is bound to cut down eventually in your strength figures." although he added that the problem at his base had not reached such proportions "that as units they are not capable of performing their job."

The military community is also affected by the fact that the military drug user is often unable to pay for his habit from his normal income. While this is not often troublesome in Vietnam where all drugs are available at low prices, at continental United States bases, crime to support drug abuse is a problem. Theft of Government property, including weapons, to support habits is known to occur. "Today," General Tolson observed, "you have to secure your arms rooms and supply rooms on a scope that you never had to do before . . . and still, if you don't have guards actually there, thieves will break into them."

One of the most critical effects of the growth of drug abuse among the military is in the growth of a counter or sub-culture within the military centered around drug use. This affects both the individuals involved and the military community itself. Because smoking marihuana and hashish are social activities, the users tend to group together for the purpose of drug use. The illegality of drug use also tends to force the user into a particular group of his drug using peers. This is true whether the use is occasional or is on a regular basis. Part of the mystique of smoking "grass" is to gather together with others to enjoy the experience. The illegality of use, in effect, cuts off the user from legitimate sources of support and help with his problems—whether directly connected with drug use or of another nature—and he can, therefore, look only to those in his peer group for emotional support.

This is aggravated because so many of the young military men coming into the services today, do not identify with the value system of the senior generation. They tend to form peer groups for all activities rather than interact with command personnel. This is further enhanced in the military because it is organized upon a hierarchial basis. In Germany more than in Vietnam the sense of separation between the enlisted man of lower ranks from the non-commissioned officers and the commissioned officers was apparent. In fact, in Germany we felt a great hostility between the one-tour soldier and the so-called "lifer." In Vietnam this was less so, probably because of the common sense of urgency faced by both groups. However we were told in several places that young troopers had a more positive relationship with NCO's and officers of their own age. This was attributed to the fact that these individuals, while occupying positions of authority over the troops, shared many of the same values of the enlisted men, particularly in regard to the smoking of marihuana as a social activity. Some senior officers felt that some of the junior officers right out of college share those values and hence did not take action on marihuana use among their troops.

Another manifestation of the sub-culture problem is illustrated by the example of a second lieutenant at the Wildflicken outpost in Germany. This platoon leader told a Subcommittee investigator of his fears of venturing into the barracks at night, where he might be slugged if he came upon a "pot party" (as had happened to a fellow officer.) The existence of a sub-culture also causes general disruption. A squadron commander at Bad Kissingen, Germany, reported, "It's not the smoking that causes military ineffectiveness; it's the ramifications of the distribution system—the competition among pushers who fluctuate the price, put guys in debt, and cause disciplinary problems, commit assaults and so on."

A more tangible impact upon the military caused by the increase in drug abuse is the burden which it places upon the various elements of the military society. Because of the illegality of drug abuse the primary burden is placed upon the law enforcement branches of the military. The allocation of manpower and monetary resources by the provost marshal to drug problems is significant. For example, in Fiscal Year 1970, 27 per cent of all Army CID investigations in Europe were "drug-related." However, while the law enforcement branches have devoted a significant amount of their resources to stopping drug abuse, we were universally told that their activities were limited and not sufficient to make any significant impact upon illegal drug activity. Their operations are hampered by difficulties in teaching command personnel to make legal searches and seizures, by the length of time necessary for laboratory verification of illegal drugs, and by the difficulty in establishing a legal chain of custody.

Because of the difficulty in enforcing the law, particularly with regard to marihuana use, the law does not have any effective deterrent effect and the impression is given to the users that use is tacitly accepted by command. This leads to disrespect for the law and in effect crates a double standard. While we were not made aware of any cases, we do note that the inability to enforce the law in all cases gives rise to the possibility of selective enforcement for reasons unrelated to drug abuse.

The medical personnel in the military are under many of the same pressures as those in the law enforcement branch. There has been an increased case load upon all military doctors. A number of senior doctors are unprepared to deal with drug abuse because they were trained in an era when it was much less common. The activities of the military doctor include many duties other than treatment. A heavy demand is made upon military doctors, particularly psychiatrists, to establish, promote, and participate in drug abuse education programs. The military psychiatrists must make evaluations of many troopers charged with crimes and this includes evaluations on the users of drugs. In addition, military doctors are scheduled to play a large role in the amnesty program which will be discussed later in the report. These functions place a burden upon doctors who are already overburdened because of a reportedly inordinate reduction of medical personnel in relation to the reduction of other U.S. military personnel. This is a serious problem because military doctors are faced with an increase in drug abuse for which there are few, if any, proven methods of treatment available.

The increase in drug abuse has placed a concomitant load upon all other elements of the military structure, particularly the command personnel and the judge advocate staff. They are called upon to process the cases of accused drug users and also are an integral part of the military drug abuse education activities. Their specific activities will be shown in greater detail later in the report.

C. The impact upon American society

The Subcommittee staff believes that the greatest impact upon society as a whole lies in the integration of military drug users into their local communities upon release from service. While the indications of drug abuse are not significantly different in the military or in civilian society, the likelihood of identification of drug users in the military is greater. Many drug addicts and users with maladjustment problems are being returned from military service identified as drug users, but unrehabilitated. For example, administrative separations for "characterologic ineffectiveness" rose 119 per cent from fiscal year 1969 to fiscal year 1970, from 12,726 to 27,837. Many of these separations were for drug use. In addition, the Veterans Administration has indicated that there are sharp increases in the number of veterans, particularly under age 25, who are being treated for drug addiction and dependency problems.

Since much of the serious drug abuse is accompanied by emotional or psychological problems requiring lengthy treatment, those released from the military with histories of drug use will have to find treatment sources in civilian society. If they are unable to do so, they will place an obvious burden on other segments of society, particularly the law enforcement segment. Returning veterans with drug histories also have difficulty in finding employment. Fifty business firms who were asked by Fort Bragg officials about their policies toward a man with an undesirable discharge or a known drug abuser replied universally that neither would be considered favorable for employment.

IV. HOW IS DRUG ABUSE BEING HANDLED

The question of how to handle drugs and drug users in the military is primarily being met with a law enforcement approach. This effort is aimed at reducing the supply of illicit drugs, at eliminating drug pushers and users where detected, and at providing a negative incentive for the use of drugs. Second priority is given to treatment and rehabilitation of those using drugs. The lowest priority is given to activities which would lead to reduced demand for drugs.

A. Law enforcement

The prime objective of the law enforcement efforts is to identify drug pushers and traffickers and therefore halt or diminish the supply. As noted above, there is little indication of concerted efforts to seek out and arrest users or possessors. In Vietnam and Thailand most possessors were initially picked up for other disciplinary violations. In Germany command indicated that while most drug arrests were for possession or use, they were not specifically looking for users.

There, the greatest number of arrests of users were made as a result of infiltrating a whole group of users and not just arresting individuals.

Because of their relatively small numbers and for jurisdictional reasons, military law enforcement personnel often must rely upon other agencies in trying to shut off the supply of drugs to U.S. forces. The principal agency relied upon for overall activities, both here and abroad, is the Bureau of Narcotics and Dangerous Drugs. Insofar as military bases in this country are concrened, BNDD Director John E. Ingersoll told the Subcommittee "The current 'systems' approach of BNDD is aimed at major interstate and international drug traffickers, and hence, the drug problem on large military reservations such as Fort Bragg is left largely to the military and local authorities concerned." In the U.S. the BNDD forces provide information and support rather than actual enforcement for military bases.

In the U.S., coordination with local and state authorities is essential because apart from those pushers or dealers apprehended on the military base, military law enforcement personnel do not have jurisdiction off base. However, we found good two-way cooperation in gathering and supplying information so that illegal activities that cross jurisdictional lines could be halted.

In September 1970, BNDD assigned a senior official to a permanent liaison position with the Department of Defense. According to BNDD Director Ingersoll, this agent participates in all Defense Department activities concerned with drug abuse and support to the military needs. Overseas, a BNDD senior agent stationed at MACV Headquarters in Saigon works directly with the military and a similar agent more recently was assigned to Frankfurt, Germany. In addition BNDD has regional supervisors in Bangkok, Thailand and Paris, France. Other agents are located in other countries such as Hong Kong, Japan, Turkey and Lebanon. These agents work with military police agents in exchanging information and in setting up covert activities aimed at penetrating illegal drug groups.

In Vietnam, the BNDD agent there has worked closely with the military and the AID agency to establish a program to locate and destroy marihuana crops. This has included the training of Vietnamese police in drug activities and the development of a squad of special narcotics police in the Vietnamese police force. The program consisted of helicopter reconnaissance flights to locate marihuana growth. After the discovery of a field, Vietnamese police would move into the area and destroy the plants by uprooting and burning. In 1969, some 500,000 plants were eradicated in Vietnam under this program. The program decreased in 1970, due to what Ingersoll called "higher combat priorities." He said, in addition, that the Army felt that surveillance which had to be conducted at low altitude and slow speed was too hazardous in areas of potential hostility. While bounties are now paid for reporting marihuana growth, the program has not had the same degree of success as only 68,000 plants were destroyed through most of 1970. More recently, the military has undertaken photo flights with fixed-wing aircraft that can detect growth at safe speeds and safe altitudes.

Local cooperation with native police, particularly in Vietnam, is another activity of the military law enforcement agencies. This does not seem to be a successful program because of the acceptance of opiate drug use by the natives, their feeling that marihuana is not their problem, local political involvement and corruption, general antipathy toward cultural change, inadequate legislation, and the local economic situation. In Vietnam for example, the average daily wage is about $.85 American. If a Vietnamese sells two packages of prepared marihuana cigarettes at $1.50 each, he will have made over 3 times the local daily wage. This makes it difficult for local enforcement agencies to take action.

In Germany, the cooperation with local police seems to be satisfactory. However, there appears to be less than close liaison between the CID and the BNDD agent in Frankfurt. Local command was attempting to overcome this problem by developing closer ties on that level. The CID in Germany makes great use of undercover or covert agents. This has led to the arrest of several large groups of pushers and users. The CID estimates that it is intercepting 20 percent of the illicit trafficking in drugs bound for American troops in Germany.

Also used by military law enforcement authorities are marihuana sniffing dogs. On the Asia trip, we heard quite often about the marihuana dogs and their value. However, it appears that their actual use is limited and not very efficient. Whenever we asked to see a dog we ran into scheduling difficulties or were told that the dogs had worked their allotted time (usually one-half to one hour) and were unavailable. While we suspect their actual detection value, they are probably justified by the deterrent effect their reputation has.

Because of the great amount of drugs available, particularly in Southeast Asia, we do not feel that the law enforcement activities mentioned above will be able to make any significant impact on the drug distribution system. However, we do feel that continued efforts aimed at pusher and major trafficking organizations are necessary and should be continued.

B. Education efforts

Education activities in all commands fall into two categories, command training and troop education. The command training activities center around giving command personnel sufficient factual information to enable them to carry out their legal and disciplinary functions. Emphasis is placed on detection of drug use and subsequent disciplinary action. Command education is generally carried out through Drug Suppression Teams, consisting of medical, legal, law enforcement and perhaps chaplain officers. Primary importance is placed on the identification of drugs, drug paraphernalia, drug use symptoms, and drug user behavior patterns. Command personnel, particularly the junior officers and senior non-commissioned officers are instructed in the techniques of proper searches and seizures, maintaining the chain of custody, and the action to be taken upon apprehension of offenders. While this educational approach may be useful in meeting the legal responsibilities of the military, we feel that it does little toward achieving true prevention of drug abuse.

Education which will enable command personnel to understand the causes of drug abuse and to deal with the troops before they begin drug abuse is generally lacking. Senior officers and NCO's appear to be the groups most needing this type of education. General Tolson of Fort Bragg stated, for example, "It appeared obvious to me at the very beginning that if we were going to get anywhere in our education, in our dialog with the young soldier, the man we were really interested in, there had to be a real understanding by the senior officers and non-commissioned officers on the drug culture and its problems. They were my number one target to educate."

Military regulations, including those issued by the DOD and the various services require that all military personnel periodically receive orientation concerning drug abuse. The form and substance of this orientation varies from unit to unit and, to the knowledge of the Subcommittee staff, has never been evaluated, except informally, for its value in deterring drug use. This orientation runs the gamut from the showing of a film and the reading of prepared lecture material to more imaginative give-and-take "rap" sessions. In many commands the Drug Suppression Team does the orientation to the troops, occasionally adding a former user to the Team. From what little feedback is being received on the command level, this approach was generally not effective. This was affirmed by individual soldiers who complained that the presentations tended to be too legalistic and used scare tactics. It is our impression that the presence of the Provost Marshal on the team, while meritorious in a situation involving command personnel, is not warranted when the target group is younger officers or troops. In fact, the presence of the "cop" on the team acts to turn the young troops against the panel's activities. Surprisingly, this view was accepted by several of the Provost Marshals we talked with.

Other educational activities include radio and T.V. spots and films. The evaluation of these troops we talked to was generally negative. The best educational device we have seen was a training road show in Germany. This play was written by enlisted men in the language and style of enlisted men and performed by enlisted men, most of whom had previous show business experience. The staff was genuinely impressed by the emotional impact of this production. It utilized rock music and visual effects with which the trooper could identify. Because of this we felt its credibility and value was outstanding.

The credibility problem underlies all of the military educational efforts directed toward the young soldier. The conflicting information presented both in and out of the military about marihuana has undermined the credibility of the better prepared and scientifically accurate efforts being made now. However, this is being overcome with valid information presented by medical officers.

C. Treatment and rehabilitation

Treatment and rehabilitation of drug abusers in the military cannot be discussed without considering the so-called amnesty program. This program, in what ever form it may take in any particular command, is a combination of legal, medical and administrative approaches to drug abuse. Its general purpose is to provide an atmosphere in which a drug abusing soldier can feel free to come forth and get medical and psychological help to overcome his drug use.

Experimentation with amnesty programs in the Army began as long ago as February, 1968, when such a program was established by the 4th Infantry Division in Vietnam. Others were established on a command level, all of which were in violation of existing Army regulations. One of the most noteworthy of these is "Operation Awareness" at Fort Bragg which was begun in May 1970, and undertakes to treat and rehabilitate the users of hard as well as soft drugs. Regulations have now been established by the Army and DOD encouraging the establishment of amnesty programs. The Air Force has indicated its intent to establish such a program in a letter to Chairman Hughes. However, the Navy and the Marine Corps have not yet implemented the DOD directive.

The various amnesty programs all include provisions which allow a drug user to make his use known to the chaplain, doctor, or his commander; a guarantee of no disciplinary action if the user is not under investigation and so long as he stays clean; and some treatment for his drug use. The response to the program is mixed. In Europe, only 140 users per month have responded since June, 1970, out of a total population of 185,000 Army troops of which at least 10 percent are said to be chronic users.

The apparent reasons for the minimal response in Europe are several: (1) failure of unit commanders—many of whom were ill-prepared in the first place—to convey the concept of amnesty to their troops, and thereby signal their support of it; (2) a

widely held feeling among drug users, especially hashish smokers, that there is no wrong—physical moral or otherwise—in such use and hence nothing to be rehabilitated from; (3) a view among the troops that there are no inducements to join, no incentives, and no rewards, coupled with the fact that a commanding officer has "open-ended options" to withdraw a man from the amnesty program at any time for any reason; (4) pressure, including threats or actual bodily harm, by "hard" drug users and pushers against those who may wish to seek help under the program; (5) a reluctance on the part of some commanders to devote the considerable amount of time required to provide the soldier with the supportive help he needs; and (6) the fact that many who do participate are subjected to harassment within their units upon their return and that some commanders and top NCO's seem disposed to permit this activity.

The response in Vietnam is also limited. There, many of the medical personnel we contacted felt that the program was not being received as well as it should be among the troops because of the lack of a true guarantee of amnesty. The troops realize that only the chaplain has a true confidential communication privilege. The troops know that the doctors are required to provide medical information to command and therefore are reluctant to come forth and reveal their drug abuse. Another factor which may account for the apparent lack of effectiveness is the unavailability of adequate treatment for users in the war zone. Our impression is that the amnesty program often operates this way in Vietnam. The heavy user comes to official attention when he seeks medical help after an overdose or other condition related to his drug taking; he undergoes detoxification, and within a matter of days is returned to his unit as fit for duty; he may or may not be offered follow-up psychiatric assistance; and no punishment occurs unless he is later caught taking drugs. The extent of treatment which war zone doctors can realistically offer under the current manpower situation is detoxification. There is an insufficient number of psychiatrists to treat the characterological disorders which may underly the drug abuse. Those doctors who might otherwise be available for such treatment are primarily engaged in activities related to Drug Suppression Teams and in providing psychiatric evaluation of accused persons for disciplinary action.

In short, the staff feels that the amnesty program is based upon a sound principle, in that it attempts to provide a system which will get drug users into facilities for treatment. Early evidence, however, indicates that the program is not motivating the target group to volunteer for treatment and that even if they did volunteer, the treatment available is not adequate to solve the drug problems of most users.

The medical treatment provided by the military must be viewed in light of the attitudes of the services toward providing this type of treatment. Brig. Gen. George J. Hayes, Principal Deputy in the Office of the Secretary of Defense (Health and Environment) told the Subcommittee that the general guideline for medical personnel is to retain in the military medical systems only those individuals who could be expected to return to full military duty within a reasonable time. What this means depends upon the circumstances of each individual case. The staff also heard many expressions of the positions that the military is not a social welfare agency, that the long-term treatment and rehabilitation of drug abusers is in conflict with the basic military mission, and that such persons should be removed from the sphere of military influence.

However, the military, particularly the Army, appears to be experimenting and trying to find such clinical approaches as will be effective within the scope of the military missions. We saw examples of this approach in Operation Awareness at Fort Bragg, and group therapy sessions at other bases. General Hayes indicated that as projects are developed and prove to have some efficacy, they will be implemented elsewhere.

D. The administrative process

Of particular importance is the way the problem of drug abuse and drug abusers is being handled in the administrative sense. At the highest level—policy development in DOD—the major effort to date has been the issuance of the DOD directive on amnesty programs. While this effort is much needed, the lag of three years from the time of the first command level amnesty program to the issuance of the broad directive is regrettable. Even that order is not mandatory in that the individual services are authorized, but not required, to initiate these programs. Inasmuch as the Marine Corps and the Navy have not instituted an amnesty program, the young soldier and airman are given greater opportunities to overcome their drug problem than are the young sailor and marine.

The DOD has also recently initiated action to get a broad understanding of the problem. Of importance here are the studies undertaken by the Mack Task Force and the team headed by Jerome Vacek. These studies cover DOD drug abuse policy and programs. There does not exist any service-wide data on drug abuse at the present time, but it is our understanding that such a survey is under consideration. We noticed the lack of hard data at all levels of command. No hard statistics as to the extent of use or the profile of typical users or the reasons for use are available on a broad scale.

At the command level, there seems to be a growing trend toward the use of nonjudicial punishment under article 15 of the Uniform Code of Military Justice and other administrative processes, rather than courts martial, in the handling of all but the most serious drug cases. A general court martial for a drug case is almost unheard of, and Special Courts Martial and Summary Courts are used infrequently. A typical illustration is provided by the experience in the First Air Cavalry Division in Vietnam, in the disposition of marihuana cases. During 1969, there were no general courts martial, only 11 summary courts martial and 43 special courts martial, while there were 131 Article 15 cases involving marihuana. Nor were there any narcotics convictions in general courts martial in that division in either 1969 or 1970. There seem to be several reasons for this trend: (1) the considerable investigation and paperwork required to prepare for a general court martial; (2) overcrowding at the Long Binh jail; (3) the requirement that a man punitively discharged be escorted back to the United States; (4) a feeling among Staff Judge Advocates that young officers sitting on administrative boards are reluctant to approve an undesirable discharge for a drug offender; (5) a further feeling among Staff Judge Advocates that an individual must be apprehended actually in possession in order to sustain a guilty verdict in a court martial; (6) improper search and seizure procedures and failure to maintain a proper chain of custody by unit commanders.

Drug users with security clearances also present a problem. We were told that it is automatic to withhold security clearances from known drug users, even those given amnesty. We are aware of no complaints with this procedure. However, there seems to be no effective policy concerning the restoration of a security clearance to a drug user once he has been rehabilitated. When a security clearance is withdrawn from a drug user, it may be restored after rehabilitation, but as one witness testified, "Outliving a reputation and proving oneself as trustworthy may be difficult indeed."

A special problem has arisen in those overseas areas where there are heavy concentrations of military dependents, particularly in Germany. The dependents are exposed to many of the same environmental pressures that the young military man must face. The availability of drugs, the conflict with the local culture, and the absence of alternative activities are some factors cited by military psychiatrists in Germany as to why dependents might use drugs. The psychiatrists informed us that their efforts at combating the problem were primarily in the educational area. They were trying to develop curricula for the dependent's schools which would provide students with the information necessary to make mature decisions on drug use. They also were attempting programs of early identification of personality problems so that they could get emotional support to youngsters before they became victims of drug abuse.

The military has apparently resorted to another approach in dealing with drug abuse among dependents. Information received by the Subcommittee staff, principally letters from servicemen, indicates that transfer is a commonly used device to remove uniformed fathers whose teen-aged dependents have become involved with drugs. Reports have been received of threats to a father's career as being used to remove families with teenaged users from an overseas post. A civilian counselor for the Army said he had dealt with eleven cases since the summer of 1970 by use of forced retirement and reenlistment (so that return to the United States is immediate). He reported that the tactic was successful since he had had no drug problems among dependent children since September. He did acknowledge, however, that in none of the cases was the next duty station given full particulars about the real reason for reassignment, nor was help requested for the family.

V. DISCUSSION

In this section, we shall discuss certain issues, questions, and problem areas which we feel are suggested by our findings, conclusions and impressions set out in the sections above. While we recognize that the scope of our investigation was limited and that we do not have expert knowledge of statutes, policies, and regulations relating to the Armed Services and the Veterans Administration, we believe that the following discussion will be useful in forming the further consideration of these problems by the Subcommittee, the Armed Services Committee, or the various military branches.

A. Lack of hard data relating to the extent and nature of drug abuse

It is our conclusion that there is a definite lack of hard, scientific data which shows the nature and extent of drug abuse in the military. This lack has been recognized by the DOD. It has indicated to the Subcommittee that an epidemiological study of broad scope will be undertaken in the near future. We believe that such a study would be helpful for several reasons:

1. It would show the extent and nature of drug abuse activities of young men entering the military service.

2. It would show the nature and extent of drug abuse activities engaged in by servicemen while members of the Armed Forces.

3. It would indicate the personal characteristics and the external circumstances common to individuals who abuse drugs.

4. It would indicate those personal characteristics and external circumstances which are common to individuals who refrain from or cease using drugs.

This information would be extremely valuable in determining the more precise allocation of resources and the design of programs to meet specific needs as revealed in the study. We urge that this study be begun as soon as possible and on as broad a basis as possible.

B. Issues relating to the prevention of drug abuse

The discussion of the factors relating to the causes of drug abuse suggested two approaches to the programs designed to prevent drug abuse in the military: one is related to characteristics of individual drug users and the other concerns the circumstances which are present in the user's environment.

1. Prevention—Individual Factors

In the sections concerning the characteristics of the typical user and the reasons why young soldiers engage in drug abuse, some common personal factors seemed to be present. There were also indications of attributes common to the heavy or chronic user who was most likely to come to the attention of command either medically or legally. These common attributes included: age 19–22, rank E–4 or below, unmarried, low education, draftee or non-career oriented enlistee, from a broken home, and personality or characterological disorders. The most recent studies which have been done to date indicate that a significant proportion of the drug abusers being identified in the Army had engaged in drug abuse before entering the military, including some individuals who had used heroin. For example, the survey among 82nd Airborne Division troops showed: "Approximately one half of the marijuana users (who represented 64 percent of the total sample) began use prior to coming into the Army while approximately 4 out of 10 of the opiate users (who represented 17 per cent of the total sample) first used opiates prior to entering the Army. Further, there is evidence that a majority of those in the sample that are heavy drug users began their drug habit in civilian life."

This suggests that the incidence and impact of drug abuse in the military could possibly be reduced significantly by eliminating, in the induction process, those indivduals whose personal characterstics indicate that they are "drug-prone" or who are most at risk when exposed to drugs. Obviously, this approach is not without difficulty. Some candidates for induction may attempt to use alleged drug abuse to escape their obligation. Others may attempt to conceal their habits so that they may join hoping to be cured. A special problem is presented by the drug abuser in civilian life who enlists in the Army when given the choice of military service or jail by his local judge.

In addition, there are few, if any, reliable tests to determine actual drug use or those most likely to become drug abusers. The medical officers at induction stations now consider individuals under the "whole man" concept and try to weigh all relevant factors in each case to determine an individual's potential as a military man. This is clearly a difficult task.

An additional problem arises in determining what should be done with an individual if he is rejected at the induction level as a known drug user or as likely to become one. This individual, while not a risk to the military community, may present difficulties for the civilian community. So far as the Subcommittee staff could determine there is no formal mechanism for referring to civilian treatment agencies those rejected at the induction station who may desire treatment. In contrast, however, under regulations governing the operation of these stations, a candidate for induction who is infected with venereal disease is required to obtain treatment at a U.S. Health Service Hospital before reporting back to the station for further examination.

In view of the foregoing, we recommend that the Alcoholism and Narcotics Subcommittee or the Armed Services Committee immediately undertake discussions with the military to determine the feasibility of taking appropriate action based on the following questions:

a. Whether the Armed Forces should give special priority to developing reliable methods of identifying drug abusers and potential drug abusers at the Armed Forces Examining and Entrance Stations and elsewhere in the military system.

b. Whether a study should be undertaken to determine if entrance examinations can and should be made more effective in screening out drug abusers and those who are prone to drug abuse. Such a study might include an analysis of the techniques which can be used to screen such individuals, a cost-benefit analysis of such techniques, and recommendations of those techniques which might be successfully used by the Armed Forces.

c. Whether individuals who are rejected for service in the Armed Forces because of drug abuse or drug dependence should, with their consent, be referred to appropriate civilian prevention and treatment facilities. Such a determination should include a consideration of the resources available in the civilian community at large.

d. Whether the Armed Forces should establish a system for evaluating the performance of each AFEES station in screening out drug abusers. Such a system might seek to identify those AFEES stations where significant numbers of individuals have been admitted to service with undetected drug abuse and drug dependence problems which subsequently interfere with their military performance.

2. Prevention-Environmental factors

In earlier sections, there was considerable discussion of environmental factors which might lead to or foster drug abuse among military personnel. These included: lack of satisfying work; boredom; stress from combat; peer group pressure; development of a sub-culture organized around values antithetical to the military; a division between young enlisted men and "lifer" NCO's and officers; and the lack of acceptable social and recreational alternatives.

In addition, a number of factors were cited by the Air Force, particularly in Thailand, as contributed to a low drug abuse rate. These included better caliber of personnel (higher education, better motivation); high sense of job satisfaction; high ratio of officers and non-commissioned officers to enlisted personnel; no draftees; selectivity in recruiting; and acceptable recreational alternatives. Another factor which was suggested as tending to prevent or reduce the desire to participate in drug abuse was the "buddy system."

While these were presented to the staff as possible factors affecting the rate of drug abuse, we do not feel that we have sufficient information concerning these assertions to make any firm recommendation as to their validity. However, they do point the way to possible approaches which would reduce the motivation to take drugs and thereby reduce the demand for illegal drugs.

Therefore, we recommend further study of these factors, both positive and negative, to evaluate the impact they have upon drug abusers and whether positive alternatives can be developed to reduce the impact of negative elements.

C. PREVENTION-EDUCATION

The education activities which the various military branches have been presenting fall into two categories, command training and troop education. As noted above, primary emphasis is being placed upon command training, the purpose of which is to enable the command cadre to carry out legal and disciplinary functions. Education which would enable command personnel to understand the causes of drug abuse and to deal with troops before they begin drug abuse is, in the opinion of staff, generally lacking and should be strengthened. In addition, it is our impression that present educational activities directed toward the troops themselves are not effective in preventing the desire to use drugs and should be evaluated.

In view of the foregoing, we believe that the Subcommittee on Alcoholism and Narcotics or the Armed Services Committee immediately undertake discussions with the military to determine the feasibility of taking appropriate action based on the following questions:

1. Whether to shift the priority of drug abuse education from command training to troop education.

2. Whether a more intensive troop education program and permitting individual participation, would be effective in reducing drug abuse in the military.

3. Whether "Drug Abuse Suppression Teams" with expertise in effective educational techniques and a knowledge of legal, medical, and social ramifications of drug abuse, are a useful tool in meeting the drug challenge.

D. PREVENTION-LAW ENFORCEMENT

The primary question in the law enforcement field relates to the relative priority of law enforcement activities as compared to prevention programs aimed at reducing the motivation to use drugs. As noted above, the current laws relating to the use of drugs (particularly marijuana) and their enforcement do not seem to be providing any significant deterrent effect. Other factors favor a shift away from a basically law enforcement approach, particularly in Southeast Asia. The control of the supply and distribution of drugs under the ecological, economic, and political conditions in those countries is difficult. Director Ingersoll testified that he thought American troops would be gone from Southeast Asia before any significant changes were made there. The total amount of drug supplies which can be stopped seems to be limited, regardless of manpower limitations. This was recognized by the CID of the 4th Infantry Division when it provided the main impetus in establishing its amnesty program in early 1968.

Specific problems affecting the legal and law enforcement process of the military in dealing with drug abuse include: improper search and seizures by unit command personnel; failure to maintain proper chains of custody in preserving evidence; and delays in getting laboratory analysis of suspected drugs. We suggest that further emphasis be placed upon developing procedures and training programs which would eliminate these problems.

E. PROCESSING OF DRUG ABUSERS—TREATMENT AND REHABILITATION

The issue of treatment and rehabilitation of drug abusers is the most complex and difficult of all those dealt with in our investigation. There can be little doubt that drug abusers, especially those who are addicted or dependent on drugs, should receive medical treatment whether they are in the civilian or the military community.

However, the questions as to how that treatment is to be delivered to the abuser, by whom it is to be delivered, the nature of the treatment necessary, and under what circumstances it should be delivered have not been definitively answered whether in the context of the military or civilian communities. As regards the drug abuser in the military, the most difficult question is to what extent, if any, should the military treat a drug abuser found in its ranks. As previously noted, the Armed Forces have taken the position that they should undertake treatment of a drug user in the military only if he can be restored to duty within a "reasonable" time. The general position of medical practitioners and command personnel in the military is that it is not consistent with the

mission of the military to undertake long-term treatment and rehabilitation.

The treatment which is now provided in the military services seems to be limited in scope and duration. The closest approach to long term rehabilitation in the military is "Operation Awareness" at Fort Bragg where the program is 12 weeks long. This experimental program is attempting to deal with hard narcotic addicts as well as those dependent on soft drugs.

Under the amnesty program, the treatment provided is minimal. It does not appear to go beyond detoxification, if necessary, and short-term psychotherapy or group therapy. This is particularly true for cases arising under the program in the Vietnam War Zone. There the conditions under which treatment is given make it extremely difficult to deal with any thing other than the acute effects of drug abuse. It would be nearly impossible to provide treatment of underlying psychological disorders while maintaining an individual in his unit under combat conditions. Another difficulty with treatment in the war zone is that any kind of treatment which would remove an individual from combat conditions would tempt many individuals to take advantage of the program solely for the purpose of avoiding combat. This would be particularly true if, as some have proposed, a central treatment facility were to be established there. Some medical personnel have also pointed out that a centralized facility is not satisfactory from a therapy point of view in that it removes the patient from his natural environment and increases the difficulty of reintegrating him into any kind of military unit.

Adding to the complexity of the treatment problem is the issue of whether or not there are adequate resources within the military to provide treatment, even under the limited responsibilities assumed by the Armed Services today. There are several factors which should be considered at this point:

1. The true extent of the drug abuse problem is unknown.

2. There is a current shortage of trained medical and mental health personnel.

3. The rotation of military personnel usually militates against the overlap of key people and the retention of personnel in a single position long enough to fully develop any treatment program.

As to the shortage of trained medical and mental health personnel, the staff was told that in September, 1970, there were only 13 Army psychiatrists in Vietnam, and only one Army and one Air Force psychiatrist in Thailand. In Europe we were told that the Army has more psychiatrists than in Vietnam, on the ground that there is a greater spread of individual installations in Europe.

The present normal tour of duty for physicians and psychiatrists in the Army is three years at one duty station except in Vietnam where it is one year. We were told, however, that DOD was contemplating recommending a five-year normal tour of these personnel.

Another issue relating to treatment and rehabilitation is whether confidentiality of communications should be preserved in all treatment and rehabilitation relationships involving the drug user who elects to seek assistance under an amnesty program.

The Department of Defense did not address this issue in its Directive 1300.12. Nor did the Army in AR 600-32. However, the Air Force, in its amnesty program, will grant "certain limited privileged communication rights."

Under current military practice, there is generally no guarantee of privileged communications between doctor and patient. This is based upon the Department of Defense position that "a military service must have, or be able to obtain, full and complete information at any time as to the physical or mental capacity of its members. A rule providing otherwise would place the military in the untenable position of having little or no idea as to the physical or mental conditions of the members of the service."

Obviously, this rule gives rise to conflict when the subject matter of the privileged communication is also illegal. It becomes particularly acute in the context of the amnesty program policy of encouraging drug users to seek treatment. This conflict was repeatedly cited as discouraging drug users from seeking help even though they were otherwise motivated to seek it. The fear of prosecution on the basis of information divulged in the course of treatment has apparently not been overcome by the guarantee of amnesty established in the program.

Medical personnel did point out, however, that "often in treatment and rehabilitation it is very important that certain people who are in important social positions be notified in order to enlist assistance in helping someone. So in that sense strict confidentiality may not be something you want to maintain, but it is the illegality which poses a major problem."

Although the amnesty policy does preclude prosecution upon the basis of information divulged by an individual when seeking medical assistance under the program, it is clear that it is not intended to prohibit the use of such information for such administrative action as removal from flying status or the revocation of a security clearance. The Air Force also indicates that such information could be used under its amnesty program to administratively discharge a drug user under honorable conditions. It also has indicated that in the case of a temporary suspension or disqualification from flying status, a one year period of abstinence would be the minimum time before restoration of such status.

In the Army the security clearance of a drug abuser is withheld automatically upon disclosure. While this withdrawal is characterized as temporary, no specific guidelines have been established to permit reinstitution of the clearance.

It should be noted that if the drug abuser does not voluntarily seek help under an amnesty program there might be no knowledge of the drug abuse and therefore the individual would retain flying status, security, clearance, etc.

The administrative processing of known drug abusers whether those participating in amnesty programs or those apprehended for drug abuse violations presents several other issues.

A major question raised by the administrative processing of drug abuse offenders, whether by Article 15 action, administrative action, or through judicial action, is the relationship between the administrative action and treatment and rehabilitation. Regardless of whether punishment or separation of a drug abuse offender is administered, the offender in many situations has physical or mental health problems related to his use of drugs. Therefore consideration must be given to providing treatment or rehabilitation to the offender as well as to the individual who voluntarily seeks assistance under the amnesty program or otherwise. Factors which should be given consideration in determining the proper disposition of an offender include:

1. Whether it is a first offense.

2. The severity of the offense (pushing vs. use).

3. The willingness of the offender to accept treatment.

4. The degree of physical addiction or psychological dependents upon the drug.

5. The evaluation of the severity of any underlying psychological problems.

6. The length of service of the offender and the length of time left in his current obligation.

Another problem arises in the cases of those who have actually been separated from the military for drug offenses. We were presented with some evidence that those who are separated with anything less than an honorable discharge are subjected to discrimination when re-entering civilian life. This can be particularly difficult for the drug offender as he has characterological problems which make him a marginal individual in society anyway. A discharge other than honorable places one more barrier in his way. However, it was the position of some military personnel that the discharge is an assessment of the job performance of the individual in his military function and therefore no modification in policy would be appropriate to alleviate the burden of the drug offender.

Another issue worthy of mention is the military dependent and drug abuse. The primary place where we came into contact with dependent use was in Germany. We heard reports of administrative action (early retirement, transfer, loss of quarters) being taken against a parent because of his child's use of drugs. We learned of drug education and prevention efforts being made by dependent schools and medical personnel. We would recommend, however, that the problem of drug use among dependents and programs designed to combat that problem be given further study and evaluation.

Because of the interrelationship between treatment and rehabilitation, and administrative processing of drug abusers, we believe that the Subcommittee on Alcoholism and Narcotics or the Armed Services Committee should immediately undertake discussions with the military to determine the feasibility of taking appropriate action based upon the following questions:

1. Whether it is feasible for the Defense Department to establish a comprehensive, integrated, and mandatory policy under which servicemen who are drug dependent or drug addicts are provided treatment and rehabilitation within the military service.

2. Whether it is feasible for the Defense Department to establish a program whereby a drug offender who desires medical treatment can receive it within the military.

3. Whether a program can be developed whereby servicemen identified as drug dependent persons or drug addicts can be separated from the military and provided with treatment, if necessary, in the civilian community.

4. Whether it is feasible to consider such actions as postponement of trial or disciplinary proceedings, suspension of sentence, or other devices commonly used in civilian courts, as alternatives or in lieu of prosecution of drug dependent persons or drug addicts.

5. Whether absolute confidentiality in privileged communications is necessary or feasible within the meaning of amnesty programs.

6. Whether guidelines can be developed to permit the restoration of flying status, security clearance or other privileged status, within a reasonable time after rehabilitation.

7. Whether treatment and rehabilitation efforts should be carried out in central treatment facilities, within the context of a local unit or both.

8. Whether drug dependent persons or drug addicts should be granted non-punitive discharges and be eligible for all or some veterans benefits.

9. Whether the Veterans Administration should give priority to increasing its capability to care for drug dependent persons or drug addicts.

10. Whether military medical manpower can be allocated so that continuity is preserved in treatment and prevention programs.

11. Whether it is feasible to allocate greater manpower and monetary resources to all ele-

ments of the military which deal with drug abuse.

12. Whether it is feasible to give priority to peer group participation and the use of ex-addicts in prevention, treatment and rehabilitation programs.

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

Mr. HUGHES. I yield.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Iowa for once again taking the initiative in a field which is of transcendent importance.

We have been hearing a great deal from congressional sources about the rise in the drug problem in Indochina, and perhaps in Southeast Asia as a whole, and we are becoming aware of what this means to us in more ways than one.

I recall the interest of the distinguished Senator from Iowa in going down to Fort Bragg some months ago to look into the drug treatment program as it affected, I believe, members of the airborne troops at that base. If I recall correctly, the Senator was very pleased with the attitude of the commanding officer there, and the attempts which he was making to try to bring about rehabilitation of those who had become addicted to drugs—many of them to the hard-type heroin and the like.

The Senator has now become the chairman of a committee which will be able to look into this matter more thoroughly. I anticipate that the kind of job which the distinguished Senator from Iowa will do will be one which is long overdue, which will be welcomed by the Senate and the country as a whole, and which will help to point a way toward a solution of this problem, which is growing not better but worse with the passage of time, and which will affect not only the military, as it does at the moment, but in time will affect the population as a whole.

Again I commend the distinguished Senator for his initiative in this most important and delicate field.

Mr. HUGHES. I think the Senator from Montana.

Mr. BYRD of Virginia. Mr. President, I wish to join with the distinguished majority leader in commending the thoughtful and able Senator from Iowa for his work in regard to the drug problem in our Armed Forces, I do not know of any subject more important for congressional consideration than the accelerated use of drugs in the Armed Forces. It presents a grave danger to our Armed Forces. As a Senator and as a citizen, I am very glad that the conscientious, dedicated, and able Senator from Iowa is chairing a committee to delve deeply into this problem.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

VERMONT GRANTS FULL CITIZENSHIP TO 18-YEAR-OLDS

Mr. AIKEN. Mr. President, I wish to bring to the attention of the Senate an important event which occurred in the State of Vermont on Friday, April 16.

In a very real sense it is historic, and entirely in keeping with the long record Vermont has for providing leadership to our Nation.

Last Friday the Governor of Vermont signed into law a bill giving 18-year-olds all rights and responsibilities of citizenship.

Under this new law, the first of its kind in the Nation, Vermont's young men and women between the ages of 18 and 21 may vote, drink, marry and make contracts. I would also suggest that the U.S. Constitution be changed so that they may become Members of the House and Senate.

It is appropriate that Vermont should be the first State in the Nation to accord full majority rights to these young people, for our State has many "firsts" to its credit.

Vermont was the first State to abolish slavery.

It was the first to establish a complete public school system, from the primary grades through college.

Vermont was also the first State to establish a normal school for teacher training.

Vermont was the first to cooperate with the Federal Government in all five phases of the Social Security Act; and the first to establish an effective 39-week period for unemployment compensation.

Vermont has innumerable other "firsts" to its credit, to be sure, but the ones I have cited clearly indicate the vision and foresight of the people of Vermont.

By this latest action the Vermont Legislature, true to its tradition, has charted a course other States will surely take before very long.

The young people of today are better prepared to take their places in the social, economic, and political world than those of us who came before them.

They are acutely responsive to the problems of these difficult times.

They want to share in the responsibilities of citizenship and they are eminently qualified to be regarded as adults in every sense of the word.

I am proud that my State not only adopted a resolution calling for a change in the Constitution to allow 18-year-olds to vote in national elections, but also followed this move through to its logical conclusion—full legal citizenship.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I am not at all surprised that, once again, Vermont has taken an initiative on its own, because it has many precedents on which to base its actions of the moment. But I think it should be called to the attention of the Senate that the distinguished senior Senator from Vermont, while he was Governor of that State, was responsible for a good number of these firsts.

It is good to know that a State like Vermont will face up to realities and get away from the taboos and tackle the substance.

I fully approve of the kind words the distinguished Senator had to say about his State, because I think we ought to bring these youngsters into the system all the way and not look for dodges and delays by means of which certain aspects can be done away with.

So, all honor to Vermont and all honor to the distinguished Senator from Vermont, the ranking Republican Member of this body.

Mr. AIKEN. I thank the Senator from Montana for his very generous remarks.

THE CITIZENSHIP OF ROBERT E. LEE

Mr. BYRD of Virginia. Mr. President, on March 10, I introduced Senate Joint Resolution 68, to restore posthumous citizenship to Robert E. Lee.

This action was prompted by the recent discovery of General Lee's oath of allegiance to the Union. He himself had sought the restoration of his citizenship, but because of the lost oath, General Lee died without being possessed of the full rights of citizenship.

Even though 101 years have elapsed since General Lee's death, I believe that the discovery of this oath which evidenced General Lee's strong desire, should prompt Congress, at long last, to remove the final barriers to the full citizenship of this great American.

On March 19, 11 members of the Virginia congressional delegation sent a letter to President Nixon, asking that an Executive order be entered to restore General Lee's citizenship. I alone, among the Virginia delegation, did not sign this letter, but concurrently, I wrote the President, and stated:

If a full restoration of General Lee's rights as a citizen of the United States can be effected by Presidential action. I would most definitely favor it. If a Presidential restoration is barred by the Third Section of the 14th Amendment, as I am advised by competent counsel, it would appear to me that legislation must be enacted.

On April 14, Mr. John W. Dean III, Counsel to the President, replied, supporting my position that legislation is needed due to the provisions of the third section of the 14th amendment.

I hope that the Senate will be able to act favorably upon this matter in a short period of time.

I have been gratified by the widespread response to this bill. My office has received favorable comment from all parts of the country, and even Canada. Editorials of support have appeared in:

The Coshocton, Ohio, Tribune.
The Danville, Ill., Commercial News.
The Salem, Ohio, News.
The Columbus, Ind., Republic.
The Meridian, Miss., Star.
The Ridgway, Pa., Record.
The Ashland, Ohio, Times-Gazette.
The Washington, D.C., News.
The Norwich, N.Y., Sun.
The Annapolis, Md., Capital.
The Malden, Mass., News.
The Jacksonville, Ill., Courier.
The Texarkana, Ark., Gazette.
The West Covina, Calif., Tribune.
The Three Rivers, Mich., Commercial
The Medford, Mass., Mercury.
The Melrose, Mass., Evening News.
The Lufkin, Tex., News.
The Clarksville, Tenn., Leaf Chronicle.

The Jacksonville, Ill., Journal.
The Erie, Pa., News.
The Waco, Tex., News-Tribune.
The Oklahoma City Journal.
The Killeen, Tex., Herald.
The Steubenville, Ohio, Herald-Star.
The Bowling Green News.
The East Liverpool, Ohio, Review.
The Belleville, Ill., News-Democrat.
The Cambridge, Ohio, Jeffersonian.
The Norristown, Pa., Times-Herald.

Mr. President, I ask unanimous consent to have printed in the RECORD editorial comment from six other newspapers, copies of the Virginia delegation's letter to the President, as well as my own, the White House Counsel's reply to that correspondence, and an article on General Lee's citizenship by Col. Thomas H. Reese, USA, printed in volume 50 of the Military Law Review of October 1970.

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

[From the Pomona (Calif.) Progress-Bulletin, Mar. 30, 1971]

LET'S RIGHT WRONG

Sen. Harry F. Byrd, D-Va., has introduced a resolution in the Senate to restore posthumously the citizenship of Robert E. Lee, who lost it when he rebelled against the Union.

This is not the first attempt that has been made to restore the citizenship of the Confederacy's greatest general, but all previous efforts have foundered on the fact that there was no proof that Lee had ever complied with the requirements of amnesty by swearing "to support, protect and defend the Constitution of the United States."

There is no longer any reason not to correct this historic wrong. Archivists recently discovered Lee's amnesty oath among dusty State Department records.

The full story is told by Elmer Oris Parker in "Prologue," the journal of the National Archives.

In May or June, 1865, Lee learned of President Andrew Johnson's offer of amnesty "to induce all persons to return to their loyalty." He immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application."

His action was premature, however, for it was not accompanied by an oath of allegiance to the United States. Grant attempted to justify the absence of the oath to the president by explaining that the order requiring it had not reached Richmond when Lee's application was forwarded. He earnestly recommended that amnesty and pardon be granted his former adversary.

In the meantime, Lee had been elected president of Washington College (now Washington and Lee University). On October 2 in Lexington, Va., he was inaugurated at the college and also subscribed to the amnesty oath, fully expecting to be pardoned and restored to full citizenship.

This never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and the oath of allegiance was evidently pigeonholed. Lee's oath, duly executed, signed and notarized, was to lie buried in the nation's archives for more than a century.

[From the Montgomery (Ala.) Journal, Mar. 31, 1971]

ROBERT E. LEE

Like all Americans who take up arms against the United States, Robert E. Lee, commander of the Confederacy's Army of Northern Virginia in the Civil War, was stripped of his citizenship.

Four months after Appomattox, however, Lee renewed his oath of allegiance to the nation he had fought against out of what he painfully concluded was a higher loyalty to his state and his region. His full citizenship was never restored because, according to Senator Harry F. Byrd Jr. of Virginia, notification of Lee's renewed allegiance was never conveyed to President Andrew Johnson.

Byrd has introduced a resolution restoring, posthumously, the citizenship of Robert E. Lee.

The resolution deserves the unanimous support of both houses of Congress. The renewal of that oath was no mere accommodation on Lee's part. On the contrary, he spent his remaining years after the war teaching and preaching united Americanism to his students at Washington College, now Washington and Lee.

Although, like most Confederate veterans, Lee was pressed for money, he adamantly refused to write his memoirs for fear of their being used by some people to continue the Civil War by other means.

Like most great men, the stories and legends about Lee are myriad, but there is one that has always been our favorite: Some years after the war, walking down the streets of Richmond, Lee was reproached by a friend after he had doffed his hat in return to a similiar greeting by an old Negro man. "How can I," Lee asked his friend, "afford to be less polite than he is?"

[From the Washington Star, Mar. 26, 1971]

CITIZEN LEE

Like all Americans who take up arms against the United States, Robert E. Lee, commander of the Confederacy's Army of Northern Virginia in the Civil War, was, it is said, stripped of his citizenship. (For an interesting discussion of this question, see the Letters column).

Four months after Appomattox, however, at Lexington, Virginia, Lee renewed his oath of allegiance to the nation he had fought against out of what he painfully concluded was a higher loyalty to his state and his region. His full citizenship was never restored because, according to Senator Harry F. Byrd Jr., notification of Lee's renewed allegiance was never conveyed to President Andrew Johnson.

Byrd has introduced a resolution restoring, posthumously, the citizenship of Robert E. Lee.

The resolution deserves the unanimous support of both houses of Congress. The renewal of that oath at Lexington was no mere accommodation on Lee's part. On the contrary, he spent his remaining years after the war teaching and preaching united Americanism to his students at Washington College, now Washington and Lee. Although, like most Confederate veterans, Lee was pressed for money, he adamantly refused to write his memoirs for fear of their being used by the Southern movement to continue the Civil War by other means.

Without Lee's cooperation, that movement did indeed continue and has only lost its energy in quite recent years. One excellent reason to restore Lee's citizenship is the hope that the gesture will recall to Southerners the lesson of reconciliation taught by their great leader.

Robert E. Lee has been dead a few months more than a century. It is time he was restored to the America he served with honor and distinction for three decades before the Civil War, and for the rest of his life after it.

[From the Newark (N.J.) News, Mar. 13, 1971]

CITIZEN LEE

The Civil War, as wars do, left a number of injustices. Sen. Harry F. Byrd of Virginia has moved to remove one of them by asking that citizenship be restored posthumously to Gen. Robert E. Lee.

A two-thirds vote of Congress is required to restore citizenship to any Army officer who rebels against the United States. The senator says that Gen. Lee took an oath of allegiance to the infant Union in 1865, five years before his death.

In these days when countless individuals violate the law in the name of personal belief, it would seem that Congress could do worse than to satisfy Sen. Byrd's petition.

[From the Chicago News, Mar. 15, 1971]

CITIZEN LEE

Virginia's Sen. Harry F. Byrd Jr. has discovered that the Union never did restore citizenship to Gen. Robert E. Lee, commander of the Confederate forces, and he thinks it's time justice was done. Byrd says Lee signed a required oath of allegiance after the Civil War ended, but somehow it never reached President Andrew Johnson.

It shouldn't be hard to get the two-thirds vote needed in Senate and House to pass Byrd's resolution. Resentment against the gentlemanly insurgent should have vanished long ago. And alas for Lee, citizenship won't have much practical advantage. It's too late for him to vote anywhere, unless it's in Chicago.

[From the Omaha World-Herald, Mar. 23, 1971]

CITIZEN LEE

Sen. Harry F. Byrd Jr. of Virginia has introduced a resolution which would restore full citizenship, posthumously, to Gen. Robert E. Lee.

It is not generally known that Lee was a man without a country when he died in 1870. His request for amnesty and pardon had been ignored by President Andrew Johnson, even though it bore the warm endorsement of Ulysses S. Grant.

Attempts have been made at various times to restore Lee's citizenship, but they always have run aground because it could not be shown that Lee ever had formally pledged allegiance to the Union after the Civil War.

Lately, however, researchers have discovered in the National Archives a signed oath rendered by Lee Oct. 2, 1865, the day he took office as president of what is now Washington and Lee University. The oath apparently had been lost in some bureaucrat's pigeonhole.

The absence of the formal oath never should have stood in the way of Congress in correcting this injustice to Lee's memory. He showed in many ways that he was a good and true citizen. Now that the last obstacle seems to have been removed, Congress can complete its century-old unfinished business.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1971.

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

DEAR MR. PRESIDENT: The Virginia Delegation believes that General Robert E. Lee should have his citizenship restored posthumously, and we respectfully urge that you take the necessary action to execute a pardon for him, on the basis of recently discovered information that he took all steps necessary to petition for such a pardon, and that this application was never considered during his lifetime.

Mr. Elmer O. Parker, of the Old Military Records Division of the National Archives, wrote an article which appeared in "prologue", the Journal of the National Archives—Winter 1970, page 181, entitled "Why Was Lee Not Pardoned?", in which he reveals that archivists have discovered that General Lee did, contrary to popular belief, take all steps necessary to make him eligible for par-

don on the basis of President Andrew Johnson's proclamation of May 29, 1865 "to induce all persons to return their loyalty".

Mr. Parker writes that General Lee, on learning of the President's proclamation, immediately advised General Ulysses S. Grant that he wanted to comply, and filed the necessary application. Unfortunately, it was not in order because he had not sworn an oath of allegiance, and in spite of General Grant's urging, the application was denied and Secretary of State William H. Seward gave the application to a friend as a souvenir. After being informed that the oath was required, General Lee executed, signed and had notarized such an oath, but it apparently never reached the President, and was only recently found among the State Department records in the National Archives.

We believe General Lee was unjustly denied pardon in light of years of outstanding service to his country prior to the secession of his native state, and many years of devoted service as president of one of Virginia's finest institutions of higher learning thereafter. We respectfully request, therefore, that you evaluate his lifetime of service and find him eligible for pardon.

Respectfully yours,

HARRY F. BYRD, U.S. Senate; THOMAS N. DOWNING, Member of Congress, First District; DAVID E. SATTERFIELD, Member of Congress, Third District; W. S. (DAN) DANIEL, Member of Congress, Fifth District; J. KENNETH ROBINSON, Member of Congress, Seventh District; WILLIAM C. WAMPLER, Member of Congress, Ninth District.

WILLIAM B. SPONG, U.S. Senate; G. WILLIAM WHITEHURST, Member of Congress, Second District; WATKINS M. ABBITT, Member of Congress, Fourth District; RICHARD H. POFF, Member of Congress, Sixth District; WILLIAM L. SCOTT, Member of Congress, Eighth District; JOEL T. BROYHILL, Member of Congress, Tenth District.

U.S. SENATE,
Washington, D.C., March 18, 1971.

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

MY DEAR MR. PRESIDENT: If a full restoration of General Lee's rights as a citizen of the United States can be effected by Presidential action, I would most definitely favor it. If a Presidential restoration is barred by the Third Section of the 14th Amendment, as I am advised by competent counsel, it would appear to me that legislation must be enacted.

General Lee personally sought restoration of his citizenship. Such action today could not increase the esteem in which General Lee is held by Americans of all sections of our nation, but it would serve to emphasize that the United States is indeed one nation, a nation that lists as two of its greatest sons President Lincoln and General Lee.

I concur in the sentiments expressed by my Virginia colleagues in the Congress in the attached letter.

With best wishes, I am

Sincerely,

HARRY F. BYRD, Jr.

THE WHITE HOUSE,
Washington, April 14, 1971.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I have been requested to review the request made by the entire Virginia Congressional Delegation that the President grant General Robert E. Lee a posthumous pardon and restore his rights as a citizen of the United States.

Our research reveals that on December 25, 1868, President Andrew Johnson issued a Proclamation which granted full pardon and amnesty, "unconditionally and without reservation, to all and to every person, who directly or indirectly, participated in the late insurrection or rebellion. . . ."

This action would have effected a complete restoration of full rights and privileges to General Lee except for the fact that the 14th Amendment to the Constituion, passed on July 21, 1868, provided in Section 3 that unless the disability were removed by a vote of two-thirds of Congress, no person could hold any federal or state civil or military office if, having previously taken an oath to support the Constitution of the United States, he thereafter had engaged in the rebellion against the United States.

The legislative history and writings of that time are clear and convincing that the intention of Section 3 was that the disabilities contained therein could not be affected by the Presidential power of Executive Clemency. Thus, when General Lee died on October 12, 1870, his civil rights had been restored to the fullest extent of the Presidential pardoning power.

It should also be observed that after General Lee's death, on June 8, 1898, Congress enacted legislation which removed the disability imposed by Section 3 of the 14th Amendment. The House of Representatives Report 1407, 55th Congress, Second Session, in discussing the need to remove the disability, observed that "It is to be regretted that it was ever in the mind of any person that such extreme measures were necessary." However, a reading of the legislative history supports the conclusion that this Act was not intended to have any posthumous effect but rather it was directed to removing the disability as to "those once engaged in rebellion . . . before they all pass away . . . and while some of them are left. . . ."

Based on the foregoing, it is our conclusion that General Robert E. Lee did not die possessed of any disability from which President Nixon could now relieve him, and that Congressional action is required to posthumously restore to him full rights and privileges of citizenship.

It is regretted that the President cannot be of assistance to you and your Virginia colleagues in the Congress in your efforts to honor the distinguished son of your State and of the United States.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

ROBERT EDWARD LEE—NO CITIZEN HE*

(In this comment the writer suggests that in view of Robert E. Lee's significant contribution to his country, and in view of the amnesty given to other principals in the Confederacy after the Civil War. General Lee should be restored posthumously to full citizenship.)

I. INTRODUCTION

Born on 19 January 1807 at "Stratford," the family estate in Westmoreland County, Virginia, Robert E Lee graduated second in his class from the United States Military Academy in 1829. He served in the Mexican War as a captain, distinguishing himself and winning the esteem and admiration of General Winfield Scott, USA, and later became the ninth Superintendent of his alma mater at West Point.

On 18 April 1861, Francis Preston Blair, who had been authorized by President Abraham Lincoln to "ascertain [Lee's] feelings and intentions," offered him the field command of the United States Army, which he declined.[1] Resigning his commission two days later as "Colonel of the 1st Regt. of Cavalry," U.S. Army, he became on 6 February 1865 Commander of the Army of Northern Virginia,[2] which he commanded ably and valiantly in a losing cause. He surrendered his command to General U. S. Grant at Appomattox Court House on 9 April 1865.

II. LOSS OF CITIZENSHIP

Despite being indicted on 7 June of the same year for treason against the United States,[3] he applied six days later for a pardon as had been specified in President Andrew Johnson's amnesty proclamation of 29 May 1865.[4] The letter of application reads:

"RICHMOND, VA., *June 13, 1865.*

"His Excellency ANDREW JOHNSON,
"President of the United States.

"SIR: Being excluded from the provisions of the amnesty and pardon contained in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those included in its terms. I graduated at the Military Academy at West Point in June, 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

"Your obedient servant,

"R. E. LEE." [5]

The individual pardon was never granted, and on 15 February 1869 it was made a matter of record that no further action would be taken in the treason indictment of General Robert Edward Lee.[6] "The Gray Fox" died on 12 October 1870, disbarred from full citizenship.[7]

III. SUBSEQUENT VENERATION OF GENERAL LEE

Twelve states of the Union have made the anniversary of the birth of Robert E. Lee a legal holiday.[8] After his death, Washington College, by vote of its trustees, changed its name to Washington and Lee. The Commonwealth of Virginia has placed a statue of him in Statuary Hall in the National Capitol, and another statue adorns the rotounda of the State House in Richmond. A stained glass window in his honor has been placed in Saint Paul's Episcopal Church in Richmond, Virginia, and astride his famous war horse "Traveller" he views the ground over which Pickett made his famous charge at the battle of Gettysburg in July 1863.

On 19 January 1952 the second major event of the Sesquicentennial of the Military Academy at West Point honored "one of its most distinguished graduates," [9] when a portrait of Robert E. Lee in his Confederate uniform as the head of the Confederate Armies was unveiled in the Main Room of the Military Academy Library beside one of General U.S. Grant to "symbolize the end of sectional differences in our country. . . ." [10] "In a sense, the ceremony was to represent West Point's welcoming home of one of its favorite sons." [11]

In honoring this famous man, the United States Navy named one of its nuclear powered fleet ballistic missile submarines, the SSBN 601, the *Robert E. Lee.* This despite the fact that President Abraham Lincoln, on 12 June 1863, in a letter to "Erastus Corning and Others," wrote: "Gen. Robert E. Lee [and other general officers of the Confederacy] now occupying the very highest places in the rebel war service, were all within the power of the government since the rebellion began, and were nearly as well known to be traitors then as now. . . ." [12] Today, the *Robert E. Lee* sails in defense of the security of America in company with another such submarine, the SSBN 602, christened the *Abraham Lincoln.*[13]

Yet authorities still say Lee is barred from full citizenship.

IV. ATTEMPTS TO RESTORE GENERAL LEE TO CITIZENSHIP

On 17 January 1957, nearly 88 years after the death of General Lee, Senator Homer E. Capehart of Indiana, in discussing the status of the citizenship of R. E. Lee, remarked on the floor of the Senate of the United States

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Footnotes at end of article.

on a joint resolution to commemorate the 150th anniversary of the birth of General Lee: "He died October 12, 1870, still denied the right to hold office either civil or military, the right to serve on any jury, and certain other rights inherent in American citizenship. . . ." [14]

(Senator Capehart then proceeded to present the historical outline of the citizenship status of Robert E. Lee.)

A request for senatorial resolution to correct the civil status of Robert E. Lee at the time of his death October 12, 1870

After the close of the war of 1861–65, Robert E. Lee was the outstanding figure in the South. His attitude and opinions were more generous and farsighted than the belligerent and antagonistic feelings then existing in the South. His plea in brief:

"The issue between the States has been decided by war. Let us abide by that decision.

"I believe it to be the duty of every man to unite in the restoration of the country and the reestablishment of peace and harmony. These considerations governed me in the counsels I gave to others, and induced me on the 13th of June to make application to be included in the terms of the amnesty proclamation."

Lee did not apply for full pardon after President Johnson's first amnesty proclamation of May 29, 1866 [*sic*, 1865]. . . . Generals Grant and Meade, both recognizing Lee's influence throughout the South, urged him to do so. On June 13, 1866 [*sic*, 1865] . . . Lee's application was sent to General Grant who forwarded it to President Johnson—"With the earnest recommendation that this application . . . be granted him." No action, however, was ever taken.

Lee's situation during the four proclamations of President Johnson

"Proclamation I (May 29, 1866) [*sic*]

"To all persons engaged in rebellion, amnesty and pardon, with restitution of property, except slaves, provided they took the oath prescribed. Except—

1. Civil or diplomatic officers of the Confederacy who left judicial stations under the United States.
2. Officers above the rank of colonel.
3. United States Congressmen who left their seats in Congress.
4. Those who resigned the United States Army or Navy.
5. Those who treated prisoners unlawfully.
6. Those absent from the United States aiding rebellion.
7. Military and naval officers educated at West Point.
8. Governors of seceding States.
9. Citizens who left the United States and went into the Confederacy to aid rebellion.
10. Those destroying commerce on the seas or making raids in the Confederacy to aid rebellion.
11. Prisoners of war or under bonds as such.
12. Those voluntarily participating in rebellion and the estimated value of whose property is over $20,000.
13. Those who have not kept their former amnesty oath." Appendage: Special application may be made to the President by persons belonging to the excepted classes and clemency will be liberally extended.

Lee's situation [was] entirely excluded.

"Proclamation II (September 7, 1866) [*sic*, 1867] . . .

"Full pardon and amnesty to all, except:

1. President, Vice President, heads of departments, foreign agents, those above the rank of brigadier general, those above the naval rank of captain, State governors.
2. All persons who in any way treated otherwise than as prisoners of war persons who in any capacity were employed in the military or naval service of the United States.
3. All who were actually in civil, military, or naval confinement, or legally held to bail, either before or after conviction."

The above left Lee and some 300 other persons excluded.

"Proclamation III (July 4, 1868)

"Universal amnesty and pardon, without oath, to all except such persons as may be under presentment or in indictment in any court of the United States having competent jurisdiction upon a charge of treason or other felony.

"To all others—unconditionally and without reservation, a full pardon and amnesty, with restoration of all civil rights or property, except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States."

The above left R. E. Lee, Jefferson Davis, John C. Breckenridge, Simon B. Buckner, and a few others unpardoned.

"Proclamation IV (December 25, 1868)

"Unconditionally and without reservation, to all and to every person, who directly or indirectly, participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States."

The above would have restored full right and privilege to Robert E. Lee had not the 14th amendment to the Constitution been passed on July 21, 1868.

The 14th amendment to the Constitution (July 21, 1868):

"SEC. III. No person shall be a Senator, or Representative in Congress or elector of President or of Vice President, or hold any office, civil or military under the United States, or under any State, who, having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

Lee did not live to be completely restored to full rights of citizenship under the amnesty bill, passed by Congress June 8, 1898, which repealed section III of the 14th amendment. At the time of his death, October 12, 1870, his situation was as follows: He could vote. He could not hold any civil or military office, serve on any jury, serve as administrator of the Custis estate of Arlington to which he was appointed before the war.

Since the entire Nation, North, East, West, and South, does now honor and respect Robert E. Lee as one of the finest of American gentlemen and is proud to have produced a man of such lofty character, we do therefore entreat that the Senate of the United States, in commemoration of the 150th anniversary of Robert E. Lee's birth, January 19, 1807, resolve to extend posthumously, full rights of citizenship, without exception, to Robert E. Lee and to make such resolution retroactive to the date of his application for pardon, June 13, 1866 [*sic*].

We then, in all parts of the Nation, can claim him as one of our own and, in all honor, pay him this tribute.

THE CIVIL WAR ROUND TABLE.
INDIANAPOLIS, IND.[15]

This joint resolution failed of enactment in the Congress of the United States.

Six years went by without apparent effort by anyone to clarify his citizenship status. Then, on 21 March 1963, Representative James H. Quillen of Tennessee introduced H.R. 5089 in an effort to grant, posthumously, to the late General Robert E. Lee of Virginia, restoration to full rights of United States citizenship.[16] This resolution, which was referred to the Judiciary Committee of the House, died there.

Another seven plus years have rolled by, and research reveals that the status of General Lee's United States citizenship still remains unsettled. He is still barred from full citizenship.

V. CONCLUSION

In concuding his remarks, on 17 January 1957, in the U.S. Senate, Senator Capehart stated in pertinent part as follows:

"As I say, I was amazed that General Lee had not had his citizenship restored. Since General Lee's time we have had four wars, the Spanish-American War, World War I, World War II, and the Korean War. [Now the fifth—Vietnam.]

"I have been in the United States Senate for 12 years, and during that time I have heard speeches lauding persons from foreign countries, who had been enemies of the United States, and the Senate applauded those persons when they visited the Chamber. I am not complaining about that. I want that definitely understood. However, I could not understand it when I was told that General Robert E. Lee had not had his right restored, including the right to hold office and the right to serve on a jury; and I felt that something ought to be done about it." [17]

I do, too.

THOMAS H. REESE.[18]

FOOTNOTES

*The opinions and conclusions presented are those of the author and do not necessarily represent the views of The Judge Advocate General's School or any other governmental agency.

[1] RECOLLECTIONS AND LETTERS OF GENERAL ROBERT E. LEE 27–28 (1924).

[2] F. B. HEITMAN, HISTORICAL REGISTER OF THE UNITED STATES ARMY 406.

[3] IV D. S. FREEMAN, R. E. LEE 202, n.38 (1934).

[4] II–8 OFFICIAL RECORDS OF THE WAR OF THE REBELLION 578–80 (1899). *See also* VI J. D. RICHARDSON, MESSAGES AND PAPERS OF THE PRESIDENTS 310–12 (1897).

[5] D. S. FREEMAN, *supra* note 3, at 204.

[6] *Id.* at 381.

[7] *Id.* at 382.

[8] G. W. DOUGLAS, THE AMERICAN BOOK OF DAYS 43 (1948). The states are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

[9] C. L. FENTON, CHAIRMAN, THE SESQUICENTENNIAL OF THE UNITED STATES MILITARY ACADEMY 38 (1953).

[10] *Id.*

[11] *Id.* at 40.

[12] VI THE COLLECTED WORKS OF ABRAHAM LINCOLN 265 (1953).

[13] JANE'S FIGHTING SHIPS 1969–1970 390 (R. Blackman ed.) (a picture of the Lees appears at 387 and the Lincolns at 391).

[14] S.J. Res. 34, 85th Cong., 1st Sess., 103 CONG. REC. 723 (1957).

[15] *Id.* at 724.

[16] U.S. LIBRARY OF CONGRESS, LEGISLATIVE REFERENCE SERVICE, DIGEST OF PUBLIC GENERAL BILLS AND SELECTED RESOLUTIONS, 88th Cong., 1st Sess. E–268 (col. 2) (1963).

[17] *Supra* note 15,

[18] Colonel, JAGC, U.S. Army; Executive, Office of The Judge Advocate General; B.S., 1942, J.D. 1948, University of Utah; M.S., 1966, George Washington University. Admitted to practice before the bars of the State of Utah, the Supreme Court of the United States, and the United Court of Military Appeals.

QUORUM CALL

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on measures needed in the Departments of the Army and the Navy to ensure compliance with contract specifications in construction of military facilities (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO EMPLOY ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

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

By the ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia):

A joint resolution of the General Assembly of the State of North Carolina; to the Committee on Finance:

"HOUSE JOINT RESOLUTION 574

"A joint resolution memorializing the President and the Congress to take steps necessary to restore order to international trade in textiles and apparel and commending the President for his rejecting the unsatisfactory Japanese proposal to unilaterally restrain textile exports to the United States

"Whereas, the importation of textiles and apparel from foreign nations is seriously undermining the whole economic structure of the State of North Carolina, and

"Whereas, thousands of North Carolinians have lost their jobs or, because of short-time operations, are earning below their normal wages, and

"Whereas, the revenues of the State are seriously jeopardized, which may result in a decrease of services, thereby affecting all citizens in the State, and

"Whereas, foreign competition markets its textiles and apparel in this country under conditions which are illegal in the State of North Carolina and the United States, and

"Whereas, the Japanese have offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States, and

"Whereas, the Japanese proposal has been rejected by the President of the United States, by many Members of Congress, including Senators and Representatives from North Carolina, by the American Textile Manufacturers Institute, by the North 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 governments representing the major textile exporters to this country rigidly protect their own markets against American textile exports, and

"Whereas, in the United States we have numerous laws and regulations which affect the cost of American textiles while our foreign competitors are not subject to any such regulations by their governments, and

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

"Whereas, the Japanese plan destroys the vitally important concept of categories and government-to-government agreements, 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, the Japanese proposal would undercut the long-term arrangements on cotton textiles that have been in effect for ten years, and

"Whereas, the wages in the American textile industry are approximately two dollars an hour more than they are in the Japanese textile industry, with the difference being considerably more in some other Asian nations, and

"Whereas, the General Assembly and the people of North Carolina are not willing to see these most unfair conditions continue to weaken their largest industry which, together with its numerous suppliers and related industries, have been good responsible corporate citizens over the years, and

"Whereas, these unfair conditions have largely been created by a combination of policies of our Federal Government: Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

"Section 1. That the General Assembly of North 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 textile and apparel import situation; and

"Sec. 2. That the General Assembly of North Carolina express to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave strong support to the textile quota legislation (H.R. 20) now pending before the Congress, and, also, express to the Members of the North Carolina Congressional Delegation, and other Members of the Congress who continue to work for a solution of this problem, its deep appreciation for their dedication to this vital effort; and

"Sec. 3. 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 from North Carolina, the Secretary of Commerce, the Secretary of State of the United States, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Clerk of the United States Senate, and the Clerk of the House of Representatives of the United States.

"Sec. 4. This resolution shall be effective upon its ratification.

"In the General Assembly read three times and ratified, this 13th day of April, 1971."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 230. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown (Rept. No. 92–62).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 341. A bill for the relief of Arline Loader and Maurice Loader (Rept. No. 92–64).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 157. A bill for the relief of Arthur Rike (Rept. No. 92–63).

By Mr. HARTKE, from the Committee on Veterans' Affairs:

S. Res. 100. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants. Referred to the Committee on Rules and Administration.

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 566. A bill for the relief of Maria Grazia Iaccarino (Rept. No. 92–66); and

S. 629. A bill for the relief of Chen-Pai Miao (Rept. No. 92–67).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 645. A bill to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970 (Rept. No. 92–70); and

S. 1253. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks (Rept. No. 92–71).

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

S. 672. A bill for the relief of Nicholaos Demitrios Apostolakis (Rept. No. 92–65);

S. 145. A bill for the relief of Esther Catherine Milner (Rept. No. 92–68); and

S. 513. A bill for the relief of Maria Badalamenti (Rept. No. 92–69).

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

S. 646. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes (Rept. No. 92–72); and

S. 1254. A bill to amend title 35, United States Code, "Patents", and for other purposes (Rept. No. 92–73).

PATENTS, TRADEMARKS, AND COPYRIGHTS—REPORT OF THE COMMITTEE ON THE JUDICIARY (S. REPT. NO. 92–74)

Mr. McCLELLAN, pursuant to Senate Resolution 343, adopted February 1, 1970, submitted a report from the Committee on the Judiciary entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

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

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

John Finley Witherspoon, of Maryland, to be an examiner-in-chief, U.S. Patent Office;

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama;

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance;

Richard C. Freeman, of Georgia, to be a U.S. district judge for the northern district of Georgia;

G. Kent Edwards, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years;

Sidney E. Smith, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years; and

Donald N. Mackay, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years.

By Mr. THURMOND, from the Committee on the Judiciary:

Donald Stuart Russell, of South Carolina, to be a U.S. circuit judge.

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. MANSFIELD:

S. 1576. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY:

S. 1577. A bill to provide for the shifting to the States of Federal income tax collections from individuals. Referred to the Committee on Finance.

By Mr. YOUNG:

S. 1578. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 1579. A bill to amend section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 so as to require certain financial information from nonprofit institutions making application for real property under such section. Referred to the Committee on Government Operations.

By Mr. PERCY:

S. 1580. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes;

S. 1581. A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. TOWER):

S. 1582. A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies; and

S. 1583. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. HART):

S. 1584. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1585. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under part A of such title, of certain drugs which are prescribed and furnished (whenever possible) by generic name;

S. 1586. A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care (or to the patients thereof); and

S. 1587. A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities will be required to comply with appropriate licensing standards. Referred to the Committee on Finance.

S. 1588. A bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers, and for other purposes; and

S. 1589. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself, Mr. TOWER, and Mr. HART):

S. 1590. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals. Referred to the Committee on Finance.

By Mr. PERCY:

S. 1591. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes. Referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs (by unanimous consent).

By Mr. McGEE (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGOVERN, Mr. MUSKIE, Mr. NELSON, Mr. CASE, Mr. MONDALE, and Mr. TUNNEY):

S. 1592. A bill to establish a Commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

S. 1593. A bill to authorize the administrator of Veterans' Affairs to sell direct loans made to veterans under chapter 37, title 38, United States Code, at prices which he determines to be reasonable under prevailing mortgage market conditions, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. SCOTT:

S. 1594. A bill for the relief of John J. Yarnell. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 1595. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE:

S. 1596. A bill to amend general headnote 3(a)(i) of the Tariff Schedules of the United States annotated (1971). Referred to the Committee on Finance.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1597. A bill to amend title 38, United States Code, so as to provide that increases in Social Security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of the dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows.

Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY:

S. 1577. A bill to provide for the shifting to the States of Federal income tax collections from individuals. Referred to the Committee on Finance.

"REVENUE SHIFTING" ALTERNATIVE TO GENERAL REVENUE SHARING

Mr. BUCKLEY. Mr. President, we face few problems which are as pervasive or as critical as the prospect of fiscal collapse which today threatens so many of our State and local governments.

A number of factors have contributed to the present crisis. Some units of government have undoubtedly been improvident, and almost all have felt in one way or another impact of the present economic slump. But a most significant cause, in my estimation, has been the ever-growing impact of the Federal grants-in-aid programs and Federal taxation on the ability of the States and localities to plan and finance their activities in a responsible manner.

Over a period of almost 40 years, Washington has become increasingly involved in telling the States what to do, and how to do it, and how much of their own funds they will be required to spend as a condition to supping at the Federal trough. The whole complex of grants-in-aid legislation has had the practical effect of forcing State and local governments to allocate more and more of their resources to Federal programs which may or may not meet their most critical needs. Over this same period, soaring Federal budgets have caused the Federal Government to virtually preempt the personal income tax base, which is the one base which tends to increase in direct proportion to the growth of the economy.

The result of these and other factors has been that the cost of State and local government has expanded far more rapidly than have the property, sales and other tax bases on which these governments have traditionally depended. As a result, many units of government now find themselves at the practical limits of their taxing capabilities.

The administration's special and general revenue sharing proposals attempt

to meet these problems in two ways. The special revenue sharing bills would emancipate State and local governments from the requirement to implement specific Federal programs and to allocate specific sums to them, as long as the funds which are distributed by the Federal Government are used for the broad purposes specified. The general revenue sharing proposal, on the other hand, would provide State and local governments with a new source of unrestricted revenue without imposing additional taxes on an already overburdened public.

Mr. President, I strongly and enthusiastically endorse the special revenue sharing proposals. If and when enacted, they will represent a major step in restoring a more effective distribution of power and responsibility within the federal system. They will return authority and therefore accountability to levels of government which are best able to achieve the broad objectives of each of the special revenue sharing bills. And in the process, they will achieve a significant reduction in the size and cost of the Federal Government. Scores of agencies now engaged in the most minute direction of thousands of programs will be collapsed into a few small units whose sole responsibility will be to verify that the funds distributed by the Federal Government have been used for the intended purposes. The resulting savings in Federal overhead costs have been estimated to be as high as $3.7 billion.

I am particularly enthusiastic about the special revenue sharing proposals because they signal a conscious, historic decision to reverse the flow of power to Washington. If these proposals are enacted by the Congress, we can expect to see State and local governments revitalized as they are weaned of their growing dependence on Washington. And because the voters will know where the buck stops, they will be able to hold their State and local officials directly accountable for the manner in which they discharge their responsibilities.

The reasons which command my support for special revenue sharing do not extend, however, to general revenue sharing. While the President's proposal for general revenue sharing helps meet the current fiscal emergency faced by many State and local governments, it does so in a manner which will lessen rather than strengthen local responsibility and which will enlarge rather than diminish the role of the Federal Government in local affairs.

Under any system of effective self-government, a taxing authority ought to be held accountable for the proper and efficient use of the revenues collected. This is a fundamental principle of responsibility which ought not to be waived lightly. Yet the enactment of general revenue sharing would institutionalize a permanent division in the responsibility for the collection of the revenues to be shared and the responsibility for their expenditure.

There are other weaknesses in the administration's proposal which should make us cautious about institutionalizing a new call on the Federal till. The Federal structure presupposes the autonomy and self-sufficiency of the States with respect to those areas of responsibility which belong to them. To the extent to which the States become dependent on the Federal Government for an important source of revenue, however, to that extent will they lose their independence of potential Federal regulation. And if past experience is any guide, it can be assumed that at some future date some form of control will inevitably follow the Federal dollar.

I am also concerned over the effect of general revenue sharing on the zeal with which State and local officials will try to limit their expenditures. The precedent which we are being asked to establish would open the way for these officials, at little or no political cost, to mobilize pressures to pass on to the Federal Government the responsibility for financing an ever-larger share of their ever-larger budgets. This precedent would not only tend to erode fiscal self-restraint, it would also help perpetrate the invidious myth that moneys dispensed by Washington are not the same moneys which Washington had earlier picked from the pockets of the citizens of the several States.

Finally, the administration's proposal would have the effect of penalizing the more urbanized, industrialized States such as California, Michigan, New York, and Pennsylvania which have demonstrated the greatest need for alternative sources of revenue. Because any distribution of Federal funds which is based on population will have the effect of diverting taxes paid by the citizens of these States to other States which in many cases are making a smaller tax effort and which, because of their less industrialized and urbanized character, have fewer demands for State and local services.

It should be kept in mind that the purpose of general revenue sharing is to give hard-pressed States and localities access to the broader tax base which is available to the Federal Government. It is not intended as an instrument through which the more industrial States help subsidize their less affluent neighbors who otherwise might not be able to provide their citizens with minimum standards of service. This latter objective, which provides for a redistribution of resources among the States, is adequately met by the special revenue sharing proposals.

These are the reasons, Mr. President, why I am unable to support general revenue sharing. I believe, however, that the administration's principal objectives can be achieved through an alternative approach which avoids the weaknesses which I have cited. Essentially, these objectives are to increase by $5 billion the amount of unrestricted revenues which are available to State and local governments in fiscal year 1972 without at the same time increasing the tax burden on their citizens.

The alternative to general revenue sharing which I wish to propose is contained in legislation which I herewith submit for proper referral. This legislation will achieve the administration's principal objectives by reducing Federal tax receipts by $5 billion through a cut in personal income tax rates, while simultaneously authorizing the Internal Revenue Service to collect on behalf of each State the savings in Federal income taxes which are realized by its citizens. The legislation also authorizes each State to direct the Internal Revenue Service to collect from its residents on its behalf more or less than is provided for in the legislation as the standard amount to be collected in its capacity as agent for each State. Thus, each State retains ultimate responsibility for the amount of the taxes which are collected from its citizens for State purposes.

The net effect of this legislation is to shift $5 billion in tax revenues from the Federal Government to the States in a manner which will make it clear to each taxpayer how much he is paying to the Federal Government for Federal purposes, and how much he is paying to his State government for State purposes. Under this alternative proposal, the Federal Government will not be sharing its revenues with the States. Rather, it will be sharing its personal income tax base and its tax collecting facilities.

Mr. President, I ask unanimous consent to have printed in the RECORD following the conclusion of my remarks a memorandum describing the revenue shifting proposal in greater detail.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, there is one significant feature of the administration's proposal which I have not incorporated in my alternative. The legislation which I have introduced makes no provision for a pass-through of funds to county and municipal governments. It seems to me that the allocation of tax funds received by the various States is a matter to be decided upon by their legislatures. I cannot see why the Congress should assume a greater wisdom in this regard than the State legislators who are most directly involved. In the event my colleagues should disagree, I would point out that there is nothing in my proposal which precludes the incorporation of a pass-through provision as a quid pro quo for the utilization of the Federal Government's tax collection's facilities. To do so, however, would be a further manifestation of the kind of Federal paternalism which I believe we need so desperately to eliminate.

In closing, Mr. President, I wish to say that the legislation I have introduced today will not only help us meet the fiscal crises which presently afflict so many State and local governments, but it will establish a mechanism which will greatly broaden the fiscal options which are available to the States; and it will accomplish these ends in a manner which will neither erode the fiscal responsibility of the States nor the ability of their citizens to hold their State officials directly accountable for the raising and spending of their tax dollars.

EXHIBIT 1

"REVENUE SHIFTING" ALTERNATIVE TO GENERAL REVENUE SHARING

SUMMARY DESCRIPTION

Concept

The alternative herein proposed substitutes a *shifting* of income tax revenues to the states for the contemplated sharing of fed-

eral revenues with the states. The purpose of the "revenue shifting" proposal is to insure that ultimate responsibility for raising tax funds and for spending them rests with the same political unit. It accomplishes the same ends as general revenue sharing, in that it provides for an immediate increase in funds available to the states without increasing the cost to the taxpayer.

Conceptually, this involves a sharing by the Federal government of its personal income tax base and tax collecting facilities with the states. The revenues to be shifted to the states are to be collected on their behalf, and are subject to increase or decrease at the direction of the states.

Mechanism

Revenue shifting can be placed into effect through legislation which would accomplish the following:

(1) Federal personal income tax rates would be reduced by a percentage ("X" per cent) which would reduce the estimated revenue to be collected for use by the Federal government for Federal purposes ("the Federal tax collection") by the amount which is to be shifted to the states (e.g., $5 billion.)

(2) Simultaneously with the collection of the reduced amount of personal income taxes for the Federal government and subject to the rights reserved to the states in (3) below, IRS would be directed to collect as *agent* for each state an additional amount computed as a percentage ("Y" per cent) of the Federal tax collection; "Y" being the percentage calculated to result in the collection on behalf of the states of the aggregate revenues which are to be shifted to the states.

(3) Each state would be authorized to direct IRS to collect, on its behalf, from its residents a larger or smaller percentage. Absent specific instructions to the contrary, IRS would collect the amount stipulated in (2) above.

Illustration

A hypothetical illustration may be helpful. Assume that the Federal government currently collects $100 billion in personal income taxes from the residents of the fifty states, and that it is desired to shift $5 billion of these revenues to the states to be used for state and local purposes. Federal personal income tax rates are reduced by 5 percent, with the result that Federal government revenues are reduced by the $5 billion which IRS is directed to collect on behalf of the states.

Assume further that the residents of State "Z" currently pay $10 billion out of $100 billion in personal income taxes which are collected by the Federal government. Under the revenue shifting concept, Federal tax collections from residents of State "Z" would be reduced to $9.5 billion. At the same time, IRS would automatically collect an additional $500 million on behalf of State "Z" unless the legislature of State "Z" gives specific instructions to the contrary.

Discussion

A. Some Arguments Advanced in Favor of Administration's Proposal

1. State and local governments are experiencing a fiscal crisis in part as a result of the fact that the traditional state and local tax bases (sales and property taxes) have not expanded as rapidly as the expenditures they are required to finance. The plight of the states encourages shifting responsibilities to Washington, at the expense of local initiative. Therefore, an alternative source of funds for these governments is required.

2. The Federal government has preempted the most attractive tax base (91 per cent of income tax collections in the United States are collected by the Federal government), and has done so in a highly efficient manner. By relating revenues to be shared to personal income, the revenue sharing proposal provides state and local governments with a source of revenue whose growth potential is more closely correlated with the growth of the economy than that of the traditional state and local sources of revenues.

3. The Federal government can (a) relieve the current fiscal crisis at the state and local levels, (b) stem the impulse to concentrate still more power in Washington, and (c) allow the state and local governments to share in the income tax base through the Administration's general revenue sharing mechanism.

B. Weaknesses of the Administration's Proposal

1. The Administration proposal divides the responsibility for the collection of revenues and for their expenditure. A taxing authority ought to be directly accountable for the proper and efficient use of the tax revenues collected. This is a fundamental principle of responsibility which ought not to be waived lightly.

2. The Federal structure presupposes the autonomy and self-sufficiency of the states with regard to those areas of responsibility which belong to them. To the extent to which the states become dependent on the Federal government for an important source of revenue they lose their independence of potential Federal regulation.

3. The Administration proposal will tend to limit the zeal with which state and local officials will try to limit expenditures. Once the revenue sharing precedent has been set, pressures will inevitably grow to pass on to the Federal government an ever larger share of the cost of state and local government.

4. The Administration's proposal does least for the states with the greatest need for alternative sources of tax revenue (e.g., California, Michigan, New York, Pennsylvania, etc.) because the tax system will return proportionately more to the poorer states than they contribute to Federal revenues. In other words, the more urbanized states will be required to continue to subsidize expenditures by states which in many cases are making a smaller tax effort, and which, because of their less industrialized-urbanized character, have fewer demands for state and local services of the kind now threatening to bankrupt their more "affluent" neighbors.

5. The Administration's proposal disguises the true cost to the taxpayers of their state and local governments because of the persistent delusion that funds dispensed by Washington originate in somebody else's pockets.

C. "Revenue Shifting" as an Alternative

The basic concept of the alternative herein proposed ("revenue shifting") has been adapted from the system now in effect in Canada for the division of personal income tax collections between the Dominion and the provincial governments. It involves a substitution of a sharing of the Federal personal income tax base and collection facilities for a sharing of the Federal government's revenues. Its effect is to shift to the states a portion of the personal income taxes now collected by the Federal government.

The revenue shifting concept, which can accomplish the main objectives of the Administration's proposal while avoiding its weaknesses, requires legislation which will

(1) effect an across-the-board reduction in Federal personal income tax rates of "X" per cent, "X" being the percentage required to reduce estimated collections for Federal use by the amount of the revenue which is to be shifted to the states;

(2) direct the Internal Revenue Service to collect on behalf of each state from its residents an additional amount equivalent to "Y" per cent of the Federal tax collection, "Y" being the percentage required to equal the amount of revenue to be shifted to the states.

(3) authorize each state to direct the IRS to reduce, increase or eliminate the amount of the state share to be collected on its behalf;

(4) require that tax returns for the Federal and state tax collections be made on a single or joint form in which it is clearly indicated which portion of an individual's tax is being raised on behalf of the Federal government and which on behalf of the state.

D. Illustration of "Revenue Shifting" Mechanics

The overall objective of the Administration's proposal is to increase state and local revenues by $5 billion without increasing the existing burden on taxpayers. The revenue shifting proposal can achieve this objective in the manner described below, based on the Tax Foundation's estimate that the Federal government will collect $93.7 billion in personal income taxes in FY 1972.

1. Federal personal income tax rates are reduced by 5.34 per cent thereby reducing the personal income tax yield by $5 billion. This will reduce the total Federal personal income tax collections to $88.7 billion nationally.

2. In addition to the personal income taxes which it is to collect for the federal government, the IRS is directed to collect on behalf of each state (unless such state otherwise directs) an additional increment which in the aggregate would result in the distribution to the states of $5 billion. Based on this illustration, this would mean that IRS would collect an increment of 5.6 per cent above the amount collected on behalf of the Federal government.

3. Assuming no state *specifically* directs otherwise, the collection of this 5.6 per cent increment above the personal income taxes collected by the IRS for the purposes of the Federal government would result in a distribution to the states of $5 billion.

4. Under this proposal, an individual state would be able to authorize the IRS to collect more or less than the 5.6 per cent increment from its residents. Thus a state which elected not to have IRS collect any taxes on its behalf could, in effect, provide a 5.34 per cent tax cut for its residents. On the other hand, another state which is particularly hard pressed for revenue could elect to authorize the IRS to collect more than the increment as an alternative to increasing its sales tax, for example.

E. Advantages of the "Revenue Shifting" Alternative

1. Because the states have the power to direct IRS to increase, reduce or eliminate the amount to be collected on their behalf, they retain full responsibility for and authority over the taxation of their citizens for state and local needs. No precedent is set for Federal "bail-outs" for states which may have overextended themselves.

2. Because the personal income tax form filed with the Internal Revenue Service will specify how much of the tax is being collected for the Federal government and how much for the state, the taxpayer is spared the illusion that money transferred by IRS to his state is somehow Washington's money and not his money.

3. The states are enabled to share to a greater extent in what has been the Federal government's personal income tax base; and, in addition, they are provided with the convenience and economy of utilizing the existing Federal tax collection machinery.

4. The revenue shifting proposal avoids making the states dependent on the Federal government for another substantial source of income, and therefore avoids the danger of ultimate Federal dictation. Once the plan is in operation, its cost to the Federal government will be negligible, amounting as it will to just the cost of transferring to each state the amount collected on its behalf. Thus the system, once established, would not

be endangered by future Congressional economies.

5. It eliminates the invisible subsidies which, under the Revenue Sharing proposals, are paid to some, often "low tax effort" states at the expense of the more urban, industrialized states which are currently experiencing the most critical need for funds.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the text of the bill and an analysis be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

S. 1577

A bill to provide for the shifting to the States of Federal income tax collections from individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by adding at the end of subpart A of such part IV the following new section:

"SEC. 41. CREDIT FOR TAXES TO BE SHIFTED TO THE STATES.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5.64 percent of the taxpayer's basic income tax.

"(b) BASIC INCOME TAX.—For purposes of this section, the term 'basic income tax' means the tax imposed by section 1, 3, or 1201(b) for the taxable year, reduced by the sum of the credits allowable under—

"(1) section 33 (relating to foreign tax credit),

"(2) section 37 (relating to retirement income), and

"(3) section 38 (relating to investment credit).

"(c) EXCEPTION.—The credit provided by subsection (a) shall not be allowed to an individual for a taxable year for which he is a nonresident of the United States for the entire taxable year."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1971.

"SEC. 2. SHIFTING OF TAX COLLECTIONS TO THE STATES.

Subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—SHIFTING OF INCOME TAX COLLECTIONS TO THE STATES

"SEC. 1601. ADDITIONAL TAX TO BE PAID OVER TO STATES

"(a) Imposition for Years Beginning Before January 1, 1973.—In addition to other taxes, there shall be imposed for the taxable years beginning after December 31, 1971, and before January 1, 1973, on the income of every individual who is a resident of any State during the taxable year, a tax equal to 5.64 percent of the taxpayer's basic income tax for the taxable year. If any part of the basic income tax is allocable to a State which has requested that a different rate than 5.64 percent be applied, then the tax on the portion of the basic income tax allocable to such State shall be computed at such different rate. Such request for a different rate of tax shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

"(b) IMPOSITION FOR YEARS BEGINNING AFTER DECEMBER 31, 1972.—In addition to other taxes, there shall be imposed for any taxable year beginning after December 31, 1972, on the income of every individual who is a resident of any State, at the rate requested by such State, a tax on the basic income tax of such individual for such taxable year. Such request for the rate of tax to be imposed shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

"(c) BASIC INCOME TAX.—For purposes of this chapter the term 'basic income tax' has the meaning given to such term by section 41(b).

"(d) ALLOCATION.—The Secretary or his delegate shall prescribe regulations setting forth the manner in which the basic income tax of an individual is to be allocated to any State, except that—

"(1) in the case of earned income (as defined in section 911(b)) which is attributable to services performed outside of the State of the taxpayers' residence, at least one-half of the basic income tax attributable to such earned income shall be allocated to the State of such residence, and

"(2) any portion of the basic income tax which is attributable to—

"(A) dividends, interest, or royalties, or

"(B) income from sources outside the United States,

shall be allocated to the State of the taxpayers' residence.

"(e) RESIDENCE.—If an individual is a resident of more than one State during a taxable year, he shall be treated for purposes of this section as a resident only of the State in which he resided during such year for the longer period of time.

"(f) ASSESSMENT.—The additional tax imposed by this section shall be assessed and collected in the manner prescribed in this title with respect to the tax imposed by Chapter 1.

"SEC. 1602. PAYMENTS TO THE STATES.

"As soon as feasible after the close of each calendar quarter, the Secretary or his delegate shall make an estimate with respect to each State of the amount collected during the calendar quarter under section 1601 on basic income taxes allocable to such State, and the Secretary shall pay over to such State the estimated amount for the use and benefit of such State. Proper adjustments shall be made to amounts subsequently paid over to each State to the extent prior estimates were in excess of or were less than the amount actually collected under section 1601 on the basic income taxes allocated to such State.

"SEC. 1603. NONDEDUCTIBILITY OF TAXES IN COMPUTING TAXABLE INCOME.

"(a) The tax imposed by section 1601 to the extent the rate does not exceed 5.64 percent shall not be allowed as a deduction to the taxpayer in computing taxable income under chapter 1. To the extent the rate of tax imposed by section 1601 with respect to any State exceeds 5.64 percent, it shall be deductible in the same manner and to the same extent as a State income tax of the type referred to in section 1604.

"(b) If any of the tax imposed on an individual under section 1601 for a taxable year is computed at a rate less than 5.64 percent, then any income taxes paid by such individual to such State for such taxable year shall be disallowed as a deduction in computing taxable income under chapter 1 in the amount by which the tax under section 1601 for such taxable year was reduced by the request of such State for a rate lower than 5.64 percent.

"SEC. 1604. SEPARATE DESIGNATION ON INCOME TAX RETURN.

"Any tax imposed under section 1601 with respect to any State and collected by the Secretary or his delegate shall be shown on the same return as the tax imposed by section 1 or section 3 with respect to a taxpayer, but shall be shown separately on such return and clearly designated as a tax collected for a State and not for the United States."

ANALYSIS OF BILL

The bill is intended to reduce Federal income tax collections from individuals by approximately $5 billion and to authorize the States to use the Federal tax system as a way of collecting additional income tax revenue for them. Initially, for a 2-year period if the States take no action, the bill provides that the States will impose additional income taxes equal to the credits against the Federal tax. The States, however, by acting may ask the Federal Government to collect for them a higher or lower amount than the amount of the credits. Alternatively, a State may request the Federal Government to collect no taxes for it at all. In any event, however, the credits against Federal tax will be unchanged. After the initial 2-year period, the credit against Federal income taxes remains the same, but States in order to have the Federal Government collect any taxes for them must act positively to express the amount of the rate of the taxes to be collected.

On the one hand, the bill provides that an individual's "Federal" income tax liability is to be reduced by a credit, but, on the other hand, unless the State provides to the contrary, a tax equal to this credit is to be paid over to the State where the individual resides or earns the income. If a State decides that it does not want the tax imposed with respect to its residents or income earners, the credit against Federal tax nevertheless is available and the individuals involved will, in fact, have tax reductions.

The bill provides for a credit of 5.64 percent against Federal income tax. This, on the basis of estimated 1971 collections of $88.6 billion for individuals, is expected to provide for the shifting of $5 billion of revenues. As I have already indicated, for two years all States will receive their share of this money unless they specify they want it to go directly to the taxpayers instead. After that time, the States must specify if they want their share of the funds to go into the State treasury. If they do not so specify, the collections will represent tax reductions for the individuals involved. Deductions against Federal tax are not permitted for State taxes to the extent represented by this shifted revenue.

The mechanics of the bill are, in general terms, set forth below.

The credit against Federal tax is 5.64 percent of an individual's basic income tax. This basic income tax essentially is an individual's present tax liability before reduction for this new credit (after the foreign tax credit, the retirement income credit, and the investment credit). It is the amount of tax an individual would otherwise pay at the end of his taxable year (including his withheld taxes and his estimated tax payments).

The bill also provides the manner in which these funds are to be paid over to the States. The bill provides for the imposition of an additional tax which is to be computed on the individual's basic income tax. For the first two years, 1972 and 1973, the additional tax is to be the same as the credit, that is 5.64 percent, unless a State requests a different rate which may be either higher or lower than this stated percentage. After 1972, each State must specify the rate to be imposed for the additional tax. This request

must be made to the Secretary of the Treasury by the State with the approval of both the State legislature and the governor.

Generally, the additional tax will be imposed on the residents of the respective States. However, where an individual earns his income in one or more States and resides in another State, the bill provides for an allocation of the individual's basic income tax between or among the States involved (according to regulations prescribed by the Secretary of the Treasury) but stipulates that at least one-half of a taxpayer's basic income tax attributable to income earned for services performed outside of his State of residence must be allocated to the State of residence. Where only two States are involved, the one of residence and the one where the income is earned, it is contemplated that the allocation of the earned income will be on a 50–50 basis. Where investment income is involved, such as dividends, interest, or royalties, the income is to be allocated to the State of residence.

The tax funds collected are to be paid over to the States by the Federal Government on a quarterly basis. The Secretary of the Treasury is to make a quarterly estimate of the amount of the additional taxes which were collected on behalf of each State and pay this estimated amount over to the State following each calendar quarter. Subsequently proper adjustments will be made.

The bill provides that the additional tax is not to be deductible to the extent of a rate up to 5.64 percent.

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

Mr. BUCKLEY. I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I express my personal appreciation to the Senator from New York for the proposal he has made today. I say this as one of the sponsors of the general revenue sharing plan.

I have supported the President's main thrust in this area because of the urgent need of local governments throughout the country for some assistance. There is no monopoly or virtue in this matter. We need the best thinking and the best proposals that the Congress and the country can produce.

One of the virtues of the legislative process is that by bringing together positive and constructive ideas we can very often build upon and broaden legislative proposals a great deal more than any of the individual proposals originally advanced.

I think the proposal of the Senator from New York is a very useful and very proposals that the Congress and the country.

Mr. BUCKLEY. Mr. President, I thank the Senator for his remarks. I think it is most helpful that we have new ideas.

Mr. BYRD of Virginia. Mr. President, I congratulate the able Senator from New York for a very able and provocative presentation. I cannot at this time endorse completely the proposal offered by the Senator from New York. It will require a great deal more of study than I have had the opportunity to give the matter up to this point.

I think that the Senator has presented to the Senate a proposal that bears very thoughtful consideration, one that could be most helpful to the Congress in trying to get back to the States some of the tremendous amounts of revenue which have been taken from the States.

So, I strongly commend the able Senator from New York for his presentation this morning. It seems to me that there are many ways in which revenue can be shared with the States. I think that one of the best ways is not to take the revenue from the States in the first place.

As I understand the proposal offered by the distinguished Senator from New York, it is very much along this line. He calls his proposal revenue shifting rather than revenue sharing.

At this point I ask the distinguished Senator from New York whether his proposal envisions the principle of not taking funds from the States in the first place as one of the best means of sharing revenue with the States.

Mr. BUCKLEY. Mr. President, I believe that is the ideal to be worked for. I think that my proposal will actually achieve that immediately, but it will do so in a way that will meet existing emergencies in State after State throughout the Nation, emergencies which have come up in some cases so suddenly that State legislatures may not be able to mobilize themselves in time to meet those needs.

My proposal would provide them with a source of revenue over which they have ultimate control. They can say, "Let us increase or decrease the rate." They can say, "Do not collect anything on our behalf." Then they will be able to pass on to their citizens a significant reduction in taxes, which is the objective the distinguished Senator from Virginia has in mind. However, the mechanism which I propose would provide the States with an inexpensive means of broadening their tax base into the general income tax area.

We know that perhaps the only one thing that the Federal Government does efficiently is to collect our taxes. There is no need if a State chooses to follow the Federal formulas for them to duplicate the elaborate collection facilities which exist in every town and city throughout the country.

I believe my proposal has that virtue of, in effect, reducing Federal taxes while at the same time providing States with the convenience of Federal collection facilities.

Mr. BYRD of Virginia. That principle appeals to the Senator from Virginia. I might say that in listening to the address this morning of the Senator from New York and in reading his remarks I am impressed with his analysis of the revenue-sharing proposal of the administration.

I have kept an open mind on these proposals and I plan to keep an open mind on them for some time yet. I am inclined to the view, however, expressed by the able Senator from New York this morning that the special revenue-sharing plans appear to have a great deal of merit while the general revenue-sharing plan leaves much to be desired.

In talking about revenue sharing, I think it rather important that we remember that the Federal Government embarked, as it is, upon a heavy deficit spending program has very little revenue to share. The facts are, Mr. President, that under figures submitted by the administration itself there will be this fiscal year a Federal funds deficit of $25 billion. Assuming the administration is correct in its projection, and I do not think it is, there will be another deficit of $23 billion for the next fiscal year, making back-to-back total deficits in 2 years of at least $48 billion.

So when we talk about revenue sharing it seems to me we have to relate to that the fiscal situation of the Government which, in my judgment, is very severe and very unsound.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement of Federal taxes and spending for the fiscal years 1968 through 1972.

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

FEDERAL TAXES AND SPENDING (ALL YEARS ARE FISCAL YEARS, JULY 1–JUNE 30)

	Fiscal year—				
	1968	1969	1970	1971 (estimate)	[1] 1972
Federal fund receipts in billions:					
Individual income taxes	$69	$87	$90	$88	$94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153
Federal fund expenditures in billions:					
Total outlays	143	149	156	164	176
Federal fund deficits (—):					
Total deficits	—27	—5	—13	—25	—23
Trust fund receipts in billions:					
Total receipts	38	44	51	55	64
Trust fund outlays in billions:					
Total outlays	36	36	40	48	53
Trust fund surpluses:					
Total surpluses	2	8	11	7	11
Unified budget, surpluses or deficits (—):					
Total net surplus or deficit (—)	—25	3	—2	—18	—12

[1] Estimate.

Note: Trust fund totals consist mainly of Social Security contributions and payments.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. Mr. President, the Senator from New York, in presenting this novel, interesting, and provocative proposal captioned "Revenue Shifting" has added greatly, I feel, to the opportunities of Congress to better handle our fiscal affairs.

The objective of the Senator from New York and the Senator from Virginia is to reduce the concentration of revenues in Washington and to broaden that base so that the individual States will have more revenues to handle their own problems and will not find it necessary to come to this city for so much funding.

In connection with that, it was brought to my attention just yesterday that an-

other possibility for revenue sharing would be when the interstate highway system is completed, which will not be too far off now, that possibly the motor vehicle taxes or a major portion of them which are levied at the Federal level might be repealed, and the States to use that money for their own road system. I do not at this point recommend that suggestion, but I throw it out as one additional possibility for revenue sharing to be presented along with the program presented by the able and distinguished Senator from New York.

Mr. President, at this point I wish to call attention to several sentences from the statement by the able Senator from New York. The Senator from New York stated:

> I am also concerned over the effect of General Revenue Sharing on the zeal with which State and local officials will try to limit their expenditures. The precedent which we are being asked to establish would open the way for these officials, at little or no political cost, to mobilize pressures, to pass on to the Federal Government the responsibility for financing an ever larger share of their ever larger budgets. This precedent would not only tend to erode fiscal self-restraint, it would also help perpetrate the invidious myth that moneys dispensed by Washington are somehow not the same moneys which Washington has earlier picked from the pockets of the citizens of the several States.

Mr. President, what a sound statement that is and how infrequently we hear that in the halls of Congress. I am tremendously interested in and pleased by the statement made this morning by the distinguished Senator from New York, although, as I mentioned at the outset of these remarks, I cannot at this time endorse his proposal because it will require a great deal of study, just as the President's revenue-sharing plans require a great deal of study. But I do feel the Senator from New York made a tremendous contribution to the Senate and to Congress in presenting this proposal this morning.

Mr. BAKER. Mr. President, I wish to comment briefly on the remarks made by our distinguished colleague, the Senator from New York (Mr. BUCKLEY), and the meaningful colloquy which has been had by the distinguished Senator from Virginia.

Mr. President, I am glad to have had an opportunity to hear this very thoughtful and thought-provoking maiden speech by our distinguished colleague, the junior Senator from New York. It has been my privilege to serve with the Senator on the Public Works Committee since he came to the Senate in January of this year, and I have rapidly developed a strong admiration for his ability and for his promise. The people of New York should be and, I am sure, are proud of Senator BUCKLEY and will be well served during his tenure.

When I was soliciting cosponsorship of S. 680, the administration's general revenue-sharing bill, I received a prompt and polite reply from Senator BUCKLEY in which he indicated that he did not feel predisposed to cosponsor at that time. Little did I know how unpredisposed he was.

As principal sponsor of S. 680, and in spite of my great admiration for the Senator's excellent speech and thoughtful legislative proposal, I suppose I would be laggard in my duty if I did not gently disagree with his assessment of the administration bill and state my preference for general revenue sharing as an alternative to the "revenue shifting" that our distinguished colleague has proposed today.

I think, in fact, that we have more in common than we do in disagreement. First, we each believe strongly in the competence of State and local governments. Second, we each believe in the need for enhancing that competence and thus revitalizing our Federal form of Government. Third, we each acknowledge the urgency of the fiscal crisis at the State and local level. Fourth, we each recognize that the tax bases commonly available to State and local governments grow less rapidly than the personal income tax base, largely the preserve of the Federal Government since the adoption of the 16th amendment. Fifth, we each deplore the rigidity of many Federal grant-in-aid programs, which often require States and localities to spend limited resources in areas not compatible with local priorities.

It is out of these basic areas of agreement that the President's general revenue-sharing proposal and Senator BUCKLEY's revenue shifting proposal come. So we are both headed toward alleviation of the same problems and stimulation of the same State and local vitality. What we are left with is a difference in technique, what are really tactical questions and not strategic ones.

Let me comment briefly on what I view to be the most laudable aspect of the Senator's proposal, one which I find most thoroughly agreeable in principle. That is the feature which would shift to the State governments the political decision as to whether the Senator's proposed income tax reduction would continue to be collected for State purposes. This feature goes directly to the argument made by many that the unit of Government spending tax revenues should bear the political responsibility—or accountability, if you will—for raising such revenues.

However, even this element of the Senator's proposal troubles me, and for reasons that I tried to articulate when I introduced S. 680 on February 9. One of the two most often cited alternatives to general revenue sharing is a scheme of Federal tax credits against State personal income taxes, the other being Federal assumption of welfare costs.

I am opposed to a Federal policy that encourages enactment of State personal income taxes, because I cannot avoid the strong suspicion that a system of 50 State income taxes would serve as a serious hindrance to the free flow of people, goods, and services between the States. Even property, sales, excise and corporate taxes have traditionally been used by States locked in a lethal competition for industry and jobs. So the States find themselves constantly making cruel choices between meeting the legitimate needs of their citizens for services and maintaining a tax structure that encourages rather than inhibits an expansion of the total tax base.

A great virtue of sharing Federal revenue is, in my opinion, that it avoids any competition between the States, because the Federal revenues to be shared are generated through the application of a tax structure that is uniform throughout the country.

Senator BUCKLEY's bill would vest in each State the option of choosing what proportion of its own tax saving the Internal Revenue Service would continue to collect for that State's own uses. It is not the same as a State income tax, but it is very close indeed.

I would make two other very brief observations. First, as the Senator himself points out, there is no provision in his bill that would require that a State pass through to any of its political subdivisions any of the revenues generated by the tax reduction. It might well be that in each case State government would be responsible enough to assure that cities and counties shared in the proposed relief. But I myself prefer a requirement that these subdivisions share by statute in the savings that would accrue.

Second, I would comment on an aspect of the Senator's case that confuses me a little. One of his objections to the administration's general revenue-sharing proposal is that it would be "redistributive," which is to say that the wealthy industrial States would be subsidizing the less wealthy rural States. It is true that the President's proposal would not return to New York State each tax dollar that it contributes to the $5 billion total, as would the Senator's proposal. It is true that the President's proposal, because State allocations would be based chiefly on population, would have a slightly redistributive effect. But the effect would be very slight indeed.

For example, may I cite a few statistics. The 17 wealthiest States in the Union—as measured by per capita taxable personal income—account for 49.7 percent of the Nation's population and 56.3 percent of its personal income. These 17 States would receive 50.8 percent of the allocations under the President's proposal. The 16 next most wealthy States include 30.6 percent of the Nation's population, 28.5 percent of the Nation's personal income, and would receive 29.7 percent of the $5 billion proposed to be shared by the President. The 17 poorest States in the Union contain 19.7 percent of the population, 15.2 percent of its personal income, and would receive 19.6 percent of the general revenue-sharing allocation. So the redistributive element of the President's proposal is very slight, much less redistributive than the special revenue-sharing proposals that the Senator—much to my gratification—has so ringingly endorsed this morning.

I might end by adding—with my tongue slightly in my cheek—that according to my hurried calculations, the State of New York would apparently receive more under the President's proposal than it would under the Senator's own proposal. This is so because New York is a very populous State with an excellent revenue exort of its own.

But that is enough in defense of S. 680.

I again commend the Senator for an excellent, thoughtful, and constructive speech and piece of legislation. His bill will go a long way toward clarifying many of the issues involped in various proposals to revitalize State and local government. I look forward to working closely with my talented and skillful colleague.

Mr. President, I am glad to have had the opportunity to participate in this colloquy. I commend the junior Senator from New York for his contribution and I reserve until a later date further discussion of the matter.

I thank the Senator from Virginia for yielding.

By Mr. HATFIELD:

S. 1579. A bill to amend section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 so as to require certain financial information from nonprofit institutions making application for real property under such section. Referred to the Committee on Government Operations.

Mr. HATFIELD. Mr. President, today I am introducing legislation to tighten procedures used in the transfer of surplus Federal real property for educational or public health use. The bill would require a complete financial disclosure by a prospective donee of Federal real property under the public benefit allowance.

This legislation grows out of my investigation of the transfer of an abandoned Air Force Station in Oregon to a private college. On the surface, this appears to be a worthwhile act, and a wise use of surplus real property.

When I began looking into this particular transfer, however, a number of items of interest arose. I will not dwell on them today, but I expect to have more to say about this at a later date.

First, it must be remembered that transfers to education or public health institutions are free transfers—the Federal land is given to the donee. The technical language refers to "100 percent public benefit allowance." The donee must use the property for the stated use for 30 years or it reverts to the Federal Government. I should point out that there is an instance involving the school in question here where HEW lifted the condition subsequent on the posting of a surety bond. In most cases, however, the 30-year period is there.

When valuable Federal real property is given away—property sometimes worth millions of dollars—there is a legitimate public interest in seeing that such gifts are in the best public interest.

I think that my colleagues would agree that the ability to finance a worthwhile program at any site is dependent on the financial capacity of the donee. This affects proper and beneficial use of the property, and is of interest to the Federal Government, the State officials, and the adjacent local communities. In the specific case that aroused my interest in this entire area, Adair Air Force Station is to be given to United States International University. USIU is headquartered in San Diego, and plans to operate one of its branch campuses on the site. I will not repeat my observations about the school, and the need for another private school in Oregon today, but I will call the attention of my colleagues to my remarks on the floor here on February 9, 1971, at page 2215 in the RECORD. I also would point out additional information about USIU was supplied on February 17 at page 2977.

Because I felt that any recipient of Federal property in Oregon must have the financial capability to operate a sound educational program in Oregon, I looked into the application form used by the San Francisco office of HEW. I call attention to question 12 of the HEW application, and ask unanimous consent that this question appear at this point in the RECORD.

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

QUESTION 12

12. Give a full and complete statement of the ability to finance, operate, and maintain the facilities requested, including arrangements for conversion, or construction, staffing, operation, and maintenance. Be sure to include the following:

(a) Capital outlay budget, $———.
(b) Special building funds, $———.
(c) Undistributed reserve, $———.
(d) School tax rate, $———.
(e) Percentage of assessed valuation currently bonded, $———.
(f) Funds available for personnel and maintenance, $———.
(g) Amount raised by taxation, $———.
(h) State appropriations, $———.
(i) Other (contracts, services, federal payments, etc.), $———.

Mr. HATFIELD. Mr. President, in its application form, USIU did not reply to this question in a satisfactory manner, in my opinion. I ask unanimous consent that the USIU answer to question 12 appear at this point in the RECORD.

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

ANSWER

12. The University, in the past 18 years, has developed into a major institution under the same President and essentially the same Board of Trustees. It has two major campuses in the San Diego area plus a downtown center for the performing arts; a campus in Steamboat Springs, Colorado; a campus in London, England; a campus in Nairobi, Kenya; and a campus in Mexico City. The University's income comes from tuition and fees plus gifts from corporations, foundations, and individuals who are interested in a strong, academic program coupled with an emphasis on values and wholesome campus living. The University has built two of these campuses from vacant land and has purchased the others. The same program of development that has made this growth and successful operation possible will be utilized as well at the Adair site. The fact that the major portion of the buildings are in existence on this site makes the project much easier to accomplish than those that have already been established by the University.

Mr. HATFIELD. Mr. President, I think any reasonable man who read the HEW form and the USIU answer would see that USIU did not answer the question.

I met in January with Secretary of Health, Education, and Welfare Elliot Richardson, to raise the many questions I had about this transfer and the school in particular. One question I raised concerned the inadequate answer of USIU to the HEW question.

In my response on February 3, 1971, from Secretary Richardson, after he had given his approval to the transfer, the Secretary apparently was satisfied that the USIU answer was satisfactory. I ask unanimous consent that the Richardson letter appear at this point in the RECORD.

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

SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 3, 1971.

Hon. MARK HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: After our discussion on January 22 regarding our proposed conveyance of the former Adair Air Force Station, Corvallis, Oregon to the U.S. International University, I requested my Office of Surplus Property Utilization to furnish me with factual data on the several areas you felt were not fully covered in the University's application and proposed program.

My analysis of all data has led me to conclude that USIU programs, multi-campus concept, and willingness to assist students to reach their college level potential, are exciting and attractive to college age students. Hence, students are not primarily drawn from the State in which a USIU campus is located, but from all States.

USIU's financial status does not appear to be a serious obstacle to their performing under their proposed program at Adair. Furthermore, since no local or State funds will be involved and the funds to be spent by USIU at Adair will help the economy in the area, and since the government also is not risking any loss if USIU does not complete its proposed program, I can only conclude there is much to gain and nothing to lose by completing this conveyance. Thus far, USIU has more than kept good faith in meeting program commitments for all other properties the Department has conveyed to it.

For these reasons, I have determined to proceed with the conveyance. Your interest in calling my attention to some areas of possible weakness in our surplus real property application procedures is appreciated, and we are taking steps to strengthen these procedures.

With kindest regards,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. HATFIELD. Mr. President, because of the ambiguity in the Secretary's answer, and further questions of mine, I wrote HEW again, asking specifically about this question and the USIU answer. I ask unanimous consent that the HEW response appear at this point in the RECORD.

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

MARCH 23, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Recently you requested our opinion on the answer to Item No. 12 in the application of the United States International University for the Adair Air Force Station.

We have previously pointed out that the University has fulfilled all of the program commitments for other properties conveyed under our Surplus Property Program. In addition, we believe the government's right to

revert title to property conveyed under our program is adequate protection against misuse, non-use, or other failure to comply with our surplus property requirements.

The Department, therefore, determined the University's ability to finance did not appear to be a serious obstacle to accomplishment of the proposed program for Adair. You will recall this was the position the Secretary took when he wrote to you on February 3.

Sincerely yours,

SOL ELSON,
Director, Office of Surplus Property Utilization.

Mr. HATFIELD. Mr. President, from this answer by the surplus property division at HEW, they do not share the Secretary's concern that there is the area "of possible weakness in our surplus real property application procedures."

In light of this attitude of HEW, I think it important to examine other USIU applications for surplus real property. I ask unanimous consent that a letter listing recent transfers—for free I might add—to USIU from HEW appear at this point in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., December 4, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: This is in reply to your request for a list of properties conveyed to United States International University since 1962. The following properties have been transferred to the University, or its predecessor, California Western University:

350.57 acres—Camp Elliott, San Diego—Deed, 4/15/65.

3.27 acres to U.S. Fleet Anti-Air Warfare Training Center, San Diego—Deed, 6/1/66.

50.56 acres—Camp Elliott, San Diego—Deed, 1/28/66.

54.38 acres and 71 buildings, Sundance Air Force Station, Wyoming—Deed, 8/14/70.

257.26 acres and 35 buildings, Camp Adair Air Force Station, Corvallis, Oregon—Occupancy permit issued pending preparation of deed.

Sometime ago, the University expressed an interest in a portion of the Oxnard Air Force Base in California. However, this is an airport facility and the Federal Aviation Agency has been working toward establishing a commercial airport at Oxnard. If the airport is established, as planned, the property would not be available for educational uses.

We know of no other property in which the University is interested.

Sincerely yours,

J. LLOYD TAYLOR,
Acting Director, Office of Surplus, Property Utilization.

Mr. HATFIELD. Mr. President, the most recent application of USIU that I am aware of was filed in September 1970, in the San Francisco HEW office. I presume the application form was the same. It requested transfer of Oxnard Air Force Base to USIU.

I reviewed a copy of the USIU application for the Oxnard base. Mr. President, I cannot even find any answer to question 12, or for that matter, for questions 11 through 15. The only reference to financing is the certification that USIU "has funds available and will use them for the purpose as described above."

Another application for transfer of surplus real property was filed by USIU for Sundance Air Force Station, in Wyoming. This property was transferred to USIU in August, 1970. I ask unanimous consent that the Denver-HEW application form question relating to financing, and the USIU answer appear at this point in the RECORD.

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

ABILITY TO FINANCE AND OPERATE

7. (a) Give statement of sources of present financing for operations and for development of new facilities, including statement as to the current availability of funds to carry out the proposed use. (Complete budget or treasurer's report not required.)

(b) If program contemplates major development costs and funds are not currently available, state proposed plans and sources for securing funds to carry out the program and development.

USIU RESPONSE TO HEW QUESTION 7—SUNDANCE

It is intended to use the property for educational purposes as a part of the University program. It is estimated that it will be used to accommodate approximately 300 students. The sources of revenue to operate the program will come from tuition and fees, augmented by gifts from foundations, corporations, and individuals.

Mr. HATFIELD. Mr. President, it should be noted here that on the Xerox USIU answer I have, following the typed answer set out above, is a Xeroxed pen entry "See attached program." When I read that, I could find no mention of particular finances.

In addition, I should like to call attention to another aspect of this HEW approval of the USIU applications.

While HEW Office of Surplus Property officials say they find nothing wrong with the USIU financing, the Office of Education officials at HEW have supplied me with some very interesting information.

For 2 years, USIU has requested extensions of the date on which their HEFA loans were due. The school did not make a $41,180 payment last December, and requested an extension of the due date until February 15. I ask unanimous consent that letters from Richard Holden, of the Office of Education, appear at this point in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., Mar. 3, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of February 23 concerning the Direct Loan Program under the Higher Education Facilities Act of 1963, and specifically U.S. International University in California.

As of February 8, 1971, there were 520 loans outstanding under the Direct Loan Program. Of these, we agreed to a temporary moratorium on loan repayments at the request of 13 institutions.

In accordance with the terms of the loan, U.S. International University was required to make a debt service reserve deposit of $23,000 and a semi-annual interest payment of $18,180 on January 1, 1971. At the request of the institution, we agreed to extend the payment date to February 15, 1971. On February 17, 1971, the total amount of $41,180 was paid to the Trustee Bank.

If we can be of further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,
Director, Division of Academic Facilities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., Jan. 12, 1971.

Hon. MARK O. HATFIELD,
United States Senate
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of January 6 concerning U.S. International University.

Enclosed is a schedule showing the participation of this University in the Academic Facilities Program authorized by the Higher Education Facilities Act (HEFA) of 1963, as amended. Only one direct loan has been approved, and this one in the amount of $1,212,000, which was approved in FY 1967, was used together with a Title I Grant to assist in financing the construction of an academic complex on the Elliott Campus. The loan was closed in October 1968.

A debt service reserve payment due January 1, 1970, was not made in a timely manner. However, the payment was made to the Trustee within 60 days after the due date. An additional debt service reserve payment of $23,000 and an interest payment of $18,180 became due January 1, 1971, and the University has requested until February 15, 1971, to make these payments. Permission for this extension has been granted.

Construction of the five projects for which Title I Grants have been approved is being delayed, according to advice from our regional office, due to the difficulty being encountered by the University in raising the required matching funds. On two of these projects (4-9-00399-0 and 4-9-00429-0) the University has filed applications under Section 306 of HEFA for annual interest grants to assist in meeting part of the debt service on private loans. These annual interest grants have not yet been approved.

Although requested, we have not yet received a copy of the University's recent financial reports.

If we can be of any further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,
Director, Division of Academic Facilities.

Mr. HATFIELD. In conclusion, Mr. President, I wish to note that my concern is not limited to my State, Adair Air Force Station, or USIU.

The Federal surplus real property programs transfers millions of dollars worth of Federal property every year. The public must be protected to insure that these free transfers are not abused. The 30-year reversion offers some protection for the Government, but I think more initial financial disclosure would stop some problems from arising.

Under my bill, a complete financial statement including—but not limited to—an audit by the donee would be required when the application was filed with HEW. The complete application—including this financial information—would be filed with the Governor of the State where the property is located. There it could be examined by appropriate State officials in the areas of education or public health, the citizen base utilization committee, or other interested parties. I think this action would stop some problems from arising.

By Mr. PERCY:

S. 1580. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes;

S. 1581. A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. TOWER):

S. 1582. A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies;

S. 1583. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. HART):

S. 1584. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1585. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under part A of such title, of certain drugs which are prescribed and furnished—whenever possible—by generic name;

S. 1586. A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care—or to the patients thereof; and

S. 1587. A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities will be required to comply with appropriate licensing standards; referred to the Committee on Finance.

S. 1588. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; and

S. 1589. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself, Mr. TOWER, and Mr. HART):

S. 1590. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals. Referred to the Committee on Finance.

By Mr. PERCY:

S. 1591. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration services to the elderly, and for other purposes. Referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs—by unanimous consent.

(1) IMPROVED CARE FOR THE ELDERLY

Mr. PERCY. Mr. President, I rise today to introduce a comprehensive and far-reaching package of 12 bills designed to alleviate the problems of this Nation's 20 million elderly citizens.

In the United States today, when a person reaches age 65, he frequently finds he must do more than adjust emotionally and psychologically to his retirement. He must adapt himself to an entirely new style of life.

Ironically, just at the period in his life when the older American could benefit most from a higher income, he often suffers a drastic drop in income. Just as he discovers that his body is less nimble, he sees that transportation costs are rising, while service is deteriorating—if not disappearing altogether. Just as he begins to find it necessary to buy more medication and visit the doctor more frequently, he watches medical costs zoom skyward at an unbelievably high rate. And just at the age when—because of his decreased mobility, inadequate income, and declining health—he feels the greatest need to live in comfortable, familiar surroundings close to the people he knows and loves, he frequently is forced to give up his home or is shunted off to a nursing home.

In its recent report on "Developments in Aging," the Senate Special Committee on Aging points out that the problems of the aging will not be solved by "timid tinkering or stop-gap proposals," and calls for "bold, imaginative, and far-reaching action on several fronts." My legislative package is an attempt to solve the manifold problems of the aging: Housing, health and long-term care, income maintenance, and taxes, and transportation.

Mr. President, at this point I would like to comment briefly on each of my proposals. I ask unanimous consent that at the conclusion of my remarks, the text of each bill be printed in the RECORD.

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

(See exhibit 1.)

(2) COMMUNITY CENTERS FOR SENIOR CITIZENS

Mr. PERCY. Mr. President, my first proposal would create special units—community centers for senior citizens—to provide a focal point in a community for all senior citizen activities and social services. Under my bill, the elderly would be able to go to a single center to obtain information or help with such matters as low-cost meals, transportation, legal and employment counseling, and recreational, social, educational, and cultural programs. This measure, patterned after the highly successful Community Mental Health Centers Act, would:

Authorize a total of $320 million over the next 3 fiscal years for grants to the States for the construction and initial staffing of senior citizens community centers to provide a comprehensive program of social services to the elderly.

Require submission of a State plan which sets forth, among other things, a program of construction based on a survey of need and requires the Secretary of Health, Education, and Welfare to promulgate other rules and regulations regarding such construction.

State Congress' intention that all programs funded under title III and title IV of the Older Americans Act be provided through these community centers and that senior citizens in each community be involved in designing local programs.

Authorize block grants to the States totaling $310 million over the next three fiscal years to be distributed to local community centers according to procedures set out in a State plan for the support of local programs.

(3) HOUSING

The second bill aims to rehabilitate the only two housing programs designed exclusively for the elderly, the FHA sections 202 and 231 of the National Housing Act. It also seeks to coordinate and maximize the effectiveness of the 21 housing programs now in existence which deal directly or indirectly with the elderly. As now written, the bill calls for an Assistant Secretary of Housing for the Elderly in the Department of Housing and Urban Development to accomplish this coordination, but this is only one of several possible approaches. Entitled the "Housing for the Elderly Act," the bill would do the following:

Housing for the Elderly in the Department of Housing and Urban Development to administer, plan, and coordinate housing programs for the elderly.

Direct the Assistant Secretary: First, to make maximum use of section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly, and second, to carry out studies and make recommendations for action to meet the housing needs of the elderly in rural areas, including the possibility of emergency grants for the repair and rehabilitation of dwelling units.

Amend section 231 of the National Housing Act to permit private nonprofit sponsors flexibility in the design of projects so that one facility may include residential units as well as a combination of long-term care units.

Authorize $25 million in each of the next three fiscal years for a demonstration program of grants for the planning and construction of multipurpose facilities or campuses centering on an intensive care unit and including residential, convalescent, and skilled nursing care units for the elderly.

(4) TRANSPORTATION

In an attempt to help increase the mobility of older Americans and to prohibit discrimination on the basis of age against senior citizens applying for automobile insurance, I am introducing my third bill, entitled the "Senior Citizens

Transportation Services Act." It would do the following:

Require half fares on mass transit facilities for mass transit systems to be eligible for Urban Mass Transportation Assistance Act funds.

Require half fares on trains and buses crossing state lines during nonpeak hours.

Require half fares on domestic airlines on a seat-available or standby basis.

Extend the Architectural Barriers Act of 1968 to cover mass transit facilities thereby strengthening the Federal Government's hand in insuring access by the aged and the handicapped to mass transit facilities.

Authorize an appropriation of $2.5 million in each of the next two fiscal years for a program of transportation demonstration projects in the Administration on Aging to explore ways of increasing the mobility and decreasing the isolation of the elderly.

Make it a Federal crime punishable by fines up to $10,000 to deny automobile liability and personal injury insurance to any person age 65 or over solely on the grounds of age.

(5) INCOME MAINTENANCE AND TAX RELIEF

To provide much-needed tax relief for the elderly, I am proposing my fourth bill, which would:

Permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them has attained age 65.

Provide a credit or refund of social security taxes withheld from the wages of individuals 65 years of age and over on an income up to $1,680 a year and a corresponding reduction in the tax on the income of self-employed individuals.

Because an individual's pension benefits are generally based upon his entire working record, unemployment at age 45 or later can have a severe and adverse effect upon his retirement income. If a person loses his job after the age of 45 and finds himself virtually unemployable, he will suffer reduced pension benefits. Unfortunately age discrimination in the field of employment is quite common these days; the result is that more and more people are without jobs and face reduced pension benefits when they retire. My fifth proposal seeks to alleviate this problem by combining employment counseling and training services in the Department of Labor with opportunities for community service employment. The bill would:

Establish counseling, training, supporting services, and research activities in the Department of Labor to aid older workers 45 years of age and over who are unemployed or are seeking new employment.

Direct the Comptroller General to review job opportunities in the executive branch to find employment possibilities for older workers.

Authorize the Secretary of Labor to enter into agreements with public or private nonprofit organizations to pay 90 percent of the cost of projects employing low-income people over 55 in community service activities.

(6) HEALTH AND LONG-TERM CARE

To relieve the elderly from an expense they find inordinately burdensome, my sixth bill would extend medicare coverage to prescription drugs at no cost to the consumer. The sixth bill would:

Provide for an unlimited supply of prescription drugs at no cost to the consumer.

Provide for a formulary of drugs eligible for reimbursement to be prepared by a formulary committee made up of doctors, pharmacists, and consumer representatives.

Authorize whenever possible the listing and selling of drugs by generic names.

Authorize the committee to set the maximum allowable cost of drugs.

Direct the committee to place only the lowest cost drugs on the formulary whenever possible.

Require pharmacies generally to supply the lowest cost version of a drug if all available versions are in other ways identical.

Require that pharmacies be reimbursed at a rate to include a fee for professional services not to exceed the median of all fees charged within a particular State or region of the country.

Bills seven through 12 seek to improve long-term care for the elderly by providing better mechanisms for the establishment and enforcement of nursing home standards. Additionally, this legislation provides for the training of personnel employed in long-term care facilities, with special emphasis upon utilizing the talents of medical corpsmen returning from Vietnam. A summary of each of these bills follows:

(7) UNIFORM LONG-TERM HEALTH CARE FACILITY STANDARDS ACT

Directs the Secretary of Health, Education, and Welfare in consultation with other relevant Government officials, to conduct a study and review of various Federal programs which provide assistance to facilities for long-term care—or to the patients of such facilities—in order to develop greater uniformity under these programs of the designations employed and the standards—type and quality of patient care, staffing, maintenance, licensing, and inspecting, et cetera—imposed with respect to eligibility for Federal assistance.

Directs the Secretary to recommend remedial legislation to Congress within 1 year from the passage of the legislation.

(8) A BILL TO PROVIDE FOR A STUDY OF THE MEDICAID SYSTEM IN ORDER TO ASSURE BETTER HEALTH CARE FOR INDIVIDUALS IN LONG-TERM CARE FACILITIES

Directs the Secretary of Health, Education, and Welfare to conduct a study of the feasibility of requiring as a standard for eligibility that one State agency have the responsibility for administering the medicaid program and for licensing and inspecting long-term care facilities;

Directs the Secretary to recommend remedial legislation to Congress within 1 year from the passage of the legislation.

(9) A BILL TO ESTABLISH A DEMONSTRATION PROGRAM FOR THE REHABILITATION AND REMOTIVATION OF PATIENTS IN LONG-TERM CARE FACILITIES

Authorizes a total of $35 million over the next 4 years for grants to cover all or part of the cost of projects to develop or demonstrate programs designed to rehabilitate aged in-patients of long-term care facilities or to assist such inpatients to attain self-support or self-care.

(10) A BILL TO PROVIDE FOR THE TRAINING OF NURSES' AIDES AND ORDERLIES FOR NURSING HOMES

Authorizes a total of $17.5 million over the next 4 fiscal years for a program of grants to assist public and nonprofit private agencies in conducting programs for the training of personnel as nurses' aides or orderlies for nursing homes.

(11) A BILL TO PROVIDE FOR THE TRAINING OF MEDICAL ASSISTANTS FOR NURSING HOMES

Authorizes a total of $17.5 million over the next 4 fiscal years for a program of grants to medical schools for the retraining of discharged Armed Forces medical corpsmen as medical assistants for long-term care facilities.

(12) A BILL TO PROVIDE FOR A TRAINING PROGRAM WITHIN THE PUBLIC HEALTH SERVICE FOR STATE INSPECTORS OF LONG-TERM HEALTH CARE FACILITIES

Authorizes a total of $17.5 million over the next 4 fiscal years to finance a Public Health Service training program for State officers or employees who have the responsibility to inspect long-term facilities for compliance with Federal and State rules, standards, and regulations.

EXHIBIT 1

S. 1580

A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes

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

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Middle-Aged and Older Workers Employment and Community Service Act."

DECLARATION OF FINDINGS

SEC. 102. The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected without supplementary legislation to cope adequately with age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is higher among workers age forty-five and over than among younger workers;

(5) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(7) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(8) the loss to the economy of the po-

tential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of frustration, impaired morale, loss of the sence of worth and dignity, and of his status within the family and society, is incalculable; and

(10) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 103. It is the purpose of this Act to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment.

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

AUTHORIZATION

SEC. 104. For the purpose of carrying out the provisions of title II of this Act, there are authorized to be appropriated $140,000,000 for the fiscal year ending June 30, 1972, and $210,000,000 for the fiscal year ending June 30, 1973.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 105. The Secretary of Labor (hereafter referred to as the "Secretary") shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas.

ADMINISTRATION

SEC. 106. (a) In order to carry out the provisions of titles II and IV of this Act the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 107. (a) In addition to any other provisions for the administration of this Act, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this Act if that individal, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

RESEARCH AND INFORMATION PROGRAMS

SEC. 108. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this Act.

(b) In carrying out the purposes of this Act the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special information and educational programs as he determines appropriate.

TITLE II—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 201. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 202. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 203. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 204. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in that locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 205. (a) The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors, to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 206. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

TITLE III—OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

PROGRAM AUTHORIZED

SEC. 301. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals who do not have opportunities for other suitable public or private paid employment, other than projects supported under the Economic Opportunity Act of 1964, or under this Act;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

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

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

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons; and

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

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 302. (a) In order to effectively carry out the provisions of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this Act are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) The Secretary shall encourage those agencies and organizations administering community service projects which are eligible for payment under section 301(b) to coordinate their activities with agencies and organizations which are conducting existing programs of a related nature which are being carried out under a grant or contract made under the Economic Opportunity Act of 1964. The Secretary may make arrangements to include such projects and programs within a common agreement.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 301(b).

(e) The Secretary shall not delegate his functions and duties under this Act to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 303. (a) Eligible individuals who are employed in any project funded under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

DEFINITIONS

(b) No contract shall be entered into under this Act with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary may establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 304. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 305. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas, but no State shall receive more than 12 per centum of any money appropriated in any fiscal year to carry out the provisions of this title.

DEFINITIONS

SEC. 306. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 307. There are hereby authorized to be appropriated to carry out the provisions of this title $35,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for fiscal year ending June 30, 1973.

TITLE IV—SPECIAL REPORTS AND STUDIES

MANPOWER STUDY

SEC. 401. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this Act, and other federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than January 31, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 402. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before July 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 403. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

PRIVATE NONPROFIT EMPLOYMENT OPPORTUNITIES

SEC. 404. The Secretary shall prepare and submit a report to the Congress not later

than July 1, 1972, on present programs of private nonprofit organizations to furnish employment opportunities on a full-time or a part-time basis for individuals 55 years of age or older and on recommendations for strengthening such programs and coordinating such programs with employment programs for older Americans conducted or assisted by public agencies.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 405. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

AUTHORIZATION

SEC. 406. There are authorized to be appropriated $—— for the fiscal year ending June 30, 1972, to carry out the purposes of this title.

S. 1581

A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part B of title III of the Public Health Service Act is amended by inserting after section 317 thereof the following new section:

"PROGRAM FOR TRAINING OF STATE INSPECTORS OF LONG-TERM HEALTH CARE FACILITIES

"SEC. 318. (a) The Secretary shall conduct, within the Public Health Service, a program for the training of State officers or employees who are authorized by the State to participate in such program and who are (or will, upon completion of such training, be) charged with the responsibility of conducting inspections of long-term health care facilities in the State or carrying on other appropriate activities designed to assure that long-term health care facilities operating in the State comply with applicable licensing and other requirements of State or local law.

"(b) The Secretary is authorized to prescribe such regulations, regarding the number of personnel from each State which may participate in such training program at any one time, as may be necessary to assure equitable treatment, as among the various States, in the operation of such program.

"(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000 for each of the next three fiscal years.".

S. 1582

A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART E—GRANT PROGRAM FOR TRAINING NURSES AIDES AND ORDERLIES

"SEC. 881. (a) The Secretary is authorized to make grants to public or non-profit private agencies, institutions and organizations to assist them in conducting (or establishing and conducting) programs for the training or retraining of personnel as nurses aides or orderlies for nursing homes.

"(b) For the purpose of carrying out the provisions of this section there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000, for each of the next three fiscal years."

S. 1583

A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by adding after section 774 thereof the following new section:

"GRANTS TO DEVELOP PROGRAMS TO TRAIN CERTAIN VETERANS TO SERVE AS MEDICAL ASSISTANTS IN LONG-TERM HEALTH CARE FACILITIES

"SEC. 775. (a) There is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000 for each of the next three fiscal years, to enable the Secretary to make grants to schools of medicine to assist such schools in meeting the costs of developing and conducting special training programs designed to prepare qualified veterans of the Armed Forces to perform services as medical assistants in long-term health care facilities.

"(b) As used in subsection (a)—

"(1) the term 'qualified', when used in reference to any veteran, means an individual who is not a physician but who, while a member of the Armed Forces, performed (as his occupational specialty) duties which involved the provision of first-aid and other medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services; and

"(2) the term 'medical assistant' means an individual who is not a physician but who is qualified to perform first-aid and certain oher medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services."

S. 1584

A bill to assist in the provision of housing for the elderly, 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 "Housing for the Elderly Act."

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In the exercise of this authority, the Assistant Secretary shall—

"(A) make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;

"(B) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(C) provide a central source and clearinghouse of information with respect to housing for the elderly;

"(D) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and

"(E) carry out studies and make recommendations for such administrative and/or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units."

MORTGAGE INSURANCE TO ASSIST IN PROVIDING HOUSING FOR THE ELDERLY

SEC. 2. Section 231 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(g)(1) Notwithstanding any other provision of this section, no mortgage shall be insured under this section after the date of enactment of the Housing for the Elderly Act unless—

"(A) the mortgage is executed by a mortgagor described in subsection (c)(3); and

"(B) the property or project covered by the mortgage is new construction, and is designed exclusively (subject to subsection (f)) for the use and occupancy of elderly persons.

"(2) Any property or project covered by a mortgage insured under this section after such date may, notwithstanding any other provision of this section, include (in addition to dwelling units) an intermediate care facility, a nursing care facility, or a combined intermediate care and nursing care facility (including equipment to be used in the operation thereof).

"(3) As used in this subsection—

"(A) The term 'nursing care facility' means

a facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the accommodation of elderly persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

"(B) The term 'intermediate care facility' means a facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of elderly persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services.

"(4) The Secretary shall not insure any mortgage under this section covering any project which includes an intermediate care facility, nursing care facility, or combined intermediate care and nursing care facility unless he has received from the State agency designated in accordance with section 604 (a) (1) of the Public Health Service Act for the State in which the project is to be located a certification that (A) there is a need for such facility, and (B) there are in force in such State or in the municipality or other political subdivision of the State in which the facility is to be located reasonable minimum standards of licensure and methods of operation governing it. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any such facility.

"(5) In prescribing regulations with respect to the insurance of mortgages under this section covering projects which include facilities of the type referred to in paragraph (4), the Secretary shall consult with the Secretary of Health, Education, and Welfare concerning any health and medical considerations that may be pertinent thereto."

DEMONSTRATION PROGRAM

SEC. 3. (a) The Secretary of Housing and Urban Development is authorized, under terms and conditions prescribed by him, to make grants to public bodies and private nonprofit organizations for the planning and construction of multipurpose facilities to demonstrate the utility and feasibility of such facilities in meeting the special needs of elderly persons for adequate housing and readily available medical and related services. For the purpose of this section, a "multipurpose facility" is a carefully planned complex of connected or closely related structures consisting of dwelling units, intermediate care facilities, nursing care facilities, and hospital facilities conforming to such standards and criteria as the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe.

(b) In the administration of the demonstration program authorized by this section, the Secretary shall accord a preference or priority to projects making maximum utilization of existing public or private nonprofit health care facilities. Wherever practicable assistance provided under this section with respect to any multipurpose facility shall be coordinated with, and supplemental to, other assistance programs administered by the Secretary or the Secretary of Health, Education, and Welfare.

(c) Advances and progress payments may be made pursuant to any contract to make grants under this section without regard to the provisions of section 3648 of the Revised Statutes.

(d) To finance grants under this section, there is authorized to be appropriated $25,000,000 for each of the fiscal years 1972, 1973, and 1974. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

S. 1585

A bill to amend title XVIII of the Social Security Act to provide for coverage, under part A of such title, of certain drugs which are prescribed and furnished (whenever possible) by generic name

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226(b) (1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and qualified drugs".

(b) Section 1811 of the Social Security Act is amended by inserting "and qualified "drugs" after "related post-hospital services".

(c) Section 1812(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) qualified drugs.".

(d) Section 1814(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs (as defined in section 1861(t)) and the provider has such prescription in his possession, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual."

(e) Section 1814 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Qualified Drugs

"(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy defined in section 1861(z) of this Act and which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such drugs."

(f) The second sentence of section 1816(a) of the Social Security Act is amended by striking out clause (1) and inserting in lieu thereof the following: "(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and".

(g) Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

"SEC. 1818. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of two officials of such Department designated by the Secretary, and of seven individuals (not otherwise in the regular full-time employe of the Federal Government) to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Two of such seven individuals shall be representatives of the public and five of such individuals shall be persons of recognized professional standing in the fields of medicine, pharmacology, and pharmancy. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812(a) (4). Drugs and biologicals so listed shall, whenever possible, be listed by generic name.

"(4) Publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in

accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its name (which shall, whenever possible be its generic name) and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for the proper patient care, taking into account other drugs that are available from the Formulary.

"(e)(1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary, of any drug, including procedures with respect to any data and testing it may require of a proponent of the listing of a drug in the Formulary.

"(f)(1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a)(4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

"SEC. 1818. (a) For purposes of this part, the term 'maximum allowable cost' means, when used in connection with any drug, the lesser of—

"(1) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section.

"(2) the amount of the cost of such drug to the dispenser thereof, if such drug had been obtained at the lowest price at which such drug is generally available (by generic name, if such drug has a generic name) to dispensers of drugs in the area in which such dispenser is located, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(3) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"(b)(1) The Formulary Committee shall establish an amount or amounts at which such drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower drug costs which have been determined to be of proper quality and which are generally available.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c)(1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a fee for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except for subsection (a) (1) (B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the median fee filed by all of such licensed pharmacies which have filed statements of fees pursuant to paragraph (1).

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.".

(h) Section 1861 (t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is furnished (whenever possible) on a nonproprietary or generic basis, and if a prescription is involved, is prescribed (whenever possible) on such a basis, (4) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (5) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (6) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1819B." (i) Section 1861(u) of the Social Security Act is amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(j) Section 1861(v) of the Social Security Act is amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (8), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(8)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act."

(k) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(z) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(l)(1) The first sentence of section 1866 (a)(2)(A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813 (a) (4), and (iii)".

(2) The second sentence of section 1866 (a)(2)(A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

Sec. 2. The amendments made by this Act shall apply with respect to items and services furnished on and after January 1, 1973.

S. 1586

A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care (or to the patients thereof)

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 "Uniform Long-Term Health Care Facility Standards Act".

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) under various Federal programs, financial assistance is provided to various types of facilities for long-term health care, and financial assistance is provided to assist in paying for care provided to the patients of such facilities;

(2) there is a lack of uniformity, in such programs, in the standards (as to construction, type and quality of patient care, staffing, maintenance, licensing and inspection, and other relevant matters) which long-term health care facilities must meet to be eligible, or for their patients to be eligible, for such assistance;

(3) in such programs, different designations (such as nursing home, extended care facility, skilled nursing home, and facility for long-term care) are employed to describe the type of long-term health care facility with respect to which assistance may be provided; and

(4) in order to promote public understanding of, and eliminate unnecessary inconsistencies in, such programs, they should be studied and reviewed with a view to determining the feasibility of employing more uniform designations and standards for or with respect to the long-term health care facilities which (or the patients of which) are eligible for assistance under such programs.

(b) It is therefore the purpose of this Act to provide for the conduct of a study and review of the various Federal programs which provide assistance to facilities for long-term health care (or to the patients thereof) with a view to developing greater uniformity, in such programs, of the designations employed and the standards imposed with respect to eligibility for assistance under such programs

STUDY AND REVEW

SEC. 3. (a) In order to carry out the purpose of this Act, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), in consultation with the Secretary of Housing and Urban Development and such other governmental officials as the Secretary deems appropriate, shall conduct a study and review of the various Federal programs which provide assistance to facilities for long-term health care (or to patients receiving care in such facilities) with a view to developing, and recommending for adoption by the Congress, of more uniform (1) designations for the various types of such facilities which (or the patients of which) are eligible to receive assistance under such programs, and (2) standards (with respect to construction, type and quality of patient care, staffing, maintenance, licensing and inspection, and other relevant matters) which the various types of such facilities must meet in order that they (or their patients) will be eligible for such assistance.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study and review authorized by subsection (a) and shall submit to the Congress a full report thereon together with the recommendations of the Secretary developed as a result thereof, which recommendations shall be presented in the form of a proper legislative proposal designed to implement the carrying out of such recommendations.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 1587

A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities with a view more effectively to assure that such facilities will be required to comply with appropriate licensing standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized and directed to conduct a study and investigation of the operation of State programs receiving Federal financial assistance under title XIX of the Social Security Act with a view to determining the desirability and feasibility of the imposition, as a condition of the provision of such Federal financial assistance with respect to expenses incurred under such programs for the provision of care in long-term health care facilities, of a requirement that there be in effect, between the State agency administering or supervising the administration of any such program and the agency of the State charged with the licensing and inspection of long-term health care facilities, an agreement under which the State agency administering or supervising the administration of such program will be authorized to perform certain functions, relating to enforcement of compliance with licensing standards, otherwise vested in the State agency charged with licensing and inspection of such facilities.

(b) On or before July 1, 1972, the Secretary shall complete such study and investigation and shall submit to the Congress a full and complete report thereon, together with the Secretary's recommendations based on such study. If (and to the extent that) such recommendations require or involve legislative action, the Secretary shall submit with such report a proper legislative proposal designed to carry out such recommendations.

S. 1588

A bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers, 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 "Senior Citizens Community Centers and Services Act".

DECLARATION OF POLICY

SEC. 2. The Congress declares that it is the policy of the United States—

(1) to better serve the specialized and often overlooked needs of older Americans;

(2) to supplement and expand existing community services to older Americans supplied through housing projects for the elderly and other means;

(3) to provide a focal point in a community for the development and delivery of social services designed primarily for older Americans;

(4) to provide an opportunity for older Americans to realize the full potential of their retirement years;

(5) to provide assistance to senior citizens in overcoming the financial hardships of retirement, the physical hardships of declining health and decreasing mobility and the psychological hardships of the loneliness and isolation that often beset the older person;

(6) to build upon and expand the successful community-based programs and demonstration projects funded by Titles III and IV of the Older Americans Act of 1965 as amended; and

(7) to provide expanded opportunities for service by senior citizens to other seniors and to the community, including those opportunities provided by existing programs funded by the Department of Labor, the Office of Economic Opportunity, and other federal agencies.

TITLE I—CONSTRUCTION OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. There are authorized to be appropriated for grants for construction of public and other nonprofit community centers for senior citizens, $70,000,000 for the fiscal year ending June 30, 1973, $140,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS TO STATES

SEC. 102. (a) For each fiscal year, the Secretary of Health, Education, and Welfare shall, in accordance with regulations, make allotments from the sums appropriated under section 101 to the several States on the basis of (1) the total population and the population of senior citizens, (2) the extent of the need for community centers for senior citizens, and (3) the financial need of the respective States; except that no allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than $100,000. Sums so allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community center for senior citizens in such other State. If it is found by the Secretary that construction of the center with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

REGULATIONS

SEC. 103. Within six months after enactment of this Act, the Secretary shall, after consultation with Federal, State, and local agencies concerned with services for senior citizens as well as representatives of private groups concerned with services for senior citizens, by general regulations applicable uniformly to all the States, prescribe—

(1) the kinds of community centers and community services needed to provide adequate social services for senior citizens residing in a State;

(2) the general manner in which the State agency (designated as provided in the State plan approved under this title) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive services

(as determined by the Secretary in accordance with regulations) for senior citizens in a particular community or communities or which will be an extension of or closely associated with an existing senior citizen center or community-based senior citizen program funded under title III of the Older Americans Act;

(3) general standards of construction and equipment for centers of different classes and in different types of location; and

(4) that the State plan shall provide for adequate community centers for senior citizens residing in the State.

STATE PLANS

SEC. 104. (a) After regulations pursuant to section 103 have been issued, any State desiring to take advantage of this title shall submit a revised version of the State plan required under title III of the Older Americans Act of 1965 as amended for carrying out the purposes of this title. Such a revised State plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this title;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community centers for senior citizens, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services, to consult with the State agency in carrying out such plan;

(4) set forth a program for construction of community centers (A) which is based on a statewide inventory of existing facilities and survey of need; and (B) which conforms with the regulations prescribed by the Secretary under section 103(1);

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 103(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title;

(8) provide for affording every applicant for a construction project an opportunity for hearing before the State agency;

(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary and modifications thereof which it considers necessary.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPROVAL OF PROJECTS

SEC. 105. (a) For each project for construction pursuant to a State plan approved under this title, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 103 (3);

(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community center;

(4) reasonable assurance that adequate financial support will be available for the construction of the project and for the nonfederal share of its maintenance and operation when completed;

(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 103; (C) that the application is in conformity with the State plan approved under section 104 and contains assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for senior citizens residing in a particular community or communities in or near which such center is to be situated a comprehensive program of social services; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 103(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

WITHHOLDING OF PAYMENTS

SEC. 106. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 104(a)(1), finds—

(1) that the State agency is not complying substantially with the provisions required by section 104 to be included in its State plan, or with regulations under this title;

(2) that any assurance required to be given in an application filed under section 105 is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 105; or

(4) that adequate State funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith notify the State agency that—

(5) no further payments will be made to the State from allotments under this title; or

(6) no further payments will be made from allotments under this title for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

TITLE II—INITIAL STAFFING OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

STATEMENT OF INTENTION

SEC. 201. It is Congress' intent that the Community Centers shall be staffed as much as possible by volunteers and part-time employees from the ranks of senior citizens.

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 202. (a) For the purpose of assisting in the establishment and initial operation of community centers for senior citizens the Secretary may, in accordance with the provisions of this title, make grants to meet, for the temporary periods specified in this title, a portion of the costs (determined pursuant to regulations under section 205 below) of compensation of professional and technical personnel for the initial operation of new community centers for senior citizens and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 percent of such costs for the first fiscal year after the date of enactment of this Act, 66⅔ percent of such costs for the second fiscal year after such date, and 50 percent of such costs for the third fiscal year after such date.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over 65 years of age.

APPLICATIONS

SEC. 203. (a) Grants under this title with respect to any community center for senior citizens may be made only upon application and only if—

(1) the applicant is a public or nonprofit private agency or organization which owns or operates the center;

(2) the services to be provided by the center alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive social services for senior citizens which are prescribed by the Secretary;

(3) (A) a grant was made under title I of this Act to assist in financing the construction of the center or (B) the type of service to be provided as part of such program with the aid of a grant under this title was not previously being provided by the center with respect to which such application is made;

(4) the Secretary determines that there is satisfactory assurance that Federal funds made available under this title for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this section, and will in no event supplant such State, local, and other non-Federal funds.

LIMITATION

SEC. 204. No grant may be made under this title after June 30, 1975, with respect to any community center for senior citizens or with respect to any type of service provided by such a center unless a grant with respect thereto was made under this title prior to July 1, 1975.

REGULATIONS

SEC. 205. For the purpose of carrying out the provisions of this title the Secretary may prescribe general regulations concerning eligibility of centers for grants, determination of eligible costs with respect to which grants may be made, and the terms and conditions required under section 203 relating to applications.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years. For subsequent fiscal years there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this title and are eligible for such a grant for the year for which sums are being appropriated under this sentence.

TITLE III—PROGRAMS AND SERVICES OF THE MULTIPURPOSE COMMUNITY CENTERS

STATEMENT OF INTENTION

SEC. 301. (a) It is the intent of Congress that—

(1) all programs assisted under title III and, where applicable, title IV, eventually shall be absorbed into the program activities of the new Community Centers, if such centers are constructed in the community, and that the centers should become the focal point of State and locally funded programs as well as Federally funded programs;

(2) communities have maximum flexibility in designing programs to meet the unique needs of older citizens in these communities;

(3) senior citizens will be involved in the planning, designing, organizing, and operating of all Federally assisted programs for senior citizens.

STATE PLANS PROVISION

SEC. 302. (a) State plans required under title III of the Older Americans Act as amended by title I of this Act shall be amended to contain provisions to assure that—

(1) programs under this title and all other related programs for senior citizens, wherever practicable, will be conducted in the multipurpose community centers for senior citizens constructed or assisted under this Act;

(2) procedures will be established for the distribution of grants to local communities within the State including criteria for establishing priority among communities within the State; and

(3) a description of programs and activities appropriate for multipurpose community centers for senior citizens for which assistance under this title is sought.

(b) The Secretary shall by regulation in each fiscal year establish the Federal share of the costs of that portion of the State plan to be assisted under this title.

AUTHORIZATION AND ALLOTMENT

SEC. 303. (a) There are authorized to be appropriated to carry out the provisions of this title $60,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974.

(b) Funds appropriated pursuant to subsection (a) of this section shall be allotted to the extent practicable, in the same manner and upon the same conditions as under section 102 of this Act.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. For the purposes of this Act—

(1) The term "senior citizen" means any individual who has attained 55 years of age.

(2) The term "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

(3) The term "multipurpose community center for senior citizens" means a facility providing a comprehensive set of social services to any citizen of the community over the age of 55 including but not limited to congregate dining facilities and meal services at low cost (including a meal service for shut-ins), recreational, social, educational, and cultural programs for senior citizens, informational and referral services, consumer education and protection services, legal counseling, preretirement and retirement counseling, employment counseling and referral for older citizens, transportation services (including transportation aides), home health services and counseling by paramedicals and nurses, and community volunteer programs.

(4) The term "nonprofit community center" means a community center for senior citizens which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term "nonprofit private agency or organization" means an agency or organization which is such a corporation or association or which is owned and operated by one or more such corporations or associations.

(5) The term "construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings; including architect's fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

(6) The term "cost of construction" means the amount found by the Secretary to be necessary for the construction of a project.

(7) The term "title", when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

(8) The term "Federal share" with respect to any project means—

(A) if the State plan under which application for such project is filed contains, as of the date of approval of the project application, standards approved by the Secretary pursuant to section 402 the amount determined in accordance with such standards by the State agency designated under such plan; or

(B) if the State plan does not contain such standards, the amount (not less than 50 per centum and not more than 90 per centum or the State's Federal percentage, whichever is the lower) established by such State agency for all projects in the State: *Provided*, That prior to the approval of the first such project in the State during any fiscal year such State agency shall give to the Secretary written notification of the Federal share established under this paragraph for such projects in such State to be approved by the Secretary during such fiscal year, and the Federal share for such projects in such State approved during such fiscal year shall not be changed after such approval.

(9) The Federal percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the Federal percentage for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum.

(10) (A) The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation; except that the Secretary shall promulgate such percentages as soon as possible after the enactment of this Act, which promulgation shall be conclusive for the fiscal year ending June 30, 1965.

(B) The term "United States" means (but only for purposes of this subsection and subsection (1)) the fifty States and the District of Columbia.

(11) The term "Secretary" means the Secretary of Health, Education, and Welfare.

STATE STANDARDS FOR VARIABLE FEDERAL SHARE

SEC. 402. The State plan approved under title I may include standards for determination of the Federal share of the cost of projects approved in the State under such part or title, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 90 per centum or less than 50 per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section.

PAYMENTS FOR CONSTRUCTION

SEC. 403. (a) Upon certification to the Secretary by the State agency, designated as provided in section 104, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred

requiring action pursuant to section 106, as the case may be, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

(b) In case an amendment to an approved application is approved as provided in section 105 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

PAYMENTS GENERALLY

SEC. 404. Payments of grants under this Act may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

JUDICIAL REVIEW

SEC. 405. If the Secretary refuses to approve any application for a project submitted under section 105, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 104(b) or section 106, such State, may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence; and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary 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, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

RECOVERY

SEC. 406. If any facility or center with respect to which funds have been paid under section 403 shall, at any time within twenty years after the completion of construction—

(1) be sold or transferred to any person, agency, or organization (A) which is not qualified to file an application under section 105, or (B) which is not approved as a transferee by the State agency designated pursuant to section 104, or its successor; or

(2) cease to be a public or other nonprofit community center, as the case may be, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit center as a community center for senior citizens; the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a center which has ceased to be a community mental health center, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such center as constituted and approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such center prior to judgment.

STATE CONTROL OF OPERATIONS

SEC. 407. Except as otherwise specifically provided, nothing in this Act shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community center with respect to which any funds have been or may be expended under this Act.

S. 1589

A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title III of the Public Health Service Act is amended by adding after section 310B thereof the following new section:

"PROJECT GRANTS FOR DEVELOPMENT AND DEMONSTRATION OF PROGRAMS FOR REHABILITATION OF AGED INPATIENTS OF LONG-TERM HEALTH CARE FACILITIES

"SEC. 310C. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for each of the next three fiscal years, to enable the Secretary to make grants to any public or nonprofit private agency, institution, or organization to cover all or any part of the cost of projects for the development or demonstration of programs designed to rehabilitate aged inpatients of long-term health care facilities or to assist such inpatients to attain self-support or self-care.".

S. 1590

A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 213(a) of the Internal Revenue Code of 1954 (relating to allowance of deduction for medical, dental, etc., expenses) is amended to read as follows:

"(a) Allowance of Deduction.—There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise:

"(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (B)) for medical care of the taxpayer, his spouse, and dependents (as defined in section 152) exceeds 3 percent of the adjusted gross income, and

"(B) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of the expenses paid during the taxable year for medical care of the taxpayer and his spouse,

"(B) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (C)) for medical care of dependents exceeds 3 percent of the adjusted gross income,

"(C) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care of dependents."

(b) Section 213(b) of such Code (relating to limitation with respect to medicine and drugs) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to amounts paid for the care of the taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year."

(c) The amendments made by subsection (a) and (b) shall apply to taxable years beginning after December 31, 1970.

SEC. 2. (a) (1) Section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) Special Refunds for Certain Individuals Who Have Attained Age 65.—In the case of an employee who receives wages in or after the month in which he attains age 65, if the sum of—

"(1) the wages received by him during the taxable year and in or after the month in which he attains age 65, and

"(2) his net earnings from self-employment for the taxable year,

does not exceed $140 multiplied by the number of months in the taxable year in or after the month in which he attains age 65, such employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the tax imposed by section 3101 and deducted from the wages paid to such employee during such month (whether or not paid to the Secretary or his delegate)."

(2) Section 31(b)(1) of such Code (relating to credit for special refunds of social security tax) is amended by inserting "or section 6413(d)" after "section 6413(c)".

(3) Section 6413(c) of such Code (relating to special refunds) is amended by inserting after "during such year" in paragraph (1)(E) "(other than wages taken into account under subsection (d), if the employee is entitled to a special refund under such subsection with respect to such wages)".

(b) Section 1401 of such Code (relating to rate of tax on self-employment income) is amended—

(1) by inserting "(other than an individual to whom subsection (c) applies)" after "every individual" in subsections (a) and (b), and

(2) by adding at the end thereof the following new subsection:

"(c) Certain Individuals Who Have Attained Age 65.—In the case of an individual—

"(1) who has attained the age of 65 before the close of the taxable year, and

"(2) whose net earnings from self-employment for the taxable year, when added to the wages (as defined in section 1402(b)) received by him during such year and in or after the month in which he attains age 65,

does not exceed $140 multipled by the number of months in such year,

there is hereby imposed (in lieu of the taxes imposed by subsections (a) and (b) on the self-employment income of such individual taxes equal to one-third of the taxes which (but for this subsection) would be imposed on the self-employment income of such individual under subsections (a) and (b))."

(c) (1) Section 201(g)(2) of the Social Security Act is amended by inserting "or 6413(d)" after "section 6413(c)" in the first sentence.

(2) Section 1817(f)(1) of such Act is amended by inserting "or 6413(d)" after "section 6413(c)".

(d) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1970.

S. 1591

A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, 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 "Senior Citizens' Transportation Services Act."

REDUCED RATE MASS TRANSIT

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) In providing financial assistance under this Act, the Secretary shall not approve any applications made by States and local public bodies and agencies thereof unless such application contains provisions which adopt (or require the adoption of) specially reduced rates during nonrush hours for any elderly person in the operation of the facilities and equipment financed with such assistance, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise. As used in this subsection, the term 'elderly person' means any individual sixty-five years of age or older."

REDUCED RATE AIR TRANSPORTATION

SEC. 3. (a) The last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting a comma and "youths, elderly people, handicapped persons, and military personnel" immediately after "ministers of religion".

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, (1) the term 'youths' means individuals over the age of twelve and under the age of twenty-two, (2) the term 'elderly people' means individuals aged sixty-five and older, (3) the term 'handicapped presons' means the physically and mentally handicapped as defined by regulations to be set forth by the Civil Aeronautics Board, and (4) the term 'military personnel' means members of the United States armed services traveling at their own expense, in uniform of those services, while on official leave, furlough, or pass."

REDUCED RATE CARRIER TRANSPORTATION

SEC. 4. (a) Notwithstanding any other provision of law, no common carrier for hire transporting persons in interstate commerce shall, during nonpeak periods of travel, charge any eligible elderly person more than half the published tariff charged the general public in connection with any transportation which is requested by any such person.

(b) In any case in which a common carrier can show that it incurred an economic loss during any calendar year solely because of the requirement imposed by subsection (a), such carrier may apply to the head of the Federal agency having jurisdiction over the filing and publishing of the tariffs of such carrier for Federal financial assistance with respect to all or part of such economic loss. The head of any such Federal agency is authorized to pay to any such carrier (1) an amount not exceeding one-half the difference between the published tariff and the tariff charged elderly persons during the calendar year covered by the carrier's application, or (2) an amount not exceeding the aggregate of the economic loss of the carrier claimed under such application, whichever is less.

(c) The head of each such Federal agency is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this section, including but not limited to the defining of nonpeak periods of travel and regulations requiring uniform accounting procedures.

(d) The head of each such Federal agency is authorized to establish a commission of elderly persons to advise him in carrying out the provisions of this section.

(e) As used in this section, the term "eligible elderly person" means any individual sixty-five years of age or older who is not employed full time.

INSURANCE COVERAGE

SEC. 5. (a) It shall be unlawful for any person engaged in the business of insuring motor vehicles or selling motor vehicle insurance to deny or refuse to sell insurance to any individual on account of his age if that individual possesses a valid driver's license.

(b) Any person who violates the provisions of this section shall be subject to a civil penalty of not to exceed $10,000. Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) As used in this section the term "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes.

MASS TRANSPORTATION FACILITIES DESIGN

SEC. 6. (a) The first section of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151), is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(5) to be constructed with financial assistance provided under the Urban Mass Transportation Act of 1964."

(b) Such Act is further amended by redesignating sections 5 and 6 as sections 6 and 7, respectively, and by inserting after section 4 the following new section:

"SEC. 5. The Secretary of Transportation, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings, structures, and facilities which are provided with financial assistance under the Urban Mass Transportation Act of 1964 and are subject to this Act as may be necessary to insure that elderly and physically and mentally handicapped persons will have ready access to, and use of, such buildings."

(c) Section 7 of such Act (as redesignated by subsection (a) of this section) is amended by inserting immediately before "is authorized—" the following: "and the Secretary of Transportation with respect to standards issued under section 5 of this Act,".

TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS FOR THE ELDERLY

SEC. 7. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031) is hereby amended by adding at the end thereof the following new section:

"SPECIAL EMPHASIS TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 403. (a) The Secretary, after consultation with the Secretaries of Transportation and Housing and Urban Development, is authorized to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

"(1) to study the economic and service aspects of transportation for elderly persons living in urban or rural areas;

"(2) to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by elderly persons or similar groups with similar mobility restrictions;

"(3) to conduct research and demonstration projects on portal to portal service and demand actuated services;

"(4) to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of elderly persons;

"(5) to study transportation and social service delivery interface;

"(6) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies;

"(7) to conduct research and demonstration projects concerning other relevant problems affecting the mobility of elderly persons; or

"(8) to conduct research and demonstration projects concerning the use of transportation personnel to assist elderly persons who use public transportation.

"(b) There are authorized to be appropriated to carry out this section $2,500,000 for the fiscal year ending June 30, 1972; and $5,000,000 for the fiscal year ending June 30, 1973."

Mr. MANSFIELD subsequently said, Mr. President, on behalf of the Senator from Illinois (Mr. PERCY), I ask unanimous consent that a bill introduced this morning by Senator PERCY having to do with transportation for the elderly be jointly referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs.

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

By Mr. McGEE (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGOVERN, Mr. MUSKIE, Mr. NELSON, Mr. CASE, Mr. MONDALE, and Mr. TUNNEY):

S. 1592. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to establish a commission to investigate and

study the practice of clearcutting of timber resources of the United States on Federal lands.

For some 3 years now there has been a growing controversy over the timber management policy of clearcutting. In my own mind there is a growing conviction that the practice of clearcutting is not really management of our forests at all. Certainly, the practice can hardly mean management in its best sense; for in its worst sense, clearcutting is the systematic ravishment of our forests.

Perhaps a brief definition of clearcutting is in order. It is the practice customarily used in the timber industry which requires the removal of substantially the entire stock of timber within a particular designated area for the purpose of commercial harvest of timber. It is a practice stubbornly pursued by Federal agencies charged with the trusteeship of our natural resources on Federal lands. It is a practice my own sight can scarcely believe.

There are other methods of regeneration harvest in our Federal forests, but it is clearcutting about which most of the current controversy rages. In 1969, of the 97 million acres of the national forests' commercial timberland, 24 million acres were harvested. Twenty-one percent of these 24 million acres was clearcut. Nevertheless, 55 percent of the total wood fiber volume harvested from just the national forests in 1969 was the result of clearcutting.

For some years now, the quarrel over clearcutting has been exploding and needs little elaboration from me. Recently, there have been any number of newspaper accounts, television commentaries, and editorials about clearcutting. Just this month, Senator CHURCH'S Subcommittee on Public Lands held hearings on the practice of clearcutting. Over 90 witnesses testified at those hearings, and the greater proportion of them were deeply disturbed by the practice of clearcutting. Just in the past 2 weeks, I have received hundreds of letters from all over the country deploring the havoc generated in our forests through clearcutting.

Until 3 years ago, I was only vaguely aware of the devastation happening to Wyoming's mountainsides. In 1968, I toured the Bridger National Forest at the urging of concerned Wyomingites and because of my own nagging concern about the condition of timbered areas in the Bridger National Forest. What I saw was staggering. I saw what at first was almost unbelievable to me: acre after acre, in patches sometimes 1,200 acres in size, that looked as if a squadron of B–52's had ravaged the pristine beauty of the Wind River Mountains. Erosion was working away at the shallow soils of the high mountain country. Choking siltation was rampant throughout the watershed. Natural reforestation was an abject failure. Forced reforestation was practically nonexistent. Slash piles, scar and erosion producing roads were abundant and the ugliness of once beautiful and recreating vistas was a tragedy of immense proportions.

Soon after, I wrote to the Secretary of Agriculture asking for an independent blue ribbon commission to examine the practice of clearcutting. The Secretary wrote back to deny my request. Since that time, I have rerequested the Secretary to appoint such a commission, but the communications from the Forest Service have been largely efforts to persuade me that what my eyes saw really was not so bad, and that the professional expertise of our land managers would make everything all right.

But everything was not all right despite the torrent of excuse. I grew increasingly anxious about the carnage I saw on Fish Creek and in Jules Basin. Not too many weeks passed when I discovered that my anxiety about clearcutting had a much wider dimension than I had first supposed. In short, a full-scale controversy was in the making over clearcutting in places far afield from Wyoming.

In West Virginia, the State legislature appointed its own blue ribbon commission to look at the practice of clearcutting in the Monongahela National Forest. They did not like what they saw. In the Bitterroot National Forest in Montana, the forestry school of the University of Montana, in a study of clearcutting practices there, flatly contradicted a whitewash study by the Forest Service. In Alaska and in Oregon, there was considerable data which supported the view that clearcutting needs immediate and careful reevaluation.

If only for these reasons, then, I must offer a proposal for a cease-fire—admittedly an unusual procedure. I do not make the proposal casually. I make it because a natural resource which belongs to all of the people is fast becoming a disaster area. Those who have been charged with the responsibility for protecting and managing that resource have been largely unresponsive to the growing cry for reevaluation. It is true that the Forest Service, particularly, has appointed a number of in-house committees to investigate the practice. To my mind, however, this is akin to setting up the fox to guard the henhouse. Moreover, what few of these in-house studies have been published have proclaimed for themselves the mantle of exclusive know-how.

Clearly, there is no gainsaying the expertise and diligence of the professionals in the Federal service having to do with our forests. Nevertheless, there are other experts quite as competent and quite as diligent outside the Federal service who are appalled by the policy of clearcutting. Quite as importantly, the matter of priorities cannot be the exclusive domain of Government experts.

In brief then, I am introducing this bill because the Forest Service has been largely unresponsive, not only to my entreaties for a blue-ribbon commission on the Bridger, but because there is a clear need for examining the devastation on the peoples' land, as well as reordering our priorities about these lands.

We are all aware that sensitivity for our environment has grown by leaps and bounds. It seems to me that this expanding concern has come about in large part because we have just lately begun to get some idea of the parameters of our ecological problems. We are fast coming to realize that we have thoughtlessly abused our environment and that it is much more fragile than many of us had realized. More than this, we are discovering that we have reached a point where we can no longer believe that we have plenty of time to give attention to a distant problem. Moreover, we also know that, though our time frame is tighter than we thought, we can, if we will, attack our environmental problems successfully. Our children and the generations who come after them must have a chance to live in an environment that amplifies life. We need not pass on an inheritance of obscene vistas which are essentially life constricting.

An expanding sensitivity to the quality of our environment is another reason that I submit my bill for an independent interdisciplinary commission to study the practice of clearcutting. If we cannot take the results of our recognition into the legislative process, then the legislative process has little meaning. Indeed, the meaning of recognition is lost if we do not have recourse to legislative action.

As I pointed out earlier, the controversy over the practice of clearcutting is a widening one. The Forest Service insists that the dispute requires only their examination. Curiously, in spite of their own in-house examination, the controversy has not diminished one bit. As a matter of fact, when the results of an in-house study of clearcutting appear, infrequent as that is, the controversy only intensifies.

I submit that, in view of this growing conflict, an independent study of clearcutting is the best way to resolve our dispute. The question of priorities about the use of natural resources on our Federal lands is not something we should leave to the exclusive judgment of professional Federal employees, any more than we should leave the question of military priorities to the exclusive professional judgment of generals. This is particularly so when we live in a time of increasing clamor about our environment. The question is, "How do we resolve the clamor and the controversy?" I believe that an independent commission to study the practice of clearcutting will do much, not only to diminish the clamor but to bring us to a wiser course of action.

Finally, I am convinced that the bill I am introducing today has a number of spinoffs which might prove to be very worth while. For one thing, the idea of an independent study group certainly has usefulness in other problem areas besides clearcutting. We have much to learn about the value and use of studies by commissions. Certainly, we know that when government looks at itself there is great temptation to justify empire building. Too often those of us who look at our own actions spend too much of our effort grinding our own ax, and the problem is soon lost. The bill I offer today can be a model for an attack on other problems.

The independent study commission seems to me to embody the best that is in the democratic process. An independent commission's life is carefully and briefly circumscribed. The study com-

mission concept carefully limits its duration and mission. Moreover, the language of my bill lays heavy emphasis on citizen participation. And our forests have much more to do with the well-being of rank and file citizens than the professional empire of the Forest Service.

A key consideration which I hope will add further serendipity to this bill is the interdisciplinary approach which it embodies. For too long now we have failed to exploit the insights of the various academic disciplines in our approach to national problems. The data and concepts the social scientists and humanists offer to a problem like clearcutting are quite as important and useful as the data and insights of the hydrologist. We must not continue to look at our problems as if they were solely the affair of what we popularly call an expert in the field. Clearcutting is as much a sociological and humanistic problem as it is a problem of the professional forester.

Indeed, one of the problems to which I am presently giving a good deal of attention is the economic problem which will arise should a moratorium on clearcutting come to pass. Certainly, the question of economic difficulties for timber operators and their employees will be present. In my judgment, there is much to be said for approaching the problem by carefully developing the possibility of subsidizing timber operators and their employees during the moratorium. Such a subsidy should be contingent on the operators turning their talents and energies toward planting the 4.8 million acres of national forest lands which constitute distressing and unreplanted backlog on our Federal lands. Given our American knowhow and capacity to respond to challenge, there is no reason why we cannot turn our energies, at least in part, toward planting rather than cutting.

But the most important consequence of an independent study commission must be that we can come to a much wiser use of our natural heritage. Certainly that heritage cannot much longer endure the assaults we persist in making upon it. If those assaults are to continue, and all we can do is talk about them, then we are not going to have a political heritage, a social heritage, or any other kind of heritage to worry about, let alone a heritage to which we can look for rejuvenation, tranquility, and inspiration.

Mr. CRANSTON. Mr. President, I am pleased to join the distinguished Senator from Wyoming (Mr. McGEE) in sponsoring a bill to establish a joint congressional-public commission to determine the conditions under which clearcutting might be continued as a method of harvesting timber. In addition, the bill prohibits clearcutting on Federal lands for a period of 2 years while the commission conducts its investigation.

Under clearcutting, all of the timber is removed from an area of the forest in one cut. As one of several methods of timber harvest practiced by the U.S. Forest Service, clearcutting has come under increasing attack. Many conservationists are concerned about the harm to the environment that may result. Others find it simply an esthetic affront. Still others believe that the management policies of the Forest Service must be examined and reordered to achieve in practice the principle of multiple use.

I have read statements of experts in the field of entomology that the tendency toward even-aged management on our forest lands, a tendency which clearcutting accelerates, increases the probability of insect infestation and disease. These, in turn, will lead us into the myriad problems associated with the widespread use of pesticides, herbicides and insecticides.

Another very serious environmental hazard that experts claim will result from clearcutting is soil erosion and soil depletion. The most precious resource of the forest is the soil. It has taken centuries to build up the deep layer of topsoil on forest floors and this layer of soil is seriously damaged, if not utterly destroyed, by the clearcutting method. When this spongy, top layer of soil is destroyed, the watershed qualities of the forest are eliminated, resulting in the pollution of our forest streams from silt and mud.

On the other hand, I have read Forest Service publications which claim that clearcutting is a useful and necessary method of timber management. Certain species of trees, it is said, do not regenerate well in the shade. Therefore, all of the trees in an area must be cut down so that the replanted trees will grow faster and be healthier. It is also said that clearcutting is the only method that can eliminate any disease that may have infected an area of the forest. This is particularly a problem in the West where the dwarf mistletoe threatens many healthy timber stands.

California is a major producer of forest materials. Vast amounts of its land, particularly in the northern part of the State, are covered with prime stands of virgin timber. Some 24 million acres—more than one-fourth the total area of the State—is protected by the Forest Service. In 1970, 22 percent of the forest acreage harvested in California was done by clearcutting. This accounted for 43 percent of the $54 million worth of timber harvested in the State.

At the same time, the growing population of California—20 million people now live in the State—is making increased demands on all the resources of our forests: Outdoor recreation, range, timber, watershed, wildlife, and fish. Especially in California, we must use every means at our disposal to insure the wisest use of our forests so that all the forest resources can be used and enjoyed by future generations.

I am certainly not opposed to timber harvest. However, I do feel that enough serious questions have been raised about clearcutting to warrant a 2-year moratorium on the practice and an impartial examination of its merits. The bitter controversy over clearcutting will continue to rage until we have satisfactorily answered the charges leveled against it. In the process, perhaps we will benefit from a rethinking of our assumptions about the use of our forests and methods of harvesting timber. I believe that this legislation provides the framework for these goals, and I strongly urge early and favorable action on it.

By Mr. HANSEN:

S. 1593. A bill to authorize the Administrator of Veterans' Affairs to sell direct loans made to veterans under chapter 37, title 38, United States Code, at prices which he determines to be reasonable under prevailing mortgage market conditions, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HANSEN. Mr. President, today I am introducing legislation designed to improve the direct loan program of the Veterans' Administration. Direct loans are made only in rural areas and small cities and towns where private credit for making of guaranteed loans is and has been generally unavailable. The direct loan program supplements the guaranteed loan program which has made it possible for veterans of this Nation's Armed Forces who have served their Nation so valiantly to provide housing for themselves and their families.

The direct loan program has provided housing for veterans in many areas where the veteran would have been unable to obtain housing if he were forced to depend on private capital for financing. However, the operation of this vital program has become hindered recently. In response to my letter questioning the status of the direct loan program, Donald E. Johnson, Veterans Administrator, informed me that—

> Instead of eliminating or abolishing the direct loan program, we are reorienting activities so as to place increased emphasis on the mandate in the governing law that direct loans are authorized only where private capital is not available to veterans generally for guaranteed loans.

The Administrator continued:

> In this connection, it is fully intended that the Veterans Administration home loan program will be so administered that no veteran will be denied a loan to fulfill his plans and aims to become a homeowner.

Under the present law the Administrator of Veterans' Affairs may not sell direct loans made by the Veterans' Administration at a price less than 98 percent of par; that is, the unpaid balance, plus interest. In the past, mortgage market conditions operated to preclude to a great extent the sale of loans at such prices. The first section of my bill would amend section 1811(g) of title 38, United States Code, to authorize the Administrator to sell these loans at prices which he determines to be reasonable under previous mortgage market conditions.

From the standpoint of sound fiscal management and to simplify administrative operations, this more flexible authority should be granted to equalize the authority for selling direct loans with the much broader existing authority for the sale of so-called vendee account loans. These are loans resulting from sales of property acquired by the VA in the loan guaranty program. Substantial blocks of these mortgages have been sold, some at prices less than par, but consistent with prices asked by FNMA on VA and FHA mortgages which it held. The less restrictive authority would also equate the VA position in the sales of direct loans with the position of FNMA in respect to their selling authority and policies.

Section 2 would require a direct loan applicant to show that he is unable to obtain guaranteed loan financing at a reasonable discount—which may not be in excess of 4 percent in any event—before he can obtain a direct loan from the Veterans' Administration.

The existing law regarding direct loans has been interpreted to mean that if a lender imposes a discount charge against the seller and the latter declines to pay it, the VA is legally obligated to make the veteran a direct loan at par if the veteran, the loan and the property are otherwise eligible. This principle has become widely known. By the simple expedient of declining to pay a discount which would readily have been paid for a conventional loan, the result has been to negate to a considerable extent the basic purpose of the direct loan program; that is, to supplement the guaranteed loan program by authorizing direct loans to be made "Whenever the Administrator finds that private capital is not generally available in any rural area or small city or town for the financing of loans guaranteed under section 1810 or 1819 of this title."

It is important that veterans in our rural areas, as well as small towns and cities, be given an opportunity to enjoy the same benefits as veterans living in our more populated areas. Since private credit for making guaranteed loans is not as readily available and is more limited in sparsely populated areas, it is essential that the direct loan program be continued.

I believe that the legislation which I have introduced today will enable the Veterans' Administration to continue this program with fewer difficulties in providing the funds needed for direct loans.

By Mr. JACKSON:

S. 1595. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATURAL AND HUMAN RESOURCES RESTORATION AND CONSERVATION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the "Natural and Human Resource Restoration and Conservation Act of 1971."

The purpose of this measure is to provide direct Federal employment for unemployed workers in the country's national parks, forests, recreation areas, and public lands. It builds upon the proven and tried concepts found in the Civilian Conservation Corps of the 1930's. Priority is 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 and on Indian Reservations.

The act builds upon the automatic "trigger" concept found in the "Emergency Employment Act of 1971." First, the Secretary of the Interior is authorized to establish a permanent National Environmental Services Corps. The permanent crops would consist of a nucleus of appropriate administrative and supervisory personnel.

Second, when national unemployment levels exceeded 4½ percent the Secretary is directed to enlarge the corps by hiring temporary personnel for the period of time unemployment is high. For each ½ percent gain above a national unemployment level of 4½ percent, the Secretary is authorized to hire an additional 50,000 corps members.

Third, the Secretary is authorized to hire as many as 200,000 corps members to work in areas of the country experiencing substantial or persistent unemployment—levels of 6 percent or more—without regard to the national unemployment level.

Persons serving in the corps on a temporary basis would receive benefits and salary equivalent to other temporary or short-term Federal employees doing work of a similar nature.

The act has two important national purposes. The first is to deal with the tremendous backlog of resource conservation and restoration work on the Federal lands. There is a high priority need in many parts of the Nation to replant 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.

The second purpose this measure serves is that it provides an alternative to welfare and unemployment assistance in the form of important, self-respecting work for American working men and women who are the victims of an economic system which at times like the present does not have jobs for skilled, conscientious workers.

One of the most important features of this proposal is that it does not require a great deal of startup 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 alltime 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 Services 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, I would like to quote from the final report to the Secretary of the Interior on the Civilian Conservation Corps program of the Department of Interior. This 1944 report, as presented to Secretary Harold L. Ickes by Conrad L. Wirth, Departmental Representative on the Advisory Council, CCC, states in part:

It is recommended that an organization similar to the Civilian Conservation Corps be established on a permanent basis and designated the "Conservation Corps", and that such an organization be a joint enterprise of the Federal departments and agencies administering and protecting the natural resources of the nation. The purpose of the Corps should be to provide a pool of manpower and funds for those agencies charged by Congress with the development, protection, and use of the natural resources of the United States. The main objectives should be:

1. Development and protection of the natural resources of the country for the use and enjoyment of the present and future generations;

2. Teaching the workers and others the real necessity and the importance of proper use of the natural resources;

3. The coordination and integration of a nationally planned program through a uniform and respected work organization; and

4. This to be done without interference with the objectives and responsibilities of the various member agencies as charged by Congress.

There was in 1933, and there still is, a real need to give nation-wide attention to the conservation of our natural resources. The natural resources are so vital to existence and progress of any nation that it seems reasonable to give them constant and continuing attention and protection.

The general type of program as planned and executed by the CCC was well received by all. Perhaps one of the greatest accomplishments of the Civilian Conservation Corps was that it brought to the minds of the people of this country the need and value of a sound, active conservation program.

The CCC not only taught the youth of our nation in a very practical way the meaning and value of our natural resources, but helped to restore and strengthen the nation's human resources.

Working in the open, with nature, brings optimum beneficial results to an individual

which are almost impossible to obtain otherwise. It builds the body and the mind; it teaches the basic principles of existence; and it creates an understanding of what must be done to protect and properly use natural resources. A future permanent Civilian Conservation Corps must take into consideration these basic facts which should be made known to every home and command the respect of all people through its teachings and accomplishments.

Mr. President, I ask unanimous consent that the text of the bill together with the report on the Civilian Conservation Corps be printed in the RECORD at the conclusion of my remarks.

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

S. 1595

A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, 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 "Natural and Human Resources Restoration and Conservation Act of 1971."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) there is a growing backlog of necessary and essential work which must be performed if the quality of the nation's national forests, parks, recreation areas, game refuges and public lands, and Indian Reservations are to be maintained and improved;

(2) tasks which must be performed include reforestation, fire prevention, protection against floods and soil erosion, disease control, pollution abatement, trail construction, road maintenance and improvement, and development of recreational facilities.

(b) the Congress further finds that—

(1) parallel with the need to improve the quality of the nation's environment and to protect public resources, the country is experiencing critically high levels of unemployment in various regions, and many of the people unemployed have valuable skills which could be utilized to restore, protect and improve the management of the environment, the public lands, and other shared and common resources;

(2) there is a responsibility on the United States government to provide direct Federal employment to fill the growing backlog of unmet national conservation needs and, at the same time, provide programs of permanent and transitional employment to achieve important public purposes;

(3) implementation of National Environmental Services Corps program and building upon the highly successful experience of the Civilian Conservation Corps will reduce dependency upon welfare and unemployment assistance to meet essential human needs, and will advance the national interest in a stable economy and full employment by providing important and meaningful public jobs during times of high unemployment in the country at large or in any region of the country.

POLICY

SEC. 3. (a) The Congress hereby reaffirms that the national policy of full employment declared in the Employment Act of 1946 continues to be a fundamentally sound and socially enlightened national policy, and that it is the responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing and seeking to work, and to promote maximum employment, production and purchasing power.

(b) It is the purpose of this Act to provide a Federal natural resource management program designed to:

(1) relieve and alleviate the social distress and human indignity resulting from unemployment by providing a permanent program of direct employment by Federal land and resource management agencies and by expanding direct employment during times of high unemployment in the nation or in various regions of the country; and (2) achieve the goals and objectives declared in the National Environmental Policy Act of 1969 and fulfill the responsibilities of this generation as trustee of the environment for succeeding generations by a work program of reforestation, pollution abatement, disease eradication, prevention of floods and soil erosion, fire protection, watershed management enhancement, construction of new recreation facilities, trail and road development and maintenance, wildlife and sports fisheries management and other activities to improve the quality of the environment.

NATIONAL ENVIRONMENTAL SERVICES CORPS

SEC. 4. There is hereby established the National Environmental Services Corps (hereinafter referred to as the "Corps"). The Secretary of the Interior (hereinafter referred to as the "Secretary") shall be responsible for management and administration of the Corps program. In carrying out his duties under this Act, the Secretary shall consult with the heads of other agencies and departments of the Federal Government. All agencies of the Federal Government are directed to cooperate with and to assist the Secretary in the development and administration of the Corps program.

EMPLOYMENT LEVELS

SEC. 5. (a) There are hereby authorized to be appropriated for carrying out the purposes of this Act $250,000,000 annually for establishment and administration of the permanent Corps program and such sums as are necessary to enlarge the Corps to meet the employment conditions set out in subsection (c).

(b) The permanent Corps shall consist of a national office and appropriate regional and subregional offices, and shall be responsible for providing employment opportunities in natural resource management on Federal lands on a continuing basis up to the level of the appropriation authorization set forth in subsection 5(a). In addition, the permanent Corps shall be responsible for administration, supervision, and training of temporary Corps members when Corps employment is expanded to meet the employment conditions set forth in subsection 5(c).

(c) The Secretary is authorized, out of funds appropriated to carry out the purposes of this Act, to expand employment in the Corps program in accordance with the following clauses:

(1) by 100,000 Corps members when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ percentum for three consecutive months prior to such determination;

(2) by 50,000 Corps members for each increment of one-half of 1 percentum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1); and (3) without regard to the determinations required by clauses (1) and (2), by up to 200,000 Corps members to work in regions of the country categorized as areas of "substantial unemployment", "persistent unemployment", or "concentrated unemployment or underemployment" in the Department of Labor's monthly Bulletin on "Area Trends in Employment and Unemployment".

(d) Funds made available to the Secretary pursuant to this section for the employment of Corps members shall, insofar as possible, be apportioned on an equitable basis among States and within each State among local areas, including Indian Reservations. To the extent practicable, such funds and employment opportunities shall be apportioned on the basis of—

(1) relative numbers of unemployed;

(2) severity of unemployment in each area; and

(3) relative need of the area for intensified management, development and conservation of lands under Federal jurisdiction.

SECRETARIAL DUTIES

SEC. 6. (a) The Secretary, after consultation with the heads of other Federal land and resource management agencies, shall—

(1) determine the areas under Federal jurisdiction which are appropriate for carrying out programs using employees of the Corps;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps. *Provided,* That members of the Corps shall be paid the prevailing rates of pay, as appropriate, for persons permanently or temporarily employed by the Federal land management agencies, and all persons employed in the Corps will be assured of workmen's compensation, health insurance and other benefits at the same levels and to the same extent as other permanent and temporary employees of Federal land management agencies;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as he may deem necessary or appropriate for the needs of members of the Corps in their duties. *Provided,* That whenever economically feasible, existing but unoccupied Federal facilities, including military facilities, shall be utilized for the purposes of the Corps where appropriate and with the approval of the Federal agency involved;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members; and

(5) advise every participant in the Corps program, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) In expanding the Corps to meet national resource and environmental management goals and to provide new employment opportunities pursuant to section 5(b), the Secretary shall first determine that the Corps program—

(1) will result in an increase in employment opportunities over those which would otherwise be available;

(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of non-overtime work or wages or employment benefits),

(3) will not impair existing contracts for services or result in the substitution of Federal or other funds in connection with work that would otherwise be performed; and

(4) will not substitute Corps jobs for existing federally assisted jobs.

PERSONS ELIGIBLE

SEC. 7. Any person who is unemployed and who wants and is available for work and who is physically able to perform the available jobs shall be eligible for employment in the

National Environmental Services Corps. Any person who is underemployed in that their present employment is not providing sufficient income to enable such persons and their families to be self-supporting without welfare assistance shall also be eligible for employment in the Corps.

TERMINATION OF CORPS EMPLOYMENT

SEC. 8. In the administration of this Act the Secretary shall make every effort to provide training and other assistance to temporary members of the Corps provided employment pursuant to section 5, which will enable them to obtain permanent private or public employment. When the rate of national or area unemployment declines below the standards set forth in section 5(c) of this Act, the Secretary shall make maximum efforts to locate permanent employment or training opportunities not supported under this Act for each Corps member temporarily employed under this Act, and shall gradually phase out the temporary Corps program on an area-by-area basis as is warranted by improved local employment opportunities and the accomplishment of the resource and environmental improvement program on the Federal lands in that area.

SECRETARIAL POWERS

SEC. 9. (a) The Secretary shall promulgate and publish in the Federal Register such regulations as he determines are necessary for the administration of this Act.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules and regulations, and make such payments in installments and in advance by way of reimbursements, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

REPORT

SEC. 10. The Secretary shall transmit an annual report to the Congress setting forth the activities under this Act, an evaluation of the programs authorized, and relevant data on employment created and public purposes achieved.

EFFECTIVE DATE

SEC. 11. This Act shall be effective upon enactment. The determinations to be made under section 5(c) shall take into account the rate or rates of unemployment for a period of three consecutive months even though all or a part of such period may have occurred prior to the enactment of this Act.

CIVILIAN CONSERVATION CORPS PROGRAM OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, MARCH 1933 TO JUNE 30, 1943

(A report to Harold L. Ickes, Secretary of the Interior, by Conrad L. Wirth, departmental representative on the Advisory Council, CCC)

FINAL REPORT TO THE SECRETARY

Liquidation of the Civilian Conservation Corps, ordered by Congress on July 2, 1942, was virtually completed on June 30, 1943, with a balance of approximately $1,500,000 from a fund of $8,000,000, appropriated for the purpose.

On June 30, 1942, the Department of the Interior was operating 114 active CCC camps on projects in the continental United States, in addition to 71 CCC projects on Indian reservations and camps in Hawaii and the Virgin Islands, and had on hand approximately $17,000,000 worth of construction and other operating equipment. The closing of the camps involved arrangements to leave the work projects in the best possible shape, the separation of around 1,800 appointed employees, the transfer of CCC property to the War and Navy Departments and other agencies, and the preparation of final accountability records. The accomplishment of the liquidation of CCC was very difficult due to the urgency of the task and the fact that most of the key personnel had left or were leaving constantly for military or other war service. However, on June 30, 1943, all but a few odds and ends had been disposed of. Attention is still being given the transfer of properties and the straightening out of records, with employees paid from regular funds. The bureaus of the department are to be complimented on the excellent way in which they undertook and accomplished this difficult task.

In order to take care of the final stages of CCC liquidation, Congress appropriated $20,000 to the Federal Security Agency for the present fiscal year. No funds from this appropriation have been allocated to the Department of the Interior.

The records of my office, as departmental representative on the CCC Advisory Council, are in good order and are available for inspection. These records do not include the work programs undertaken by the various bureaus, or records of accomplishments and fiscal data of these programs, as all such data were kept by the bureaus in charge of the work. While I shall continue to discharge the duties of departmental representative until June 30, 1944, this will be the final report of the office you assigned to me under the direct supervision of Mr. E. K. Burlew, former First Assistant Secretary.

I believe that the Department of the Interior accomplished much in a far-reaching conservation program through the use of the CCC. This could not have been accomplished without the cooperation and understanding of each and every bureau of the department and the steady support and advice of Mr. E. K. Burlew and Mr. J. Atwood Maulding.

While at times the departments charged with the carrying out of the President's idea for a Civilian Conservation Corps, namely, the Departments of War, Interior, and Agriculture, expressed greatly different opinions, I know it to be a fact that the relationship and cooperative spirit of these departments never were on a higher level than when they were carrying out the CCC program. There is much to be gained in interdepartmental relationship by a cooperative undertaking such as the CCC.

There is included in this report a general statement of the accomplishments of the CCC camps prepared by each bureau of the Department of the Interior having camps assigned to it. At a meeting of the representatives of the various bureaus handling CCC, it was the opinion of all that they would prefer to tell in their own way the accomplishments of their camps.

As part of this report there are several tables broken down by bureaus giving information on camp allotments, funds expended, and personnel employment. I believe these tables will give a good idea of the size of the CCC and the important part it played in the Department during the last 10 years.

Because of the accomplishments and success of the original CCC idea, I believe that a similar type of organization should be authorized after the war. Accordingly, I am taking the liberty of including in this report a few observations and definite recommendations for a future organization, in the hope that if a CCC program starts again they may be of some value. They are brief; however, I shall be glad to enlarge on them in discussion or in writing if it is felt necessary or desirable.

OBSERVATIONS

1. There was in 1933, and there still is, a real need to give Nationwide attention to the conservation of our natural resources. The natural resources are so vital to existence and progress of any nation that it seems reasonable to give them constant and continuing attention and protection.

2. The general type of program as planned and executed by the CCC was well received by all. Perhaps one of the greatest accomplishments of the Civilian Conservation Corps was that it brought to the minds of the people of this country the need and value of a sound, active conservation program.

3. The CCC not only taught the youth of our Nation in a very practical way the meaning and value of our natural resources, but helped to restore and strengthen the Nation's human resources.

4. While the CCC did give employment to many boys, it was overemphasized by some persons as a program to take "youth out of the streets." This fact led many to believe that only those in very poor circumstances or those of low mental or even low moral stature were eligible for enrollment in the Corps. The CCC program was looked on by many as a relief program rather than a conservation program. A good conservation program can do much toward the relief of the unemployed, but its main objective should never be thought of as relief.

5. Besides providing advantages for the boys, developing and protecting the natural resources, and making the general public conscious of the value of the natural resources, the CCC program brought together many subdivisions of Government and made them realize that the protection of the natural resources was a problem common to all.

6. Learning how to handle heavy equipment proved to be of great value to the boys when the time came for them to leave camp. Boys with experience in handling and repairing equipment were in demand by private business concerns and Government agencies. Many went into the Army and qualified as noncommissioned officers.

7. Standard and attractive CCC uniforms created and maintained a fine organization spirit.

8. One of the best features of the CCC was the fact that no boy could stay in the Corps more than four enrollments of 6 months each, or a total of 2 years, unless through his own efforts he became qualified to fill a supervisory position. This limit of service impressed upon the boys that they must progress and that the CCC was a place to learn how to work and to prepare themselves for better jobs.

9. Health of the boys received careful attention. Working out-of-doors, regular hours and plenty of good, wholesome food did wonders for the boys at one of the most critical growing periods of their lives.

10. Camp life and recreation programs taught cooperation and team play to a very high degree. Brig. Gen. George P. Tyner, one of the representatives of the War Department on the Advisory Council, stated before a committee of Congress that he felt that the training of the boys in the CCC camps was equal to 75 percent of the type of training required of the soldiers in the Army.

11. There were some faults in the CCC organization that should be given careful consideration if a similar organization is to be established. Toward the end, the CCC was deficient in several respects. These deficiencies and lack of effectiveness were due in part to the following:

a. The superimposing of detailed procedures and supervision by the CCC director's office over departments of the Government charged with the responsibility of managing Federal properties, without due regard to the established responsibilities of the departments, and the already well-worked-out, tried, and established methods and procedures necessary to carry out these responsibilities. General policies and controls are recognized as necessary for a unified CCC program; however, these can be accomplished through a properly organized and coordinating body of administrative officials of the departments and without interference with the primary functions of the departments.

It is true that the CCC director had an advisory council, but it was purely and simply an advisory body. The success of the CCC

as an organization depended largely on the ability of the individual appointed as director. The experiences with the CCC under two directors bear testimony to this last statement. The CCC was well-organized, the cooperation of all participating agencies and officials was excellent, the work turned out was good, and the morale of the Corps was on a high plane up to the untimely illness and death of Robert Fechner. Mr. Fechner used his council and respected their advice, although not necessarily agreeing with it on all issues. After his death, the CCC lived largely on its past reputation, developed through Director Fechner's ability and leadership, and on the desire of the departments to hold together the organization that they had helped to build and needed so badly. In the last years of the CCC, the advice of the Advisory Council was seldom sought on important policy matters.

b. While the relationship between the Army and the technical services in the field and in Washington was very good, many administrative officers realized and felt that simplification and consolidation of control in the camps would remove apparent excessive overhead.

c. Many work projects could have been undertaken more economically with fewer than the standard camp complement of 200 enrollees. The 200-man camp was considered as the smallest unit that could be used to justify the dual overhead cost of the Army and technical agency. However, the financial loss in an over-manned work project more than offset the increased man-unit overhead cost of a smaller camp. If more than 200 men were needed, the addition had to be a multiple of the 200-man unit, and by this rigid procedure the man-unit overhead cost could not be reduced much below the 200-man unit camp.

d. The director of CCC assumed more and more administrative control of the camp programs and towards the end of CCC he was interfering with the responsibilities of the departments in the management of their properties. Later, this became even more involved by superimposing the additional administrative controls of the Federal Security Agency. Their direct instructions, inquiries, or requests for information having to do with departmental responsibilities became more and more time-consuming and involved, and added nothing beneficial to the already well-planned and operating organizations.

e. The use of two finance agencies, namely, the Treasury Department for regular functions, and the finance officer of the War Department for the CCC, caused unnecessary additional work.

While the Army finance officer did an excellent job, two procedures, two different sets of books, records, and forms were required on each area where CCC and regular funds were being spent, and frequently on the same general work project. The CCC was really a resource of manpower and funds given to a bureau to accomplish a work program under requirements, plans, and administrative policies of the department. Further, due to this dual system, there was built up within each bureau an intangible barrier between those paid from CCC funds and those paid from regular funds.

f. The trend to build up a school-room type of educational program and impractical (and unpopular) academic courses in the camps caused a conflict in the understanding of the purposes of the Corps.

Practically everybody believed it to be reasonable, proper, and desirable to teach those who could not read and write to do so; to instruct the boys how to do their work and to advance themselves in the branch of work in which they were most interested; to explain the objectives and reasons for the various steps taken in carrying out a given task. However, many could not understand why the boys were encouraged to take a language, or other normal classroom course, after a hard day's work in the field. More often than not these subjects were "way over their heads"—subjects for which they did not have the proper foundation or which they did not have a chance to finish or carry far enough to be of any real value to them. Many times the instructors, most of whom were work foremen in the camps, did not have the training to teach the subjects assigned to them.

SUMMARY AND RECOMMENDATIONS

While the CCC operations just concluded had faults, none was serious enough to nullify the many over-all good results, and all could be overcome by certain changes in organization and policy.

The Nation cannot afford to have its resources neglected or wasted; they must be protected at all times. Their extra values are only now being fully realized in the world-wide struggle for freedom and liberty. It will take years to restore replaceable resources now being spent so freely to win the war. This can be done only by careful planning and hard work.

Most of our natural resources are remote from urban populations. The work necessary to conserve and protect these natural resources can generally be performed best by the establishment of camps. In the case of the CCC, the camps brought together groups of boys who were taught to work, live, and play, with common interests and community respect.

Working in the open, with nature, brings optimum beneficial results to an individual which are almost impossible to obtain otherwise. It builds the body and the mind; it teachers the basic principles of existence; and it creates an understanding of what must be done to protect and properly use natural resources. A future permanent Civilian Conservation Corps must take into consideration these basic facts which should be made known to every home and command the respect of all people through its teachings and accomplishments.

It is recommended that an organization similar to the Civilian Conservation Corps be established on a permanent basis and designated the "Conservation Corps," and that such an organization be a joint enterprise of the Federal departments and agencies administering and protecting the natural resources of the Nation. The purpose of the Corps should be to provide a pool of manpower and funds for those agencies charged by Congress with the development, protection, and use of the natural resources of the United States. The main objectives should be:

1. Development and protection of the natural resources of the country for the use and enjoyment of the present and future generations;

2. Teaching the workers and others the real necessity and the importance of proper use of the natural resources;

3. The coordination and integration of a nationally planned program through a uniform and respected work organization; and

4. This to be done without interference with the objectives and responsibilities of the various member agencies as charged by Congress.

In order to accomplish these general objectives, the Conservation Corps should be organized so that each department or agency using its facilities would have a place in the organization where it could voice its opinions and have an active part in formulating the policies.

With these thoughts in mind and based on 10 years' intimate experience with the operations of the CCC, I have drawn up the following organization diagram to convey my recommendations for such an organization. The organization diagram is not intended to be complete as to detail; it is intended only to convey the type of organization which I believe will accomplish the needed conservation work and bring home to the entire Nation, through its youth, the need and the appreciation of our natural resources.

A brief explanation of the general functions of the various units of such an organization follows:

1. The President shall appoint the director.

2. Each of the departments or independent agencies using the resources of the Corps shall appoint two members to the policy council of the Corps. One of the members of the council shall be the department's administrator of the Corps activities within the department or agency which he represents. The other member to be appointed from the department presumably shall be a member of the staff of the head of the department or agency.

3. The two appointees from each department or agency, and the director appointed by the President, shall constitute the policy council of the Corps. The policy and regulations governing the operation of the Corps shall, in all cases, be made or approved by the policy council. The director shall be the chairman of the council. It shall take a majority vote of the council, plus one additional vote, to approve regulations or to establish policy.

4. The director shall have direct charge of certain functions of the Corps. These functions are to be decided upon and approved by the policy council. Generally speaking, these functions should be only those that are common to all operating agencies and which will help to unify the Corps, or which can be more economically handled from a central organization. It shall also be the director's responsibility, acting through the administrators of the departments or agencies, to see that all policies and regulations of the Corps are properly and promptly carried out. Some of the functions that might logically be placed in the director's office are:

a. *Fiscal.*—It will be necessary to assemble in one place the financial requirements for all activities of the Corps for presentation to the Bureau of the Budget and to the Congress. After the funds have been appropriated, it will be necessary to allot the funds to the departments and to keep certain limited financial records.

b. *Program.*—The operating agencies will from time to time, submit their requirements for camps or men, and these requests will have to be assembled and presented to the Council through the director for approval. Records of the decisions will have to be kept and orders prepared for issuance to the departments or agencies to carry into effect the decisions of the council.

c. *Education.*—It is believed that the same age limit (17 to 23) and term of enrollment (not more than four 6-month enrollments) that governed the CCC should also apply to the new organization. If this recommendation is accepted, a basic educational program should be adopted. Such a program should be limited in the camps to the teaching of reading and writing and job training, with provision for night study in neighboring communities for those who wish to carry on studies in advanced subjects. While the responsibility for the carrying out of such a program will rest with the bureaus of the departments or agencies, it will be necessary to have, in a central location, a division whose duty it shall be to see that a unified program is maintained for the Corps, and to make reports and recommendations for the director and the policy council's consideration.

d. *Safety.*—A competitive safety program will reduce accidents and improve work production. The same relationship, as outlined under "Education" between the Corps and operating agencies should govern.

e. *Medical Care.*—Uniform health regulations and a central system of hospital care are desirable. Again the same relationship as outlined under "Education" should apply.

f. *Religious Activities.*—Again the same relationship as outlined under "Education" should apply.

g. *Legislation and Contracts.*—This division of the director's office will review and handle legislative matters affecting the Corps, and be responsible for review and letting of contracts necessary to carry out the functions of the director's office. Such contracts will be those pertaining to mass railroad transportation of enrollees, purchase of clothing, shoes, etc. Of course, such an office will also handle any other legal matters that might arise in connection with the operation of the director's office or the Corps as a whole.

h. *Office Management.*—This division will handle only those matters of personnel, supplies, etc., necessary to the proper functioning of the director's office.

i. *Selection.* It will be necessary for one central office to enroll the necessary manpower to meet the requirements of the operating departments or agencies and to maintain a pool of enrollees for this purpose.

j. *Purchase.*—It will be an economy for one office to purchase any warehouse items that are required for the member departments or agencies, and to ship out, on requisition, items such as clothing, shoes, bedding, cooking and camp equipment, and certain staple foods. It also will be the duty of this division to collect and recondition such items as clothing and shoes wherever practical and to warehouse for reissuing.

All of the divisions of the director's office, with the exception of "selection" and "purchase" will handle their work with the department administrators through the director. The divisions of "selection" and "purchase" will deal directly with the bureaus in filling requisitions for men and supplies in order to facilitate the program and avoid delays. The necessary safeguards should be set up, however, to assume the carrying out of only approved programs and of keeping the department administrators and the director fully informed.

5. The administrator, besides being one of the department or agency representatives on the policy council, shall be the responsible administrative head of all Corps work and activities within the department or agency he represents. He will work through the bureaus to whom the camps or men have been allotted and will hold them responsible for carrying out the approved programs in their respective areas. He will set up the staff necessary to carry out the duties of his office, including general inspection staff to insure uniform application of the general over-all approved policies and regulations.

6. The bureaus shall have full control of all phases of the work projects on their areas and will be held directly responsible for adherence to the policies and regulations of the Corps. They shall, from time to time, as the occasion arises, meet with the administrator and submit such suggested changes that, in their opinions, will improve the operation and effectiveness of the Corps. All Corps matters of the bureaus must be taken up with the administrator, with the exception of the requisition of men and general supplies, which can be made directly to the "selection" and "purchase" divisions of the director's office, with the understanding that the administrator will be kept fully informed as each request is made. Appointment of personnel shall be in accordance with civil service and departmental procedure. In selection of personnel under this procedure, special consideration should be given to their qualifications as leaders of young men as well as their other qualifications. Fiscal procedures shall be the same as those prescribed for the regular appropriations by the General Accounting Office and the Treasury Department. Aid to the States and other political subdivisions of government shall be in accordance with specific authorization in basic legislation or in the legislation establishing the Conservation Corps. In any event, the authorization should provide for a joint enterprise wherein both the Federal and State governments assume certain responsibilities in the establishment of standards and in the furnishing of personnel, funds, and materials.

7. Development and protection programs may be undertaken either by the establishment of camps or by small groups of men (not less than 10 or more than 40).

a. In cases where small groups of men are supplied, the bureau must meet all basic requirements of the Corps, to be prescribed by the policy council, such as supervision, health requirements, housing, hours of work, types of work, etc. The administrative officer of the area to which the group of men is assigned will be the responsible individual unless some other arrangements are made by the bureau. The allotment of small groups of men is not for the purpose of providing manpower for ordinary maintenance work but for the purpose of doing important protective and development work of natural resources that cannot be done economically any other way.

b. Camps should range in size from a 50-man unit up, in multiples of 50. A camp would be administered by a superintendent, whose grade would vary in accordance with the size of the camp. He would be assisted by a staff of personnel to carry out the work, operate and repair equipment, and perform general administrative and housekeeping functions. To give a clearer idea of what such a staff and organization would consist, four typical setups are shown below:

THE 50-MAN CAMP

Superintendent

Work program:
- 2 foremen.
- 1 mechanic.

Administrative and housekeeping:
- 1 clerk.
- 1 recreational leader (with first-aid training).
- 1 cook.

THE 100-MAN CAMP

Superintendent

Work program:
- 1 assistant superintendent.
- 4 foremen.
- 2 mechanics.

Administrative and housekeeping:
- 1 recreation leader.
- 1 chief clerk.
- 1 clerk.
- 3 cooks.
- 1 medical aide.

THE 200-MAN CAMP

Superintendent

Work program:
- 1 assistant superintendent.
- 7 foremen.
- 3 mechanics.

Administrative and housekeeping:
- 1 recreational leader.
- 1 chief clerk.
- 2 clerks.
- 1 physician.
- 1 storekeeper.
- 4 cooks.

THE 400-MAN CAMP

Superintendent

Work program:
- 1 assistant superintendent.
- 14 foremen.
- 5 mechanics.

Administrative and housekeeping:
- 1 assistant superintendent.
- 1 recreational leader.
- 1 chief clerk.
- 1 assistant chief clerk.
- 3 clerks.
- 1 physician.
- 1 accountant.
- 1 storekeeper.
- 6 cooks.

The advantages of the organization as roughly described above are briefly these:

1. The departments and agencies most concerned with the development, protection, and use of the natural resources of the country would have a definite hand in formulating the policies affecting the work programs on the areas under their administrative control. This was lacking in the old CCC organization.

2. The director, as the President's appointee, could make such reports to the President as may be found necessary.

3. The values of a uniform organization of young men to work on conservation projects would be maintained.

4. The setting up of a strong administrative office within each department would provide the controls necessary to insure the adherance to the regulations that make the Corps a uniform organization. In the case of the old CCC organization, the department's representative on the advisory council acted more as a coordinator and not as an administrative officer. This led to the CCC director setting up an inspection staff of his own so that he might have more direct control and reports on the operation of the camps. A certain amount of conflict and misunderstanding developed from this procedure.

5. The bureaus would have the full responsibility for all of the activities of the Corps on the areas under their administrative jurisdiction, including camp management, which they did not have under CCC. This arrangement would eliminate the conflict that existed under the old set-up between the Army and the technical services as to camp location, campground development, division and release of men, etc. It should also reduce the general overhead costs and permit the use of smaller camps at a reasonable man-month cost. It would also make possible the use of small groups of men without the establishment of camps where the area to which they were assigned had the facilities available to take care of the men.

Besides the general advantages outlined above, such an organization would be flexible and would fit into changing and varying conditions that will exist after the war and through the years that follow. As an example of the flexibility of the organization, I have in mind the following:

The President has expressed himself, according to newspaper reports, as feeling that many of the big military training camps which represent large Government investments should be used wherever possible after the war. Further, many statements have been made by Members of Congress and other national leaders that this country, in the future, should maintain a civilian army. Some have gone so far as to say that each person should give at least a year to the Government for this purpose. If these expressions are any indication of what is in store for the future, a Conservation Corps might play a part in such a program.

Wars of today are fought under all kinds of conditions and over all kinds of lands. The Army must train large numbers of men to understand the natural and how to use it as a protective and offensive weapon. Working in the Corps might be considered basic training. I am sure that a study of the Army records has proved that the training the boys received in the handling of equipment and in working in the forests in the old CCC organization made them better soldiers. These facts suggest the following type of an arrangement:

As the younger men are brought into the central training post established by the Army, a certain number of them, say four or five hundred thousand, would be segregated from the rest as those who are adaptable to the Army field construction division or forestry division. These men would spend a month in the Army preliminary training camp, receiving elementary and conditioning

training, and then would be shipped out to the work projects of the Conservation Corps for a 9-month period. There they would work on all types of conservation projects, learning to live together in camps and improving their health and building their bodies. When they had finished their 9 months' training in the camps of the Corps, they would be returned to the Army for the final 2 months' finishing training before returning to civilian life. Such an arrangement would not bring the military into the work camps. However, if such an arrangement were put into effect, it would be desirable to have two representatives of the War Department on the policy council of the Corps.

Another arrangement that could be made is that of absorbing some sixty to seventy thousand veterans in supervisory positions as they return from the war. Experience from the last World War indicated that many of the veterans were allowed to shift for themselves for too long a period and consequently were not able to readjust themselves to civilian life. It is my belief that a certain number of the veterans who do not go back into their old jobs, or cannot find new ones, could be brought into central schools and be trained to fill many of the jobs that would be required in camps of the Corps. These schools could be some of the present Army posts that will not be neeeded by the Army after the war. The Corps would need cooks, foremen, storekeepers, clerks, accountants, superintendents, and various technical personnel, most of whom could be war veterans. I realize that 60,000 veterans is a small number compared with the whole; nevertheless, it is 60,000. The war veterans will have employment preference over those who did not join the armed forces, and it would be to the advantage of the technical agencies to recognize this fact and take it upon themselves to see that the veterans they get are properly reoriented and trained for the work. This statement is not made as a criticism of the civil service policy or of the veterans, but merely as a practical approach to the problem.

This report is respectfully submitted with the sincere hope that it may be of some real value in the forming of future policies.

YOUTH EMPLOYMENT ACT

APPENDIX

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—NUMBER OF APPOINTIVE PERSONNEL EMPLOYED

	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service	Office of Indian Affairs
On June 30:						
1933			9		44+	
1934			14		4,731	829
1935	50		14	98	7,031	1,180
1936	227		25	601	5,890	986
1937	284		27	600	6,203	806
1938	295		18	631	4,303	782
1939	346	463	50	889	3,506	609
1940	362	387	67	950	3,400	646
1941	379	369	62	898	3,228	613
1942	155	209	44	305	1,219	534
1943			1		30	5

[1] Does not include employees on CCC rolls prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—TOTAL CAMP MONTHS OF CCC OPERATIONS

Fiscal year	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service [2]	Office of Indian Affairs
1963			1		99	
1934			12		3,274	804
1935	83		12	14	5,184	900
1936	377		22	486	5,928	852
1937	431		24	535	5,210	792
1938	449		16	546	3,981	828
1939	527	63	60	964	3,822	840
1940	555	408	69	1,108	3,832	852
1941	550	433	72	1,045	3,769	852
1942	372	325	48	546	2,268	840
Total	3,344	1,229	336	5,244	37,367	7,560

[1] Does not include operations prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.
[2] Includes operations in Hawaii, Alaska, and the Virgin Islands.

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—EXPENDITURES BY BUREAUS

Fiscal year	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service [2]	Office of Indian Affairs
1933 and 1934			$12,084		$14,917,903	$9,539,051
1935	$384,681		69,759		13,449,177	11,074,432
1936	1,375,116		50,723	[4] $2,426,828	27,508,113	9,345,276
1937	1,315,195		35,423	1,942,381	17,908,776	8,227,406
1938	1,387,696		35,904	1,964,733	14,314,446	7,965,523
1939	1,620,551	$225,546	162,682	3,641,663	12,981,289	6,940,163
1940	1,613,532	1,282,792	212,907	3,049,597	12,479,103	7,038,388
1941	1,341,474	1,072,228	368,738	2,777,351	10,438,487	5,990,431
1942	770,020	691,208	251,243	1,310,537	5,582,184	5,776,150
1943	54,280	51,431	14,649	112,888	539,541	750,463
Total	9,862,545	3,323,205	1,214,112	17,225,978	130,119,019	72,647,283

[1] Does not include expenditures prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.
[2] Cost of Territorial camps includes items borne by War Department in standard camps.
[3] Includes costs borne by War Department in standard CCC camps.
[4] 1935 and 1936.

DISTRIBUTIONS OF STANDARD CCC CAMPS IN CONTINENTAL UNITED STATES

CCC period	Dates embraced by CCC period	Bureau of Reclamation	Fish and Wildlife Service [2]	General Land Office	Grazing Service	National Park Service	Others under Interior Department	Total Interior	Total Agriculture	Total others [3]	Grand total
1	June 1, 1933, to Sept. 30, 1933			1		172		173	1,264	31	1,468
2	Oct. 1, 1933, to Mar. 31, 1934			1		304		305	1,128	35	1,468
3	Apr. 1, 1934, to Sept. 30, 1934	8		1		428	[4] 34	471	1,135	34	1,640
4	Oct. 1, 1934, to Mar. 31, 1935	9		1		429	[4] 51	490	1,125	25	1,640
5	Apr. 1, 1935, to Sept. 30, 1935	30		2	31	561		624	1,907	104	2,635
6	Oct. 1, 1935, to Mar. 31, 1936	37		2	45	489		573	1,751	103	2,427
7	Apr. 1, 1936, to Sept. 30, 1936	34		2	45	430		511	1,524	76	2,111
8	Oct. 1, 1936, to Mar. 31, 1937	34		2	45	426		507	1,505	78	2,090
9	Apr. 1, 1937, to Sept. 30, 1937	34		2	45	379		460	1,335	54	1,849
10	Oct. 1, 1937, to Mar. 31, 1938	34		1	45	320		400	1,157	47	1,604
11	Apr. 1, 1938, to Sept. 30, 1938	40		4	72	305		421	1,073	6	1,500
12	Oct. 1, 1938, to Mar. 31, 1939	42		4	87	311		444	1,056		1,500
13	Apr. 1, 1939, to Sept. 30, 1939	44		5	90	311		450	1,050		1,500
14	Oct. 1, 1939, to Mar. 31, 1940	44	34	6	91	310		485	1,015		1,500
15	Apr. 1, 1940, to Sept. 30, 1940	44	36	6	89	310		485	1,012	3	1,500
16	Oct. 1, 1940, to Mar. 31, 1941	44	36	6	89	308		483	1,008	9	1,500
17	Apr. 1, 1941, to Sept. 30, 1941	36	29	4	53	223	[5] 23	368	[6] 730	5	1,103
18	Oct. 1, 1941, to Mar. 31, 1942	26	20	4	34	78	[5] 36	198	[7] 397	5	600
19	Apr. 1, 1942, to June 30, 1942	7	5	3	3	39	[5] 57	114	[8] 250	5	369

[1] In some instances program changed within the period.
[2] Prior to 14th period, the Bureau of Biological Survey (now integrated with the Fish and Wildlife Service), received camps under quota of the Department of Agriculture.
[3] Army and Navy.
[4] Soil Erosion Service.
[5] National Defense.
[6] Includes 27 on National Defense.
[7] Includes 55 on National Defense.
[8] Includes 92 on National Defense.

Note: Office of Indian Affairs not included because its camps were not standard-type camps.

EMERGENCY CONSERVATION WORK—ECW

An act for the relief of unemployment through the performance of useful public work, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of relieving the acute condition of widespread distress and unemployment now existing in the United States, and in order to provide for the restoration of the country's depleted natural resources and the advancement of an orderly program of useful public works, the President is authorized, under such rules and regulations as he may prescribe and by utilizing such existing departments or agencies as he may designate, to provide for employing citizens of the United States who are unemployed, in the construction, maintenance, and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States which are suitable for timber production, the prevention of forest fires, floods and soil erosion, plant pest and disease control, the construction, maintenance or repair of paths, trails and fire lanes in the national parks and national forests, and such other work on the public domain, national and State, and Government reservations incidental to or necessary in connection with any projects of the character enumerated, as the President may determine to be desirable: *Provided,* That the President may in his discretion extend the provisions of this Act to lands owned by counties and municipalities and lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are now provided for by acts of Congress in preventing and controlling forest fires and the attacks of forest tree pests and diseases and such work as is necessary in the public interest to control floods. The President is further authorized, by regulation, to provide for housing the persons so employed and for furnishing them with such subsistence, clothing, medical attendance and hospitalization, and cash allowance, as may be necessary, during the period they are so employed, and, in his discretion, to provide for the transportation of such persons to and from the places of employment. That in employing citizens for the purposes of this act no discrimination shall be made on account of race, color, or creed; and no person under conviction for crime and serving sentence therefor shall be employed under the provisions of this Act. The President is further authorized to allocate funds available for the purposes of this Act, for forest research, including forest products investigations, by the Forest Products Laboratory.

SEC. 2. For the purpose of carrying out the provisions of this Act the President is authorized to enter into such contracts or agreements with States as may be necessary, including provisions for utilization of existing State administrative agencies, and the President, or the head of any department or agency authorized by him to construct any project or to carry on any such public works, shall be authorized to acquire real property by purchase, donation, condemnation, or otherwise, but the provisions of section 355 of the Revised Statutes shall not apply to any property so acquired.

SEC. 3. Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

SEC. 4. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be expended, under the direction of the President, out of any unobligated moneys heretofore appropriated for public works (except for projects on which actual construction has been commenced or may be commenced within 90 days, and except maintenance funds for river and harbor improvements already allocated), such sums as may be necessary; and an amount equal to the amount so expended is hereby authorized to be appropriated for the same purposes for which such moneys were originally appropriated.

SEC. 5. That the unexpended and unallotted balance of the sum of $300,000,000 made available under the terms and conditions of the Act approved July 21, 1932, entitled "An Act to relieve destitution", and so forth, may be made available, or any portion thereof, to any State or Territory or States or Territories without regard to the limitation of 15 per centum or other limitations as to per centum.

SEC. 6. The authority of the President under this Act shall continue for the period of 2 years next after the date of the passage hereof and no longer.

Approved March 31, 1933.

CIVILIAN CONSERVATION CORPS—CCC

An act to establish a Civilian Conservation Corps of America, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the Civilian Conservation Corps, hereinafter called the Corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided,* That at least 10 hours each week may be devoted to general educational and vocational training: *Provided,* That the provisions of this Act shall continue for the period of 3 years after July 1, 1937, and no longer.

SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a director at a salary of $20,600 per annum. The director shall have complete and final authority in the functioning of the Corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this Act.

SEC. 3. In order to carry out the purposes of this Act, the director is authorized to provide for the employment of the Corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands, or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories, and insular possessions, and the several States: *Provided,* That the President may, in his discretion, authorize the director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities, and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by Acts of Congress, including the prevention and control of forest fires, forest tree pests and diseases, soil erosion, and floods: *Provided further,* That no projects shall be undertaken on lands or interests in lands, other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion.

SEC. 4. There are hereby transferred to the Corps all enrolled personnel, records, property, funds, and obligations of the Emergency Conservation Work established under the Act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said Act as amended: *Provided,* That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

SEC. 5. The director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the Corps, are authorized within the limit of the allotments of funds therefor, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the Corps without regard to the civil service laws and regulations.

SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the Corps under the provisions of section 37a of the National Defense Act and the Act of February 28, 1925, respectively.

SEC. 7. The director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided,* That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional territorial and insular possession enrollees.

SEC. 8. The enrollees in the Corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: *Provided,* That the director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the Corps, except that no person shall be excluded on account of race, color, or creed: *Provided further,* That enrollments shall be for a period of not less than 6 months and reenrollments (except in the case of one mess steward, three cooks, and one leader, in each company, and War Veterans) shall not exceed a total term of 2 years: *Provided further,* That in the discretion of the director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further,* That the director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required under such regulations as may be prescribed by the director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided,* That Indians may be excluded from these regulations: *Provided further,* That the pay of enrollees shall not exceed $30 per month, except for not more than 10 per centum who may be designated as assistant leaders and who shall receive not more than $36 per month: *Provided further,* That not to

exceed an additional 6 per centum of such enrollees who may be designated as leaders and may receive not more than $45 per month as such leaders.

SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the Corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: *Provided further*, That the provisions of the Act of February 15, 1934 (U.S.C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the Corps.

SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the director in carrying out the provisions of this Act: *Provided*, That funds allocated to Government agencies for obligation under this Act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this Act: *Provided further*, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U.S.C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this Act.

SEC. 13. The director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

SEC. 14. The director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

SEC. 15. That personal property as defined in the Act of May 29, 1935 (49 Stat. 311), belonging to the Corps and declared surplus by the director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said Act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

SEC. 16. The director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this Act any claim arising out of operations authorized by the Act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this Act, caused by the negligence of any enrollee or employee of the Corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this Act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within one year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes of this Act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance therewith.

SEC. 18. This Act, except as otherwise provided, shall take effect July 1, 1937.

Approved, June 28, 1937.

CIVILIAN CONSERVATION CORPS

DIRECTORS

Robert Fechner	1933–39
James J. McEntee	1940–43

ADVISORY COUNCIL

War Department

Col. Duncan K. Major, Jr.	1933–36
Brig. Gen. George P. Tyner	1936–39
Maj. Gen. James A. Ulio	1940–43

Department of the Interior

Horace M. Albright	1933
Arno B. Cammerer	1933–37
Conrad L. Wirth	1937–43

Department of Agriculture

R. Y. Stuart	1933–34
Frank A. Silcox	1934–38
Fred Morrell	1938–43

Department of Labor

W. Frank Pearsons	1933–38

Veterans' Administration

C. W. Bailey	1937–43

BUREAU STATEMENTS AS OF JUNE 30, 1942

(Submitted by Bureau representatives handling CCC work at that time)

General Land Office, THOMAS C. HAVELL.
Office of Indian Affairs, DANIEL E. MURPHY.
Bureau of Reclamation, ALFRED R. GOLZ.
National Park Service, CONRAD L. WIRTH.
Grazing Service, EDMUND R. GREENSLET.
Fish and Wildlife Service, P. S. MUNK, PEDERSEN.

GENERAL LAND OFFICE

During the life of the Civilian Conservation Corps, the General Land Office operated a maximum of six CCC camps and carried on a program of work in the Territory of Alaska. This participation was but a small part of the entire CCC program, but the achievements in the conservation of resources, both natural and human, are almost beyond comprehension.

Among the first of the CCC camps to be established was one for the control and suppression of outcrop fires in the coal beds on the public domain in the Little Thunder Basin, Wyoming. In the early years of the program the work was suspended during the winter periods and for a while two camps were assigned to this project; but in realization of the fact that the work could be more economically carried forward on a year-around basis the number of camps was reduced to one which continued work throughout the year until the closing of the entire CCC program.

Some of the fires in these coal beds had been burning since the earliest recorded history of that area, destroying and endangering a mass of coal measured in terms of billions of tons. Using special techniques developed in collaboration with technical experts of the Geological Survey, approximately 25 of these fires were completely suppressed or extinguished and several others brought under control to the point that they will probably burn out without material damage; yet there are other fires which were not touched up to the time the CCC program terminated which will continue their destructive forces. The immense coal deposits in this area lying in the public domain constitute a fuel reserve of immeasurable value, as large-scale production can be quickly accomplished through strip mining in case production in the Eastern States should be curtailed. These deposits on which the fires have been extinguished or brought under control have been saved for future generations by reason of the magnificent work of the CCC.

In 1938, three CCC camps were assigned to the General Land Office for work on the O. & C. lands in Oregon, and the following year two additional camps were established on this project. These five camps continued their activities until the early part of the fiscal year 1942, when the O. & C. program was reduced to three camps which continued until the close of the general CCC program. These camps provided physical improvements, forest protection, reforestation, and development necessary in the successful administration of the 2,500,000 acres of timbered land on the O. & C. lands in Oregon. To carry out a well-planned forest conservation, development, and management program, a transportation system and forest-protection plan are of first importance. The CCC has furnished both within this area, and while a great deal more remains to be done, that which has been completed is of inestimate value.

The many miles of access and utilization road constructed by the CCC through the O. & C. timbered lands are today proving their value. The CCC truck trails penetrating the hitherto unbroken forest wildernesses make it possible for the forest fire fighters to reach remote areas and control fires which otherwise would rage unchecked for days. These same truck trails make it possible to reach stands of high-quality timber necessary for aircraft construction and other special war needs. Trained CCC fire-fighting crews controlled numerous forest fires quickly and efficiently. Had it not been for these highly trained mobile crews, many fires would have devastated unknown thousands of acres of forest land and destroyed huge quantities of highly valuable forest products which are now in use and vital to the progress of the war.

Many other activities of less tangible value were conducted by the CCC on the O. & C. lands, such as perpetuation of our forests by planting small trees on denuded areas; the control of forest-destroying diseases and insects, and the education of the public in the need for conservation.

CCC activities on the 325,000,000 acres of public domain in Alaska were transferred to the General Land Office in April 1940. Since the impact of the war prevented the employment of the planned number of whites, the employment was chiefly Alaskan Indians and Eskimos, and the program was directed mainly for the benefit of the native peoples. The projects worked on during the year were in villages scattered from Wainwright on the Arctic coast to Atka on the Aleutian chain,

and Eagle on the Upper Yukon River. In this vast area, sanitary facilities and community water-supply systems were constructed. Debris within and in the vicinity of the villages was cleared and burned. School houses were erected and remodeled, roads and trails constructed and maintained, and reindeer corrals were constructed for the benefit of the native inhabitants. Probably about 100 villages were benefited by this program.

One of the greatest problems in Alaska is transportation. CCC personnel maintained and staked winter sled trails and maintained winter landing fields to make mail, freight, and passenger operations possible with a minimum of disruption in service.

Other projects undertaken included fire hazard reduction along major Alaskan highways, the establishment of fire-breaks and the development of playground and recreational areas.

In all of the CCC camps operated by the General Land Office, the training of employees for the work important to civilian life during peacetime and essential to the war effort in this period of emergency, was stressed. As a result of this training, many employees attained proficiency in several types of work and secured highly remunerative employment in private industry.

The benefits derived from the CCC program operated by the General Land Office are beyond measure. The results will be felt for generations by reason of salvaging of manpower and the conservation of our resources.

OFFICE OF INDIAN AFFAIRS

Emergency Conservation Work and Civilian Conservation Corps activities within the Office of Indian Affairs began June 19, 1933, and ended July 10, 1942.

During that period 88,349 different individuals participated as enrollees. Eighty-five thousand two hundred of these were Indians; 3,149 were whites, most of whom were intermarried. An average of 7,564 enrollees, and 776 employees—8,430 persons in all—were engaged in conservation activities each day during the life of the Corps.

Approximately $72,000,000 were expended—an average of $8,000,000 per year.

The work accomplishments are impressive, and have contributed directly to the rebuilding of the reservations and the National Domain. They were favorably commented on by numerous officials, including the directors of the Corps.

Careful and adequate planning was insisted upon, and every effort made to insure that each project was completed in an efficient manner with the least possible expenditure of funds consistent with good engineering and construction practices.

The improved economic condition of the Indians has definitely influenced their morale. They were participants in the planning, they did the work, and they directly benefited by the results.

Thousands of enrollees became skilled workers as a direct result of their participation in the Corps and are now contributing to the war effort as members of the armed forces, as skilled workers in war industries, and as producers of food. Training was always a real, if not conspicuous activity.

The program was the first piece of emergency legislation under which the Indians benefited. There was much work to be done on Indian reservations. Heretofore, funds had not been available in sufficient amounts to undertake large-scale programs. There was considerable erosion; millions of acres of forest, range, and farm lands needed attention. Under ECW, funds were given to the Office of Indian Affairs, enrollment for Indians was eased, and thousands, literally, obtained their first steady employment in years.

The program started from "scratch." There were no precedents. It was necessary to undertake a huge program with a new staff of employees.

The immediate objective was to furnish gainful employment for needy Indians, and to improve their land holdings, and the Office of Indian Affairs was thus able to undertake a long-range program to help the Indian become self-supporting. Work was undertaken on nearly 300 different tracts of land—on reservations, rancherias, and other holdings—under 71 jursdictions, in 23 States.

The program revitalized Indian life; it gave wage work where and when it was needed. It made possible the building up of reservation resources. Indians were taught how to use the land and water conserved. The program provided many opportunities for Indian advancement which are difficult to put into any compilation. It developed leadership under practical conditions. It changed indifferent and sullen attitudes into helpful cooperative actions. These things cannot be measured in any compiled summary.

The program touched on every phase of reservation life and activity and cooperation was given to, and received from, all other Office of Indian Affairs divisions.

A total of 15,041,819 "man-days worked" was reported for the entire period. The cost per enrollee work day was $4.79. This does not include the time of the employed personnel or irregular labor; it covers only the actual time of the enrollee on work projects. The cost per calendar day was less than $3.00. Seventy-one percent of the disbursements went for salaries and wages; Indians received 60.7 percent. Seven-tenths of 1 percent went to white enrollees, who, in the majority of cases, were intermarried and supporting Indian families. Nine and seven-tenths percent went to white employees and white irregular labor.

The maximum enrollment in one month was 15,171, in June 1941; the minimum was 3,903 in April 1935. The maximum number of persons employed in any one month was 1,464, in June 1935, and of these 839 were Indians. The maximum number of Indians employed in any one month was 882 (1,452 positions occupied), in July 1935. The minimum number of persons employed was 476 in June 1942, and 266 of these were Indians.

The need for continuing conservation work on reservations cannot be overstated. Long-term programs covering all phases of development are imperative to insure proper use of land and to provide work for the needy for years to come. There are approximately 55,000,000 acres of Indian lands in nearly 300 reservations, rancherias, and other holdings under Office of Indian Affairs supervision.

Indian lands include a considerable portion of the Nation's watersheds and timber stands. Whatever affects Indian lands likewise affects white-owned lands. Indian lands are a part of the National Domain. Continuation of the work will go a long way toward building up a prosperous Indian citizenship and in making the reservations and the residents thereon assets to the States and the Nation. The Indians constitute one of the lowest income groups in the country. Isolated, on remote reservations, they lack employment opportunities. Indians will work; they have the capacity and skill to do what is needed. They are quick and eager to learn and their output equals that of any group anywhere.

BUREAU OF RECLAMATION

Federal Reclamation is a Government enterprise designed to utilize the water resources of the West in the work of developing the arid and semiarid regions that lie west of the one-hundredth meridian; an area of 740,000,000 acres comprising a third of the land area of the United States. Less than 20 inches of rain falls annually in nearly all of this vast territory, which is incapable of supporting any considerable population or agriculture without an artificial water supply. Through the irrigation of desert lands and the operation of power plants, new opportunities for farms, homes and for cities, for mining and processing the country's mineral wealth and for manufacturing many of the essential tools of a modern industry, are created. It is the task of the Bureau of Reclamation to plan, design, and build the intricate engineering works that provide water for irrigation and generate power and to supervise their operation and maintenance after completion. The water and power users who benefit by these developments are required to repay their cost over a period of years.

Federal irrigation in the Western States began in 1962 with the enactment of the Reclamation Act. In the early years following passage of this act many irrigation projects were built and placed in operation at a reimbursable cost approximating $220,000,000 by 1935. These projects consist usually of a dam and reservoir to store water and an extensive system of Government-owned canals and canal structures to control and deliver the stored water to individual farm units.

The economic depression that began in 1930 made it difficult to maintain the irrigation systems at proper standards and the droughts in the early years of the depression further reduced the available water supply, augmenting the problems of the irrigation farmer. Thousands of control structures built 20 to 25 years previously, became deteriorated beyond repair, canals became silted and clogged with vegetation, and crop yields on the farm lands decreased alarmingly with the decrease in water supply. By 1934 it had become a matter of urgency that some means be found, not inconsistent with the unemployment problem of the country, to overcome these adverse project conditions and to protect the Government's large investment.

A few CCC camps were established on reclamation projects in 1934. In 1935, 50 camps were allotted to the Bureau of Reclamation to undertake a comprehensive program for the rehabilitation of the irrigation systems and the development of a supplemental water supply on projects affected by drought conditions. Rehabilitation was programmed on a basis of permanent improvements designed to avoid difficulties in future years. Deteriorated wooden water control structures in the canals, such as checks, drops, turnouts, etc., were replaced with permanent concrete structures. Canal banks were cleaned of vegetation, reshaped to their original design, and were lined with concrete, rock, or gravel to prevent future erosion and silting. Operation roads for motor vehicles were built along canals to facilitate operation, inspection, and maintenance of the facilities. Telephone lines and fences on Government property were rebuilt to present-day standards. Impounding and diversion dams which had suffered from excessive wave action or wind erosion were rebuilt to their designed lines and grades and were heavily blanketed with rock or gravel.

Supplemental water supplies were developed for several projects by the construction of small reservoirs and the building of feeder canals to bring additional water to existing reservoirs.

Later in the CCC program, camps were assigned to aid in the construction of new reclamation projects undertaken as part of the Bureau's regular expansion program or as part of the Water Conservation and Utility project program, the latter specially authorized by an act of Congress for development with CCC forces. The camps on these projects began the construction of dams, the clearing of reservoir sites, the excavation of canals, and the building of water-control structures. The suspension of the Civilian Conservation Corps in July 1942 found much of this work uncompleted.

A multitude of miscellaneous conservation programs were carried out on all classes of reclamation projects. An extensive campaign

for the extermination of gophers and ground squirrels, whose tunneling habits are very harmful to irrigation canals, was an important activity on nearly all projects. The spread of noxious weeds had become a serious menace on several projects, forcing much otherwise good land out of cultivation. Various methods of eradication were investigated and demonstrations were given on Government land of those found to be practicable and low in cost. Experiments with new sealing agents for lining porous canals were conducted and feasible methods of application were developed. Emergencies consumed much of the time of CCC men on reclamation projects. In cooperation with the Fish and Wildlife Service, major improvements have been accomplished on a number of wildlife reserves that are also irrigation reservoirs. Forest fires, prairie-grass fires, floods, earthquakes, and grasshopper infestations were almost annual occurrences. The availability of CCC men greatly lessened the property damage and loss of natural resources. Many lives were saved through their work in preserving the stability of important structures under flood conditions.

Most irrigation projects are too remote from developed recreational areas to permit the average settler or his family or the local urban residents to enjoy a weekend or occasional day of rest without considerable travel. Irrigation reservoirs on the projects or in the nearby mountain areas afford a place for development of playgrounds to make recreation an integral part of the project life. Swimming, boating and fishing facilities, picnic and camp grounds, shelters, access roads, hiking trails, parking areas, and the planting of trees and shrubbery at these reservoirs have made a number of projects a much pleasanter place to live. At Guernsey Reservoir in Wyoming a fine museum of the early days of Wyoming settlement has been built to National Park Service standards.

A few figures illustrate the volume of the accomplishment of CCC forces during the past 7 years on the irrigation projects. Over 60,000,000 square yards of canals and drainage ditches were placed in good condition by clearing or cleaning; 1,800,000 square yards were lined with impervious materials, and 2,800,000 square yards were riprapped for protection against erosion; operating roads were built along 3,000 miles of canals; 39,000 acres of reservoir sites were cleared of trees and brush, and 15,800 water-control structures in canals and ditches were built. In all, 7,153,000 enrollee man-days were expended on these and other related activities. Camps were operated at 83 separate locations on 45 projects in the 15 Western States.

The work of the enrollees at camps on reclamation projects trained thousands of truck drivers and tractor operators. Elementary training in concrete and masonry construction, erection of frame structures, and the use and repair of hand tools were standard on-job courses. No better training of nonmilitary character could have been given these young men to fit themselves for defending their country in the armed services or for participating in the vast civilian construction program initiated at the outbreak of the war.

The fine work of the Civilian Conservation Corps by 1942 had brought the Federal irrigation projects back to a high standard of physical excellence. The irrigation systems are now in generally good condition, able to deliver required amounts of water and by the permanency of their rehabilitation they are insured against future interruptions of consequence. Under pressure of war conditions, these projects are being called on today for greater quantities of high-quality food and fiber for the armed forces and lend-lease agencies. Without the aid of the Civilian Conservation Corps in pre-war years, the in-war production of these projects would not be such a satisfactory contribution to the war program.

NATIONAL PARK SERVICE

The Civilian Conservation Corps advanced park development by many years. It made possible the development of many protective facilities on the areas that comprise the National Park System, and also provided, for the first time, a Federal aid program for State park systems through which the National Park Service gave technical assistance and administrative guidance for immediate park developments and long-range planning. Of approximately 3,114 CCC camp years of work under the supervision of the National Park Service, 880 or 28 percent were on National Park Service areas, and 2,234 or 72 percent, on non-Federal park and recreational areas. It is believed that the work accomplished in the park conservation field in the 10 years of CCC was equal to what might have been expected in 50 years without its assistance.

The National Park System benefited immeasurably by the Civilian Conservation Corps, principally through the building of many greatly needed fire trails and other forest fire prevention facilities such as lookout towers and ranger cabins. During the life of the CCC, the areas received the best fire protection in the history of the Service. Over 414,000 man days were spent on the work of fire prevention and over 250,000 on fire suppression. The value of the man-days spent in fire protection and suppression in the great scenic areas of the Nation cannot be overestimated.

The CCC also provided the manpower and materials to construct many administrative and public-use facilities such as utility buildings, sanitation and water systems, housing for its employees, service roads, campground improvements, and museums and exhibits; to do reforestation and work relating to insect and disease control; to improve the roadsides; to restore historic sites and buildings; to perform erosion control, and sand fixation research and work; to make various travel and use studies; and to do many other developmental and administrative tasks that are so important to the proper protection and use of the National Park System.

The CCC made available to the superintendents of the national parks, for the first time, a certain amount of manpower that allowed them to do many important jobs when and as they arose. Many of these jobs made the difference between a well-managed park and one "just getting along." If the CCC or a similar organization is established in the future, a more flexible use of the men assigned to National Park System areas would increase its value to them.

The State park program received a tremendous impetus through the CCC. Without having had any previous official relationship with State park organizations, the National Park Service was asked to supervise CCC work on non-Federal park areas. This required the setting up of a supplementary organization on a regional basis. Many States were not prepared to utilize effectively the manpower and materials that were suddenly available to them—in fact, the majority of them had practically no State park system or organization.

The CCC was not just a pick-and-shovel project. It contributed tremendously to the Nation's thought on parks and recreation. It was soon realized that one of the first requirements for adequate programs, both immediate and long-range, was a comprehensive survey and study of the entire park and recreational problem on a Nation-wide basis. In 1936, Congress enacted the Park, Parkway, and Recreation Study Act (49 Stat. 1894), and pursuant to this act, 46 of the States and the Territory of Hawaii participated in the conduct of State-wide studies. Thirty-seven of the States completed reports on their studies and 21 published them. In 1941, the National Park Service published its report, "A Study of the Park and Recreation Problem of the United States." Between 1936 and 1942, the National Park Service responded to the request of 18 States in helping to rewrite their general conservation laws, which placed parks and recreation in a stronger position. During the 10 years of CCC, the National Park Service issued the following publications relating to park work—all made possible by the CCC:

A Study of the Park and Recreation Problem of the United States.

Park Structures and Facilities.

Park and Recreation Structures.

Park Use Studies and Demonstrations.

Fees and Charges for Public Recreation.

Yearbook—Park and Recreation Progress, 1937, 1938, 1940, 1941.

Tree Preservation Bulletin, Series 1–9, incl.

Digest of Laws Relating to State Parks.

Digest of Laws Affecting Organized Camping.

Digest of Laws Relating to Local Parks and Recreation.

Municipal and County Parks in the United States—1935.

The above-mentioned work was fundamental and essential to insure proper physical improvements on the State park and recreational areas throughout the country. Although Congress authorized this work under the CCC, an emergency organization, and again in the Park, Parkway, and Recreation Study Act of 1936, it never appropriated any funds specifically for it. Virtually all of this planning performed by the National Park Service was carried out by personnel employed with CCC funds. While this work was being conducted, the CCC camps were proceeding with the development of more than 561 non-Federal park areas throughout the country. The work included every conceivable type of project necessary to develop well-rounded park and recreational areas. To enumerate the work accomplished, State by State, would take too much space in this report. As an example, however, the State of Virginia in 1933 had only Matoaka State Park, and the Richmond Battlefield which was acquired by the State for transfer to the Federal Government for inclusion in the National Park System. By June 1942 the State had developed, principally with the aid of the CCC (78½ camp years), 11 areas with a total of 19,367 acres, well distributed throughout the State from the coast to the mountains. The CCC provided each of its six principal State parks with a road system, water supply and sewage disposal systems, telephone lines, power lines, and necessary utility and administrative structures and facilities. It built three recreational dams and one swimming pool; it provided bathhouses and necessary appurtenances in each park, and beach facilities in five of them; it constructed hundreds of other buildings for public use; and it provided recreation and protection by the construction of many miles of trails. In short, with the aid of CCC, the State has given its citizens a system of parks with most of the recreation activities for their leisure-time use. In the 1942 fiscal year, their largest attendance year, 486,376 visitors used the State park system.

With the liquidation of the CCC work forces in July 1942, aid to the States was terminated, and planning assistance authorized by the Park, Parkway, and Recreation Study Act virtually ceased. For insurance of the success of any future Federal aid program, regardless of what agency administers it, or the methods used, the provisions of the Recreation Study Act should continue to be carried out, at least to the extent of assisting the States in keeping the studies and plans alive and abreast with the develop-

ments of the time. This would permit rapid resumption of development work on a sound basis, either with or without Federal assistance.

GRAZING SERVICE

Grazing Service participation and cooperation in the activities and accomplishments of the Civilian Conservation Corps commenced in April 1935 when seven camps were assigned to this Service. The number of CCC camps was increased to 45 by November of the same year. This quota was maintained until 1938, when the number was increased to the full complement of 90 camps by November of that year. The number then continued at approximately this figure until the liquidation of CCC in the spring and summer of 1942. The CCC camps were distributed uniformly among the 58 Grazing Districts in the 10 Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

The services of the enrollees were used by the Grazing Service toward the accomplishment of those objectives of the Taylor Grazing Act which have to do with the construction of improvements on the public domain for the purpose of opening up new range lands, increasing the forage on existing range lands, regulating the use of all range lands, and protecting and conserving this natural resource for the benefit of all concerned. Many of these valuable accomplishments on the part of the CCC enrollees are now in evidence throughout the 142,000,000 acres of Federal range administered by the Grazing Service.

Perhaps the most important contributions to the range are the many stock-watering facilities constructed by CCC enrollees. Chief of these are the earthen reservoirs, ranging in size from 2-acre feet up to 100-acre feet in capacity. Included also are numerous small reservoirs and waterholes having capacities under 2-acre feet. Other water facilities consist of spring developments and drilled wells. Although wells render excellent watering facilities, preference was given to the development of springs and the construction of reservoirs with earth dams, because they afforded greater opportunities for the employment of enrollee labor. The materials required for springs and reservoirs were nominal, whereas for wells the cost of the materials was far out of proportion to the labor required. The placing of water in the outer reaches of the range allowed grazing to expand into vast areas of land which were rich in forage but which could not be used until water was provided.

Truck-trails, stock-trails, and stock-driveways constructed by CCC enrollees are also a major contribution to the range. Truck-trails allow the stockmen to transport stock and supplies from ranch to range and from range to market. Stock-trails and stock-driveways allow migration of the animals from summer to winter range and also from range to loading stations. Thousands of miles of these facilities were constructed by the CCC enrollees. It may be mentioned also that nearly all of these trucktrails have become a complement to the network of State and County highways, thus augmenting traffic facilities for social as well as economic use. In effect, they have brought the school, the church, and the library nearer to the ranch.

One of the purposes of the Taylor Grazing Act is to regulate the use of the range by assigning definite areas to the various stockmen and thereby eliminating the confusion and conflict which formerly obtained when all of the range belonged to everybody. Thus, the fencing of allotments has become an integral part of the Grazing Service program. In line with this program, the CCC enrollees constructed thousands of miles of barbed wire boundary fences and drift fences to control and regulate the grazing on the range. Holding corrals, loading corrals, shearing corrals, and miscellaneous livestock facilities were constructed in great number.

Every pursuit of man in his effort to exist and subsist must meet and surmount the usual obstacles and resistances set up by nature. Likewise, the stockman is confronted with the task of eradicating poisonous weeds, exterminating detrimental insects, controlling the number of rodents, and reducing the number of predatory animals. This task has been performed for the stockman by CCC enrollees on thousands of acres of the public domain, thereby conserving the products of the range, as well as the forage, which is the basis of the production. This work was done in cooperation with the Fish and Wildlife Service. The most practical and economic methods were employed.

Throughout every hot summer on the range and extending well into the fall, the forage vegetation, as well as the brush and timber stands, are threatened with loss by fire. Losses are greater in some years than others, but there is never a year without some fires on the range. During the period from 1935 to 1942 the CCC organization accomplished incalculable results not only in the suppression of range and forest fires, but also in the construction of fire breaks and other safeguards by way of presuppression of potential fires. The enrollees became well trained in this work and their efforts were most effective. Other emergency work of different kinds was performed by the enrollees at various times and at various places. They opened up truck-trails covered with snow to relieve isolated bands of sheep. They repaired dams, canals, and other properties in the wake of floods. They formed searching parties for the location, recovery, and protection of stranded airplanes. Numerous other emergency tasks were performed with dispatch and effectiveness.

Although the natural forage on the range is tremendous in the aggregate, it is not uniform in intensity. Artificial seeding of range grasses is necessary in arid and sparsely vegetated areas. This is especially true in areas that have been burned over by range fires. To meet this need, the CCC enrollees have rendered services which have been very valuable and effective. They have harvested seed from natural range grass species and have sown the seed by hand and by machine over thousands of acres of land. They have also assisted in the laying out and development of experimental plots where the various species of grasses have been planted and subjected to various conditions of exposure, protection, and utilization.

A further major accomplishment, which not only rendered valuable assistance to this Service, but which extended to the CCC personnel an opportunity for education and training along professional lines, was the project embracing range surveys, dependent property surveys, land recording, collection and arrangement of herbariums, compiling map data and the production and reproduction of maps, designs, and photographs. This project developed many young men who have since become valuable employees in commercial and military pursuits, as well as in the Grazing Service.

Throughout the tenure of the Civilian Conservation Corps as an integral part of the Grazing Service organization it has been kept in mind that the enrollee was not to be considered as a mere unit of labor, but that over and above this contribution of service on his part there was a responsibility on the part of the administrative officials to educate and train the enrollee along vocational lines and to guide his conduct and shape his environment in such manner as to make him a better worker, a better man and a better citizen. To this end, the Grazing Service cooperated actively with the Army and educational officials at all times in an earnest effort to accomplish these purposes.

FISH AND WILDLIFE SERVICE

During the 9 years of its existence the CCC has been an extremely influential force in the conservation of our wildlife resources, notably migratory waterfowl and big game animals. Coincident with the establishment of the Corps in 1933 a gigantic wildlife-refuge purchase program was begun. In the continental United States, since 1933, approximately 8,000,000 acres of land and water have been acquired for national wildlife refuge purposes, increasing the total refuge holdings to approximately 9,570,000 acres in 257 refuges. These refuge lands compensate in part for the millions of acres of wildlife habitat which necessarily fell before the plow, the ax, and the drainage ditch, but much of it was barren, even more was submarginal, and almost all was lacking in the basic wildlife requirements of water, food, and protective cover. Improvements had to be made in order that the refuges might be capable of supporting great concentrations of wild creatures and in order that the refuges might be administered efficiently and economically. It is in making these improvements that the CCC has been of tremendous benefit to wildlife conservation.

Of the 257 refuges, 44 of the larger and more important ones have been developed almost exclusively through the CCC. Two thousand five hundred ninety-eight camp months of CCC labor have been directed toward the accomplishment of two fundamental objectives: the improvement of wildlife habitat and the improvement of administrative facilities. In order to improve the refuges to a condition most favorable to wildlife, dams, dikes, and other devices for the impoundment and control of water have been built; food and cover-producing vegetation has been planted for wildlife and as a deterrent to soil erosion; millions of trees have been planted as windbreaks and to provide wildlife cover; stream- and lake-bank protection has been given prominent attention, as has the construction of nesting islands and wildlife shelters. To facilitate refuge management, truck trails, bridges, lookout towers, fire lanes, telephone lines, small but well-built headquarters and utility buildings, and seed- and tuber-storage cellers have been constructed, and to keep out stray livestock and prevent trespass, fences and boundary markers have been erected.

A few of the important accomplishments may be cited as indicative of the type and quantity of work accomplished. Eighty-five large impoundment and diversion dams were built, involving excavation of about 13,000,000 cubic yards of earth and rock, and the construction of nearly 900 water-control structures. Deficiencies in vegetation have been overcome by the planting of tremendous quantities of aquatics, of shrubs and trees for upland game, and of soil-binding and moisture-conserving grasses. Nesting islands have been built for the better protection of waterfowl and shore birds. Work preliminary to water impoundment includes the excavation of nearly 3,000,000 cubic yards of earth and rock from canals and ditches, clearing and cleaning of 4,500,000 square yards of water channels and 5,500 acres in reservoir, lake, and pond sites. Nearly 2,000 miles of fences have been erected, 190 foot and vehicle bridges, and 2,000 miles of truck and patrol trails have been built, and fire-protection systems, including 60 look-out towers; 750 miles of telephone lines, and several hundred miles of firebreaks have been developed. Headquarter, patrol, and laboratory facilities, including nearly 900 dwellings, overnight cabins, and other buildings, including offices, laboratories, garages, and

storage houses have been provided. As an erosion-control measure 700 permanent check dams have been built.

In accomplishing this work the Service has had the use of and was custodian of equipment valued at about $2,000,000, consisting of 43 draglines, 140 tractors, 825 trucks, and a mass of smaller equipment and tools.

Director Gabrielson's remark of several years ago, "Even if the Civilian Conservation Corps should for some unforeseen reason be closed out in the near future, the Fish and Wildlife Service should be forever thankful for what this organization has accomplished for wildlife conservation," states clearly the value of CCC in wildlife conservation.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1597. A bill to amend title 38, United States Code, so as to provide that increases in Social Security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I introduce for myself and the distinguished senior Senator from South Carolina (Mr. THURMOND) legislation to protect the pension rights of nearly 2 million American veterans and their families and ask that it be appropriately referred. Our bill guarantees that increases in Federal benefits and annuities will no longer cause a reduction in the pension payment to which a veteran or his family is entitled.

Under current law, pensions are figured on the basis of need. Need, in turn, is determined primarily by a pensioner's income. As a pensioner's outside income increases, his pension decreases. Social security benefits, railroad retirement payments and civil service annuities are counted as income for the purpose of determining the amount of pension. Any increase in these benefits can result in the reduction—and eventual elimination—of pensions.

Since the current pension program was enacted in 1960, the Senate has supported the concept that a veteran widow, widow or child should not lose part of his pension as a result of social security increases. On four separate occasions, this body has acted to prevent veterans or their survivors from suffering a loss in pension because social security was raised. It was my privilege to lead the successful fight last year against consideration of the 15-percent increase in social security benefits, effective on January 1, 1970, as income for pension purposes.

At that time there was a clear consensus in the Senate that the increase in social security benefits was barely adequate to protect the elderly from the effects of inflation, and that it should not result in any set-off against veterans' pensions.

The enactment of a 10-percent increase in social security benefits in March of this year presents the Congress with the same problem it faced last year: should it permit an increase in social security benefits to be counted as income when figuring veterans' pensions?

I trust that the answer to that question will once again be "no." I hope as well that this continuing problem can be met permanently by providing that all future increases in social security payments will be excluded when figuring pensions. The sad fact is that one out of four elderly Americans lives in poverty today. This legislation will not result in any bonanza or windfall to those senior citizens who also are entitled to a small veteran's pension. What it will do is make available to them some of the necessities which they must now forego for lack of income.

A few examples will suffice to illustrate the adverse impact on pensioners if the Congress does not act:

First. A veteran with no dependents who received $98.80 in social security before the most recent increase, was eligible for a pension of $96, for a total monthly income of $194.80. Under present law, however, this veteran would have his pension cut by $4 in January 1972 due to the increase in social security.

Second. A married veteran receiving $110 pension would have his monthly pension cut by $6 in January 1972 if action is not taken.

Third. A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 a month as a result of the increase.

These examples give adequate evidence, I believe, of the importance of excluding the most recent increase—and all future increases—in social security benefits from inclusion in pension calculations.

Our bill would also provide equity to the pensioner who receives railroad retirement benefits or civil service annuities. He, no less than the social security beneficiary, should not have his small pension reduced simply because there has been a modest increase in payments made under his Federal retirement program.

Mr. President, the average person receiving a veteran's pension does not understand why his small pension should be reduced when there has been an increase in the payments he receives under a Federal retirement program. In truth, I do not either. Although I agree that no pensioner should profit from an increase in social security, or railroad retirement or civil service annuity, it is plain that excluding increases in benefits paid under the three Federal programs named in this bill will make no one rich. It will, however, make a life of dignity easier for our elderly veterans and their families.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 144

At the request of Mr. MCGEE, the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

S. 646

At the request of Mr. MCCLELLAN, the Senator from Tennessee (Mr. BAKER) was added as cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

S. 784

At the request of Mr. BAKER, the Senator from Nevada (Mr. BIBLE), the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 784, a bill to provide for a Commission on Transportation Regulatory Agencies.

S. 856

At the request of Mr. GURNEY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 856, a bill to encourage States to establish junked motor vehicle disposal programs.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1082, a bill to regulate the discharge of wastes in territorial and international waters.

S. 1113

At the request of Mr. BAKER, the Senators from Utah (Mr. BENNETT and Mr. Moss) and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 1113, a bill to establish a structure providing for integrated knowledge and understanding of problems relating to air pollution and other related problems.

S. 1428

At the request of Mr. PERCY, the Senator from New Jersey (Mr. CASE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1428, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

S.J. RES. 4

At the request of Mr. JAVITS, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 29, providing for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

SENATE RESOLUTION 100—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON VETERANS' AFFAIRS TO EMPLOY ADDITIONAL CLERICAL ASSISTANTS

Mr. HARTKE, from the Committee on Veterans' Affairs, reported the following original resolution (S. Res. 100), which was referred to the Committee on Rules and Administration:

S. RES. 100

Resolved, That the Committee on Veterans' Affairs is authorized, until otherwise provided by law, to employ five additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENT

AMENDMENTS NOS. 47, 48, 49

Mr. ERVIN submitted three amendments intended to be proposed by him to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which were received, ordered to be printed, and to lie on the table.

NOTICE OF HEARINGS ON ALASKA NATIVE LAND CLAIMS

Mr. JACKSON. Mr. President, on April 29, 1971, the Committee on Interior and Insular Affairs will hold a further hearing on pending legislation to settle the Alaska Native land claims. The hearings will begin at 10:00 a.m., in room 3110 of the New Senate Office Building.

Witnesses appearing before the committee will be the Secretary of the Interior, representatives of the State of Alaska, and officials of the Alaska Federation of Natives. Statements of other organizations and individuals may be submitted to the committee and will be published in the hearing record.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, April 27, 1971, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nomination:

Charles R. Richey, of Maryland, to be U.S. district judge, District of Columbia, vice Edward M. Curran, retired.

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

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

NOTICE OF HEARING ON NOMINATIONS OF DR. WILLIAM T. PECORA AND NATHANIEL PRYOR REED

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I announce for the information of the Senate and the public that on Friday, April 30, at 2 p.m. the Committee on Interior and Insular Affairs will hold an open, public hearing on the nominations by President Nixon of Dr. William T. Pecora to be Under Secretary of the Interior and Nathaniel Pryor Reed to be an Assistant Secretary of the Interior.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the Committee staff. The hearing will begin at 2 p.m. in room 3110 New Senate Office Building.

Mr. President, I ask unanimous consent that biographical data concerning these two nominees be printed in the RECORD at this point in my remarks.

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

WILLIAM THOMAS PECORA

Born: Belleville, New Jersey—February 1, 1913.

Education: Primary and Secondary Schools, Newark, New Jersey; B.S., Geology—1933—Princeton University; Ph. D., Geology—1940—Harvard University.

Family: Parents deceased; Married—April 7, 1947—Ethelwyn Elizabeth Carter of Franklin County, Kentucky; Two children—Son, William C., born 1949—Daughter, Ann S., born 1953. Residence: 4572 Indian Rock Terrace, N.W., Washington, D.C. 20007.

Positions: 1937–39 Instructor in Geology, Harvard University; 1939– Geologist, U.S. Geological Survey; 1957–61 Chief, Branch of Geochemistry and Petrology; 1961–64 Research Geologist; 1964–65 Chief Geologist; 1965– Director (Sept. '65 with advice & consent of Senate); 1969 Reappointed and reconfirmed.

Experience: Field and laboratory investigations in western hemisphere, including:

Nickel deposits in U.S., Alaska, Brazil, and Venezuela (1939–42);

Mica and related pegmatite mineral deposits of Brazil and Colombia (1943–46);

Rare mineral deposits in Alkalic igneous rocks and carbonatite complexes;

Phosphate mineralogy;

Geologic field mapping and mineral deposit evaluations;

Geochemistry and petrology of Bearpaw Mountains, Montana;

Published more than 50 scientific and technical papers.

Advisory Committees:

National Science Foundation (Advisory Panel for Earth Sciences, 1953–57);

Educational Testing Service (Advisory Committee for Graduate Records Examinations, 1950–65);

Princeton University (Advisory Council of the Department of Geology, 1946–);

Harvard University (Committee to Visit the Department of Geological Sciences, 1946—);

Rutgers University (Advisory Board for Research and Graduate Education, 1965–68);

National Research Council (1953; 1960–65);

U.S. Civil Service Commission Board of Examiners (1947–67);

Standing Committee, Federal Council for Science and Technology (1965–);

Office of Scientific Personnel, National Academy of Sciences (1966–69);

Smithsonian Institution (Department of Mineral Sciences Advisory Committee (1967–));

George Washington University Council for Arts and Sciences (1967–);

California Institute of Technology (Visiting Committee of the Division of Geological Sciences (1968–));

Stanford University (Earth Sciences Advisory Board 1971–).

Honors:

Member, National Academy of Sciences;

Fellow, American Academy of Arts and Sciences;

Foreign Member, Brazilian Academy of Sciences;

Fellow and Councillor, Geological Society of America;

Fellow and Councillor, Mineralogical Society of America;

President, 1964, Geological Society of Washington;

Honorary Member, Rocky Mountain Association of Geologists;

Distinguished Service Award—Dept. of the Interior, Dec. 1968;

Rockefeller Public Service Award—1969;

Honorary Doctor of Science Degree—Franklin & Marshall College, 1969;

Member, American Philosophical Society, 1970;

Honorary Doctor of Engineering, Colorado School of Mines, 1970.

Other Professional Activity:

Washington Academy of Sciences;

American Association of Petroleum Geologists;

American Institute of Professional Geologists;

Mining and Metallurgical Society of America;

Society of Economic Geologists, Inc.

Extra-Curricular:

Cosmos Club, Washington, D.C.—President, 1968;

U.S. Intercollegiate Fencing Champion—1933;

U.S. Olympic Team—1936.

Federal Working Committees:

Chairman of the Interagency Committee on Solid Earth Sciences of the Federal Council for Science and Technology (1965–69);

Chairman Research Panel of the Committee on Maine Research, Education and Facilities, National Council on Maine Resources and Engineering Development (1967–69);

Member, Committee on Federal Laboratories of the Federal Council for Science and Technology;

Member, NORTH Commission;

Member, Task Force on National Technology Programs, Committee for Policy Review;

Chairman, Technical Advisory Board on Alaskan Oil Development (1970–);

Member, Earth Resources Survey Program Review Committee;

Chairman and Member, Government Advisory Committee for the American Association of Petroleum Geologists;

Chairman, Advisory Committee on Water Data for Public Use;

Program Director for Interior—Earth Resources Observation Systems (EROS).

BIBLIOGRAPHY OF W. T. PECORA

(Exclusive of abstracts and book reviews)

1. 1941—Structure and petrology of the Boxelder laccolith: Bull. Geol. Soc. of America, 52, p. 817–53.

2. 1941—(with S. W. Hobbs) Nickel-gold deposit near Mt. Vernon, Wash.: U.S. Geol. Survey Bull. 931–D, p. 57–78.

3. 1942—(and S. W. Hobbs) Nickel deposit

near Riddle, Oreg.: U.S. Geol. Survey Bull. 931–I, p. 205–26.

4. 1942—Nepheline syenite pegmatites, Rocky Boy Stock, Bearpaw Mts., Mont.: Amer. Mineralogist, *27*, p. 397–424.

5. 1942—Nickel-copper deposits on the west coast of Chichagof Island, Alaska: U.S. Geol. Survey Bull. 936–I, p. 221–243.

6. 1944—Nickel silicate and associated nickel-cobalt-manganese deposits near Sao Jose do Tocantins, Goiaz, Brazil: U.S. Geol. Suvey Bull. 935–E, p. 247–305.

7. 1945—(and A.L. Barbosa) Bananal mica mine, Minas Gerais, Brazil: Div. De Fomento do Prod. Mineral (Brasil), Avulso No. 67, 32 pp.

8. 1945—(and A. L. Barbosa) Mica in the Serra dos Lourencos, Minas Gerais: Div. de Fomento do Prod. Mineral (Brasil), Avulso No. 68, 42 pp.

9. 1946—(and Bernard Fisher) Drusy vugs in a monzonite dike, Bearpaw Mts., Mont.: Amer. Mineral, *31*, p. 370–385.

10. 1949—(and S. W. Hobbs and K. J. Murata) Variations in garnierite from the Nickel deposit near Riddle, Oreg.: Econ. Geology, *44*, p. 13–23.

11. 1949—(and J. J. Fahey) The Corrego Frio pegmatite, Minas Gerais, Brazil: Scorzalite and Souzalite, two new phosphate minerals: Amer. Mineral., *34*, p. 83–93.

12. 1949—(with R. W. Brown) Paleocene and Eocene strata in the Bearpaw Mts., Mont.: Science, *109*, p. 487–89.

13. 1949—(and J. J. Fahey) Scorzalite from South Dakota, a new occurrence: Amer. Mineral., *34*, p. 635–87.

14. 1950—(and J. J. Fahey) The lazulite-scorzalite isomorphous series: Amer. Mineral., *35*, p. 1–18.

15. 1950—(with H. M. Bannerman) Training geologists: A United States Geological Survey Viewpoint: U.S. Geol. Survey Circular 73, 6 pp.

16. 1950—(and M. R. Klepper, D. M. Larrabee, A. L. Barbosa, and Resk Frayha) Mica Deposits in Mians Gerais, Brazil: U.S. Geol. Survey Bull. 964–C, p. 105–205.

17. 1950—(and George Switzer, A. L. Barbosa, and A. T. Myers) Structure and Mineralogy of the Golconda pegmatite, Minas Gerais, Brazil: Amer. Mineral., *35*, p. 889–901.

18. 1953—(and J. H. Kerr) Burbankite and calkinsite, two new carbonate minerals from Montana: Amer. Mineral., *38*, p. 1169–1183.

19. 1953—(with M. L. Lindberg and A. L. Barbosa) Moraesite, a new hydrous beryllium phosphate from Minas Gerais, Brazil: Amer. Mineral., *38*, p. 1126–1133.

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NATHANIEL PRYOR REED

Born: July 22, 1933; son of Mr. Joseph Verner Reed of Denver, Colorado, and Greenwich, Connecticut, and Permelia Pryor (Reed) of St. Louis, Missouri, and Greenwich, Connecticut.

Education: Greenwich Country Day School; public schools of Lexington, Virginia; Deerfield Academy, 1951; Trinity College, Hartford, Connecticut, BA, 1955.

Mr. Reed served in the United States Air Force from 1955 through 1959 as a military intelligence officer. He was stationed in France and served in Europe, North Africa and the Middle East. He retired with a rank of Captain in the USAF Reserves.

In 1960 Mr. Reed returned to Hobe Sound, Florida, where he become involved in his family's real estate and hotel business. He assisted in the management of the family business around Jupiter Island Club.

Active in conservation work throughout the State, Mr. Reed centered his activities on the problems of the Everglades National Park, the estuaries and water pollution. He prepared the basic natural resource platform for Claude Kirk, Jr. and following the Governor's election became a full-time Assistant to the Governor with wide responsibility in modifying existing State programs. Mr. Reed became a member of the Florida Pollution Control Commission in 1968 and the first Chairman of the newly formed Department of Air and Water Pollution Control in 1969. The Department is credited with becoming one of the Nation's most aggressive and active pollution control agencies. Following Governor Askew's election, Mr. Reed was asked by the Governor-elect to stay on in his joint position as environmental consultant to the Governor and Chairman of the Department.

Mr. Reed is particularly proud of the effort made during the Kirk Administration to control air and water pollution, to implement a new water schedule for Everglades National Park, the establishment of Biscayne National Monument, and the position on the proposed Everglades Jet Port. Mr. Reed championed in Florida's administration the need for a major overhaul of the estuarine areas. He was intimately involved in the purchase of fourteen new State parks and three wilderness areas.

Mr. Reed is married to the former Alita Davis Weaver of Greenwich, Connecticut. They have three children: Nathaniel P., Jr.—5, Alita Pryor—4, and Adrian William—2.

An ardent sportsman, Mr. Reed is a member of the majority of conservation organizations and serves on the Board of the Lerner Marine Laboratory, a field station of the American Museum of Natural History.

His conservation memberships include:
National Audubon.
Florida Audubon.
National Wildlife Federation.
Florida Wildlife Federation.
Wilderness Society.
Nature Conservancy.
Conservation 70's.
National Parks Association.
Izaak Walton League.
Garden Clubs of America.

REQUESTED RE-REFERRAL OF SENATE JOINT RESOLUTION 84 TO THE COMMITTEE ON COMMERCE

Mr. CRANSTON. Mr. President, I rise for the purpose of asking that a bill, erroneously sent to the Committee on Interior and Insular Affairs be re-referred to the Committee on Commerce.

I have cleared this matter with the Committee on Interior and Insular Affairs. The bill is Senate Joint Resolution 84, which relates to wildlife refuges. This sort of legislation is within the jurisdiction of the Committee on Commerce.

I therefore ask unanimous consent that Senate Joint Resolution 84 be re-referred from the Committee on Interior and Insular Affairs to the Committee on Commerce.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I do not think I shall object—has the distinguished Senator from California cleared this matter with the leadership on the other side of the aisle?

Mr. CRANSTON. Frankly, I cannot state whether that has been done, but it has been cleared with the chief of staff of the Committee on Interior and Insular Affairs. It is clearly a matter within the jurisdiction of the Committee on Commerce.

Mr. MANSFIELD. Well, as a matter of courtesy, would the distinguished Senator withdraw his request temporarily so that we can continue to keep alive this cordial relationship. I am quite sure that the Senate is correct, but I think we should do that.

Mr. CRANSTON. I will be happy to do that.

The PRESIDING OFFICER (Mr. BENTSEN). Does the Senator from California withdraw his request at this time?

Mr. CRANSTON. Yes, Mr. President, temporarily I withdraw it.

The PRESIDING OFFICER. The request of the Senator from California is temporarily withdrawn.

Is there further morning business?

EMERGENCY SCHOOL AID BILL

Mr. ERVIN. Mr. President, S. 1557, the so-called school bill, is a bill with most drastic implications. It would virtually transfer to the Federal Government from the States, if the States accepted the bribes which it offers them, complete control over the hiring and promotion of administrative officers of the schools and schoolteachers and even janitorial services, all for the purpose of mixing school faculties and administrative officers in each school district in proportion to their racial proportion—in other words, a quota bill.

It would transfer, if the States accepted the bribes, the power to assign children to schools, all for the purpose not of enlightening their minds but of integrating their bodies.

The bill contains a provision that if the States do not do this voluntarily or follow the example of Judas and accept these bribes, there is $15 million in the bill to be used to pay ambulance-chasing lawyers to bring suits to accomplish what the bill has in mind.

It also proposes to take taxpayers' money to finance the operations of church schools conducted by religious denominations, in violation of both the equal establishment clause and the freedom of religion clause in the first amendment.

Mr. President, I am going to offer a number of amendments on the subject and send forward to the desk one of them now. The bill would allow them to discriminate on the basis of religion and, thus, I send forward this amendment and ask that it be printed and lie on the desk.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the amendment will be received and will be printed.

Mr. ERVIN. Mr. President, I think there are some children in this country who are entitled to an education besides those who are going to be mixed racially. There are many States in this Union with not enough racially differentiated children in them to mix. Thus, I propose to offer an amendment in the nature of a substitute, which would provide that this money would be distributed among all the States of the Union in proportion to the number of schoolchildren as compared with all of the schoolchildren in the United States, regardless of the race of the children and such matters as that.

I submitted such an amendment yesterday and in order that the Senate may be apprised of the nature of the amendment, which is No. 44, I ask unanimous consent to have it printed in the RECORD.

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

AMENDMENT No. 44

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Emergency School Aid Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. (a) In order to meet the crisis created by the rising costs of providing education in the public schools of the States and by the limited resources of State and local educational agencies, it is the purpose of this Act to make unconditional education grants to State and local educational agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are authorized to be appropriated for the purpose of carrying out this Act $500,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds appropriated pursuant to the preceding sentence shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

ALLOTMENT

SEC. 4. (a) From the funds appropriated pursuant to section 3, the Commissioner shall allot not less than 3 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the number of children in each such State—

(1) who are aged five to seventeen, inclusive; and

(2) (A) who are enrolled in the public elementary and secondary schools of the local educational agencies, and

(B) enrolled in such schools of the State educational agency of such State;

bears to the number of such children in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such date during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates will be needed in such State and will be used for such period for carrying out applications approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

USES OF FUNDS

SEC. 5. Grants made under this Act may be used in accordance with applications approved under section 6 for educational programs and activities conducted by public elementary and secondary schools of local educational agencies and of State educational agencies.

APPLICATIONS

SEC. 6. A grant under this Act may be made to any State or local educational agency upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) in the case of a State educational agency, provides assurances that no more than 50 per centum of the funds for which the application is made by such agency will be expended for purposes other than programs and activities conducted by the public elementary and secondary schools of such agency;

(4) provide assurances that the applicant will pay from non-Federal sources the remaining costs of such program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper dispersal of and accounting of Federal funds paid to the applicant under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications for grants under this Act may be approved by the Commissioner only if—

(1) the application meets the requirements set forth in subsection (a); and

(2) the application is consistent with objective criteria established by the Commissioner for the purpose of achieving an equitable distribution under this Act within such

State. Such criteria shall be based upon a consideration of—

(A) the number of children aged five to seventeen, inclusive, who are enrolled in the public elementary and secondary schools of the local educational agencies within each such State; and

(B) the relative need of the local educational agencies within the State for assistance under this Act.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide, be subject to approval in the same manner as the original applications.

PAYMENTS

SEC. 7. (a) Payments under this Act shall be made from a State's allotment to any State or local educational agency which has an application approved under section 6. Payments under this Act with respect to the costs of carrying out an application of a State or local educational agency shall not exceed 90 per centum of such costs for any fiscal year in determining the costs of carrying out an application of a State or local educational agency and shall exclude any costs with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING

SEC. 8. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

JUDICIAL REVIEW

SEC. 9. (a) If any State or local education agency is dissatified with the Commissioner's final action with respect to the approval of its application submitted under section 6, or with his final action under section 7, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgement of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS AND LIMITATIONS

SEC. 10. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

ADMINISTRATION

SEC. 11. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

DEFINITIONS

SEC. 12. As used in this Act, the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "elementary school" means a day or residential school which provides free public elementary education, as determined under State law;

(3) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(4) "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State;

(5) "secondary school" means a day or residential school which provides free public secondary education, as determined under State law, except it does not include any education beyond grade 12;

(6) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(7) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law.

Mr. ERVIN. Mr. President, all Senators who think the time has come for the Senate to quit browbeating the South and who believe that the children of this country are entitled to an equal opportunity for an education, regardless of whether they live in the South, or in States where there are no substantial minority children to be mixed should receive equal benefit from this money should support this amendment.

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

Is there further morning business?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDITIONAL STATEMENTS

THE HANDICAPPED NEED OUR HELP TO CONTRIBUTE TO SOCIETY NOT DEPEND ON IT—AND DAVID KORY OF NEW HAMPSHIRE IS WORKING TOWARD THIS GOAL

Mr. McINTYRE. Mr. President, there are millions of handicapped persons in the Nation, and I fear that too often, despite our brave words of understanding and support, they do not always get a fair deal in trying to live productive, self-sufficient, and full lives.

This was brought forcefully to my attention once again when I was visited by Mr. David Victor Kory, of Washington, N.H., who has recently been appointed to the Governor's Commission on Employment of the Handicapped in New Hampshire.

I was impressed with Mr. Kory's great drive and desire to accomplish things for the handicapped. I was also impressed with the reports he gave me on the fact that the handicapped person still seems, in too many places, to be considered something of a second class citizen when the handicapped can, with the proper training perform many constructive and useful tasks and make a real contribution to our society.

I should like to share with Senators a short statement Mr. Kory has prepared about the importance of rehabilitation for the handicapped and what it could mean both for those less fortunate than most Americans and what it could mean to our Nation.

Mr. President, 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:

THE PHILOSOPHY OF REHABILITATION

Rehabilitation is the process by which a disabled person is enabled to achieve his maximum possible physical, mental and social efficiency. How close he comes to achieving this goal determines the degree to which he becomes a socially and economically independent member of society. It is a program of wholesome adjustment to a handicap by educating the person to integrate all of his resources and to concentrate more on existing abilities than on the permanent disability with which he must live.

Instead of being dependent on society he will contribute to it: the effect on the individual is to change him from a hopeless dependent to a self-sufficient citizen. But even more important, the person is helped to develop a satisfying way of life that preserves the uniqueness of his individuality. He gains inner strength from his own resources that makes it possible for him to partake of the joys and meet the problems of life in a meaningful way. His abilities are stressed rather than his disability. Each handicapped person is an individual and must be treated as such. The example must come from another rehabilitated handicapped person, for such a person knows only too well the frustrations the handicapped face and live with.

DAVID VICTOR KORY.

THE FUTURE OF AMERICAN TRANSPORTATION

Mr. BAKER. Mr. President, I invite the attention of Senators to an article published in the Washington Post of April 19 regarding the recommendations of the American Assembly on "The Future of American Transportation." These recommendations are significant, in my view, because they are representative of a growing dissatisfaction on the part of businessmen, economists, and public officials with our present system of transportation regulation and the way in which it is operating.

While I do not endorse, as such, the Assembly's recommendations, I do feel that they provide further indication of the need for making a comprehensive study of the transportation regulatory system in this country and the necessity for viewing regulation in the context of an overall national transportation policy.

Such a study is provided for in S. 784, a bill which I introduced on February 11 to create a Commission to study and make recommendations as to the feasibility and desirability of merging the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission. The Commission would also be directed to study the substantive laws which these agencies administer and make recommendations as to changes in them. I hope that some positive action can be taken on this proposal sometime this year for I feel that only when we are committed to such a study can we make headway in correcting the existing problems of transportation regulation.

Mr. President, I ask unanimous consent that the article entitled "Group Hits Transport Regulations" be printed in the RECORD.

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

GROUP HITS TRANSPORT REGULATIONS

(By Robert J. Samuelson)

HARRIMAN, N.Y.—Government regulation of airline, railroad and trucking crises should be relaxed substantially, a group of businessmen, scholars and public officials said today.

If their recommendation were to be adopted, carriers could largely escape the rate control of the Interstate Commerce Commission and the Civil Aeronautics Board. The ICC (which regulates the railroads, trucks and buses) and the CAB (which oversees the airlines) now have wide powers to block or delay price changes, up or down.

The proposal emerged as the principal suggestion from the latest meeting of the American Assembly—a nonprofit organization which periodically convenes study groups to make recommendations on major public policy issues.

The four-day session on "The Future of American Transportation" was attended by about 70 men, including transportation executives (from railroads, trucks, airlines and barges), academic transportation economists, a handful of public officials and journalists.

CONGESTION BYPASSED

Despite the Assembly's title, urban congestion received only passing attention during the first day of discussions. The remainder of the meeting was devoted almost exclusively to problems of intercity transportation, primarily freight.

In general, the proposals were designed to curb government regulations and encourage more competition among transportation companies—competition which, it was argued, would ultimately lead to better service and lower rates.

Nevertheless, the recommendations to limit government rate regulations largely paralleled recent suggestions of the airline and railroad industries, which have blamed their financial trouble on "regulatory lag" in granting price increases to offset rising costs.

The federal government originally embraced strict price regulations on the theory that airlines and railroads enjoyed monopolies or near-monopolies. Therefore, the theory went, regulation was required to prevent carriers from subjecting captive shippers and passengers to unwarranted price increases.

As reflected in the Assembly's discussions, that theory is now widely challenged. Economists have argued, for example, that railroads now face substantial competition from trucks and barges; tight regulations, many economists say, only impede the railroads from competing effectively.

JUSTIFICATION NOT PROVIDED

However, the Assembly provided no detailed justification for its recommendation, which would allow carriers to raise their prices on any service to 250 per cent above "long-run variable costs" without regulatory interference.

Variable costs usually refer to out-of-pocket expenses for providing any particular service, although the precise definition has long been a source of disagreement among economists and regulatory officials.

In addition to greater price flexibility, the Assembly proposed two other steps designed to enhance competition.

CONTROL OF ENTRY

"With greater reliance upon competitive forces in rate-making, control of entry into regulated transportation should be relaxed," the Assembly report said. This proposal appears to refer primarily to government restrictions limiting the number of airlines and trucks that can operate on specific routes.

Finally, the report urged that the government not require carriers to maintain losing services against their will, such as flights to small cities or freight trains along branch lines that do not generate substantial traffic.

"Where government policy requires maintenance of deficit services, such deficits should be clearly identified and government provision must be made for coverage of losses," the report said.

That policy of subsidy is already partially followed for small regional airlines which fly to many secondary cities. However, there is no provision for reimbursing railroads for maintaining branch lines which the ICC prevents them from abandoning.

COMMENT ON RECOMMENDATIONS OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. MCCLELLAN. Mr. President, on October 13, 1970, the Senate adopted Senate Resolution 477 declaring that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography. That resolution, of which I was the principal sponsor, was cosponsored by 26 Democratic Senators, and 24 Republican Senators, and approved with only five negative votes. During the discussion of the resolution I stated that the report of the Commission "will in the immediate future represent the 'bible' to those who wish to subvert our values by inciting immoral and antisocial activity." The distinguished junior Senator from Michigan (Mr. GRIFFIN) said on the same occasion that "the real danger of the report is not that it will be accepted by Congress" but that it serves "to provide ammunition to the self-proclaimed experts who are campaigning for even more pornographic permissiveness."

The situation which I anticipated last fall has already developed. The Members of Congress have recently received the text of the "Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography." This document has been issued in the name of some 25 national organizations, including the American Federation of Teachers, the National Education Association, and the American Library Association.

The coalition statement purports to take no position on the recommendations of the Federal Commission. It is clear, however, that the statement seeks to counter the decisive rejection of the Commission report by the President, the Senate and the American people. The statement alleges that its purpose is to promote objective discussion of the obscenity issue, yet all of the issues which are recommended for study are those which would advance the philosophy reflected in the majority report of the Commission. The coalition statement does not advocate the consideration of the recommendations and findings contained in the minority report of the Commission or in Senate Resolution 477. It would seem that a balanced statement would also have explored the role of public morality in the survival of a civilization, and the proper function of the government in preventing moral corruption.

The philosophy of the Obscenity Commission and the coalition statement does not serve the best interests of our authors. For as Prof. Irving Kristol wrote in the New York Times magazine of March 28;

And one might also ask a question that is almost never raised: how much has literature lost from the fact that everything is now permitted? It has lost quite a bit, I should say. In a free market, Gresham's Law can work for books or theater as efficiently as it does for coinage—driving out the good, establishing the debased. The cultural market in the United States today is being preempted by dirty books, dirty movies, dirty theater. A pornographic novel has a far better chance of being published today that a non-pornographic one, and quite a few pretty good novels are not being published at all simply because they are not pornographic, and are therefore less likely to sell. Our cultural condition has not improved as a result of the new freedom. American cultural life wasn't much to brag about 20 years ago; today one feels ashamed for it.

I am confident that the coalition statement does not reflect the thinking of the

majority of our teachers, librarians, and others who are concerned with the moral wellbeing of this Nation. As the principal sponsor of Senate Resolution 477 I have sent a letter to the chief executive of each of the organizations listed as endorsing the coalition statement requesting them to furnish me with the following information:

First. The extent of participation by the general membership of your organization in the preparation of the coalition statement.

Second. The text of any resolution adopted by your organization concerning the recommendations of the Commission, or which deal with similar subject matter.

Third. A list of any other reports, studies or documents on the obscenity question recommended to your membership other than the Commission report.

Fourth. Whether the text of the Senate resolution was communicated to your membership in connection with the endorsement of the coalition statement.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of the "Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography," the text of the letter which I have sent to each of the organizations listed as concurring in the coalition statement, and a letter from the Rev. Morton A. Hill, S.J., a member of the Federal Commission and the current president of Morality in Media.

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

COALITION STATEMENT ON THE REPORT OF THE FEDERAL COMMISSION ON OBSCENITY AND PORNOGRAPHY

The recently-issued Report of the Federal Commission on Obscenity and Pornography, created by the Congress three years ago, was greeted with criticism based mainly on preconceived premises and personal attacks on Commission members.

The organizations which sign this statement deplore this reaction, which contravenes the process of rational discussion through which decisions on public issues should be made in a democracy. We agree with the wise words of Thomas Jefferson: "If the book be false in its facts, disprove them; if false in its reasoning, refute it. But for God's sake, let us hear freely from both sides."

The Commission's Report represents two years of intensive efforts by dedicated men and women, working under a Congressional mandate which instructed them to explore facets of a social issue which disturbs various segments of the national community. They have produced a 646-page Report and ten volumes of supporting factual evidence which are an exhaustive treatment of the subject. That in itself is a praise-worthy contribution to public understanding

But the Commission's Report is not entitled to automatic acceptance simply because of its thorough study. Some of the undersigned organizations hold different views from the Commission, and may ultimately reject certain of its recommendations. But, despite our varying views on the question of obscenity, we all agree that the Report must receive a full, fair hearing; that its findings and recommendations should be tested in even-tempered dialogue; and that those who debate the Report should read it—and deal with its specific findings and recommendations.

The Report did not—as critics have erroneously charged—recommend abolition of all laws regulating obscenity. On the contrary, the Commission recommended laws to prohibit the distribution of sexually explicit pictorial material to minors, the public display of sexually explicit material, and the mailing of unsolicited advertising for such material. The Commission emphasized that adults who do not wish to receive obscene material should be protected from having it thrust upon them against their wishes. In short, the Commission did not, as some opponents suggested, recommend opening the floodgates for a wave of obscenity to engulf the public.

What the Report did recommend was the abolition of those obscenity laws which prohibit the distribution of materials to adults who choose to receive them. This is not a radical innovation. The Supreme Court has ruled that the Frst Amendment protects an adult's right to read and see whatever he chooses, and we believe the same constitutional principles necessarily protect the publisher or bookseller who sells these materials to consenting adults.

While others disagree with this conclusion, these differences are legitimate subjects of debate. And there should be debate also on the Commission's conclusions that obscenity statutes, because of their vagueness, suppress non-obscene works, and that scientific studies provide no evidence that obscene books or motion pictures incite adults to criminal conduct, sexual deviancy or emotional disturbances. There should also be discussion of the Commission's proposals for a broad-scale program of sex education and for further scientific investigation.

The undersigned do not necessarily agree with each other about the issue of obscenity and its significance in American life. But we are united in our concern about censorship, and the need for freedom of thought and freedom of expression—freedom of choice—in all areas of human existence. This is why, without endorsing or opposing the Commission's Report, we commend it for serious study and debate by legislators, courts, community leaders and the general public. We urge that proponents and opponents of the Report participate fully and rationally in this process, a venture which can enlarge intelligent understanding of a social question that requires wise decision-making.

American Civil Liberties Union.
American Federation of Teachers.
American Jewish Committee.
American Library Association.
American Orthopsychiatric Association.
American Public Health Association.
Association of American University Presses, Inc.
Association of American Publishers, Inc.
Author's League of America, Inc.
Bureau of Independent Publishers and Distributors.
*John Donovan, Executive Director, The Children's Book Council, Inc.
*Charlton Heston, President, Screen Actors Guild.
International Reading Association.
Jewish War Veterans of the USA.
National Association of Theatre Owners, Inc.
The National Book Committee, Inc.
National Council for Social Studies.
National Council of Churches of Christ in the USA.
National Council of Jewish Women.
National Council of Teachers of English.
National Education Association.
National Library Week Program.
National Board, YWCA.
*Lewis I. Maddocks, Executive Director, Council for Christian Action of United Church of Christ.
*The Rev. Everett Parker, Director, Office of Communication, The United Church of Christ.
Periodicals and Book Association of America, Inc.
P.E.N. American Center.
Sex Information and Education Council of the United States, Inc.
Union of American Hebrew Congregations.
Women's National Book Association.
Speech Communication Association.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

DEAR SIR: I have reviewed the Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography, which has been issued on behalf of a number of national organizations.

As the principal sponsor in the Senate of Senate Resolution 477 of the 91st Congress relating to the activities and recommendations of the Commission on Obscenity and Pornography, I find it necessary to comment on certain of the statements which appear in this release. The Senate Resolution was cosponsored by 26 Democratic Senators and 24 Republican Senators and adopted with only 5 negative votes. The sponsors and supporters of the resolution included "liberals" and "conservatives" and represented all sections of the nation.

The interest of your organization in "the issue of obscenity and its significance in American life" is welcome, but the context in which this question is presented in the Coalition Statement suggests an effort to promote the recommendations of the Commission and to counter the decisive rejection of the Report by the President, the Senate and the American people. The Statement alleges that those of us who rejected the conclusions of the Commission were acting "mainly on preconceived premises." This charge is misdirected for, as was developed in the Senate debate and in the minority report of the Commission, "the conclusions and recommendations of the Commission majority represent the preconceived views of the Chairman and his appointed counsel." The minority report states that the funds appropriated for the Commission studies were granted primarily to those "who would return conclusions amenable to the extreme and minority views" of those in control of the Commission's work.

The Coalition Statement represents that the Commission report was an "exhaustive treatment of the subject" and that its findings are documented by "ten volumes of supporting factual evidence." To the contrary, as stated in the Senate Resolution, the Report is not "supported by the evidence considered by, or available to, the Commission." Both the Resolution of the Senate and the minority report of the Commission enumerate significant areas of research that were ignored by the Commission. The entire Report is lacking in credibility and the performance of the Commission failed to comply with the terms of the mandate given to it by the Congress.

I predicted in the Senate on October 13, 1970, that the Report "will in the immediate future represent the 'bible' . . . to those who wish to subvert our values by inciting immoral and antisocial activity." Senator Griffin of Michigan said on the same occasion that "the real danger of the Report is not that it will be accepted by Congress" but that it serves "to provide ammunition to the self proclaimed experts who are cam-

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*Organization's name for identification only.

paigning for even more pornographic permissiveness."

The Coalition Statement professes that the signatories of the Statement do not necessarily endorse the Report but that its purpose is at encourage objective study of the relevant issues. If that, in fact, was the intention of the Statement, it is not reflected in the final product. It is interesting that all of the issues which the Statement endorses for study and debate are those which would promote the philosophy reflected in the majority report of the Commission. If the intention of the Statement was only to encourage responsible discussion, why does the Statement not enumerate as deserving of attention those issues set forth in the minority report and in the Senate Resolution. It would seem that a balanced Statement would also have considered the role of public morality in the survival of a civilization and the function of the government in preventing moral corruption.

Because of the failure of the Commission, despite a substantial expenditure of public funds, to adequately explore these subjects, a Senate committee, of which I am Chairman, has commissioned a historian to prepare a survey of what the leading scholars through the ages have concluded concerning the relationship between public morality and the well being of a nation.

In connection with the Coalition Statement, it would be helpful if you could furnish me with the following information:

1. The extent of participation by the general membership of your organization in the preparation of the Coalition Statement.

2. The text of any resolutions adopted by your organization concerning the recommendations of the Commission, or which deal with similar subject matter.

3. A list of any other reports, studies or documents on the obscenity question recommended to your membership other than the Commission report.

4. Whether the text of the Senate Resolution was communicated to your membership in connection with the endorsement of the Coalition Statement.

Sincerely,

JOHN L. MCCLELLAN.

MORALITY IN MEDIA INC.,
New York, N.Y., April 1, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you very much for your letter of March 23rd, and the copy of the letter you are sending to signatories of the "Coalition Statement" on the report of the federal Commission on Obscenity and Pornography. I certainly hope you will read the latter into the Congressional Record.

I cannot tell you how much I admire your perception in recognizing the statement for what it is—an attempt to promote the philosophy reflected in the majority report of the Commission. I am convinced, in addition, that it is part of a campaign extremists appear to be conducting to have pornography legalized in the United States.

Most of the signatories of the Statement have traditionally been of the same persuasion as Dr. Lockhart and his colleagues of the majority, although I must say, three or four are surprising.

I feel the country owes you a debt of gratitude for having initiated the retention of a historian to prepare a survey of what the leading scholars through the ages have concluded concerning the relationship between public morality and the wellbeing of a nation. This is, as we say in the minority report, the basic, underlying issue.

Dr. Link and I are most grateful to you for bringing to the attention of the Senate the Hill-Link minority report at the time of your introduction of Senate Resolution 477. We hope that the Congress, the State legislatures and the President will act on some of the recommendations contained in the legal appendices. All are grounded in solid constitutional bases. One is most particularly needed, i.e. the appointment of a special Deputy Attorney General to assist and counsel prosecutors throughout the nation.

Sincerely and gratefully,

MORTON A. HILL, S.J.

ROY ASH DISCUSSES EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, as guest editorialist in Fortune magazine of March 1971, Mr. Roy Ash, president of Litton Industries and chairman of the President's Advisory Council on Executive Organization—the "Ash Council"—made a compelling case for the need for restructuring the Federal Government.

Mr. Ash explained that though structure cannot substitute for performance, "structure itself is critical to performance." Without good structure, congressional policy and executive purpose cannot be converted into action.

Mr. Ash points out that:

In the last ten years, the Federal government has been called upon to establish delivery programs for a burgeoning array of new services to the people.

And that it must:

Either adapt to the accumulated changes imposed on it and its mission during the last forty years or suffer precipitous deterioration in effectiveness.

Ash points out that managing Government programs to fulfill a clear objective is almost impossible given the present structure.

Many of the departmental missions today are . . . duplicating . . . and conflicting. Some are based on the interests of special groups, but serve only a portion of the multifaceted interests of those groups.

These conclusions about the present failings of the executive organization are reflected in the four bills to implement the report's conclusions by establishing new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. Mr. Ash explains that the:

Four new executive centers, constructed so as to receive and carry out delegated authority, will broaden the number of centers of authority, creativity, and initiative, even while strengthening the government's ability to respond with its full force.

The Ash Council is to be commended for its penetrating report and its well-reasoned proposals. These have been a number of President advisory groups on Government organization. Each of them has made a valuable contribution. The Ash Council report built on those previous reports but, while synthesizing past recommendations, has presented even more compelling and original proposals. In this process Mr. Ash is to be particularly commended for his energetic leadership and his public service. I commend his excellent editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

WHY THE FEDERAL GOVERNMENT NEEDS RESTRUCTURING

(By Roy Ash)

Government is responsible to the people. The people have charged it with great and lasting purposes such as preserving the peace and assuring justice for all, and with more specific and immediate missions such as assisting the aged and training those in need of employment. The people expect, and are entitled to expect, significant results, and for a cost they are willing to pay.

Achievement of results requires more than legislation or appropriations, no matter how copious either of these may be. Most of all it requires an operable structure of government, that is, the functioning machinery by which congressional and executive commitments, decisions, policies, and priorities are converted into fulfilled action. Structure itself is critical to performance—for political, social, and economic organisms just as for biological ones, as Sigmund Freud observed when he stated "anatomy is destiny." Those organizational arrangements of specialized cells (departments and offices) and their interconnecting and unifying linkages (communications and control systems) that meet environmental demands on them perform and survive, while those whose structures are no longer fitting do not.

At this time in history, the structure of the executive branch of the federal government must either adapt to the accumulated changes imposed on it and its mission during the last nearly forty years or suffer precipitous deterioration in effectiveness.

In the early Thirties the domestic role of the federal government, and particularly the executive branch, was abruptly changed from that of maintaining a tranquil environment to one of "getting things done." In the last ten years, the federal government has been called upon to establish delivery programs for a burgeoning array of new services to the people. Congressional analyses have been undertaken just to catalogue the more than 1,000 domestic programs that now exist. Scarcely anything is known about their results in operation—their cost-benefit effectiveness.

Moreover, largely during the last twenty-five years, the pace and complexity of governmental affairs have dramatically and irreversibly increased, as has been the case with all other affairs of modern man. The federal government's mission today must be performed in a quickened and more intricate setting than at any time in history and in a way that assures maximum benefit from finitely limited costs. The substantially broadened scope of this mission requires management of the highest order and excellence—both in the competence of executive personnel and in the efficacy of the organizational structure.

FIT FOR THESE TIMES

Passing legislation and appropriating funds are just the beginning, the means. Management, the judicious use of means to accomplish an end, is not only what the Congress and the people are entitled to expect from the executive branch of the government; management is what they should demand.

Organizational structure itself does not guarantee excellent management; but even the best executive is unlikely to be effective without a workable structure—a means for synthesizing diverse efforts toward unified goals, for distributing and assigning responsibility to the many who must perform in concert, and for assuring accountability for results.

What is the executive branch structure best fitted to these times? It should have these main attributes:

(1) At its policy forming and executing levels it should be clearly geared to the major and central purposes of government today rather than guided by historical or subordinate purposes, by narrow constituencies, or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

(2) It should distribute out of the President's Office much of the power and authority, which for lack of a workable alternative now can rest only there; this distribution of power would broaden the base of executive management so that the job can get done at all, and so that even further delegation can take place.

(3) The delegation of authority should be accompanied by commensurate accountability for results.

The present structure of the executive departments that carry out domestic programs is the result of many individual actions over the years, each undoubtedly justified at the time. Departments originally created to emphasize the distinctions between urban and rural interests, industry and agriculture, small business and large business, management and labor, no longer reflect the kinds of conflict that must rise to the presidential level in all their detail. After studying the situation, the President's Advisory Council on Executive Organization concluded that "it is inevitable that departments so structured . . . will reflect and continue to stress their inherent differences, however anachronistic, and resist recognizing the pervasive importance of their interdependency. Thus the Federal Government's own structure inhibits it from fulfilling its own mission . . ."

A further result of the current electicism of organization is that, considered together, many of the departmental missions today are ambiguous, duplicating, confusing, and conflicting, largely because they are based on different, or crosscutting, organizational principles. Some units are organized around functions, such as health or education, and then are assigned only portions of the total governmental responsibilities in those fields. Some are based on the interests of special groups, such as small business or farmers, but serve only a portion of the multifaceted interests of those groups. The effort and cost being expended to overcome such ambiguity are immense; there are no less than 850 interagency coordinating groups in Washington dealing with domestic programs. Each program undoubtedly was established with hope; many survive today in name only.

With such confusion of mission, it is impossible to expect any present department to rise to the greater purposes of government. In fact, it is hard for anyone, either inside or outside government, to perceive what those greater purposes are. As the Advisory Council observed in its report to the President, "The present structure encourages fragmentation when comprehensive responses to social and economic problems are needed. Problems are defined to fit within the limits of organizational authority, resulting in piecemeal approaches to their solutions by separate departments and agencies . . . High-level officials deal with relatively narrow issues and practice 'efficiency in the small,' while their more proper tasks of anticipatory planning and policy formulation, program evaluation and management improvement are attended to on a crisis basis, if at all."

FOUR BROAD MANDATES

The President has now proposed that the major domestic roles of government—apart from those that traditionally belong to the State, Treasury, and Justice departments—be reassorted and assigned to four new departments, which he described in his State of the Union address:

Human Resources—"a department dealing with the concerns of people—as individuals, as members of a family—a department focused on human needs."

Community Development—"a department concerned with the community—rural communities and urban communities—and with all that it takes to make a community function as a community."

Natural Resources—"a department concerned with our physical environment, with the preservation and balanced use of those great natural resources on which our nation depends."

Economic Development—"a department concerned with our prosperity—with our jobs, our businesses, and those many activities that keep our economy running smoothly and well."

With departments organized around the major purposes of government, and each equipped with the authority and means to fulfill its mission, the department heads will be able to integrate programs, consider cost-benefit alternatives, select program strategies, and resolve conflicts. And since the department heads will be charged with broad, purpose-oriented mandates, their views will be less those of special pleaders for narrow causes and more those expressing the interest of the whole public they serve. Thus the President may effectively delegate more of his own authority to department heads, have confidence they will exercise it from a broad perspective rather than a parochial one, and then hold them accountable for results.

WHERE THE BUCK STOPS

Under the current structure, the President cannot effectively delegate authority to his subordinates, and, in turn, they are limited in delegating it further. When everybody is responsible, nobody is responsible. The present departmental overlaps and ambiguities force many decisions to the President's Office that should not be made there. In effect, too many bucks come to the President's deck (and many others never find a place to stop). The President has only two choices of executive action on many issues—to make detailed program decisions himself or, for lack of time, to relinquish control of them entirely. And when the President relinquishes, the people suffer a real loss.

The proposed organizational arrangement gives him a third and far better executive choice. He will be able to delegate authority rationally, to multiply his own effectiveness manyfold by working through properly constructed organizational systems. This delegation will permit accomplishments fully beyond the President's own time capacity, but conforming to and fulfilling his own policy decisions and leadership responsibilities.

The proposed combination of seven departments and a number of agencies into four new departments is not a further centralization of power into the President's Office, as some would contend. Because of the present departmental fragmentation, the basic power over much of the domestic program activity has by necessity remained in the President's Office. The four new executive centers, constructed so as to receive and carry out delegated authority, will broaden the number of centers of authority, creativity, and initiative, even while strengthening the government's ability to respond with its full force.

In turn, with such delegation of presidential authority, the department heads can and will carry the process further. Within each major-purpose department, the secondary structural level will similarly reflect the next highest order of purposes. Each such secondary center of authority will have full means to perform its mission, consistent with over-all departmental goals and policy.

NEW LINES TO THE FIELD

With the structure correct at the top, not only can further devolution of authority take place, but also each of the delegated functions can be brought into conformity with parallel programs that share the same overriding mission.

There will also be an improvement in an area where structural failure is even more obvious now—federal-government operations outside Washington. Sixty-five percent of the employees of the social and economic departments are out in the field. There are some 160 separate lines of authority from Washington departments to their field operations, mostly from Health, Education, and Welfare, Labor, Agriculture, and Commerce. In many cases the field authorities are nearly autonomous or are linked to Washington through routes that are not managerially responsive. The lines from Washington and the field offices to the states and cities hopelessly crisscross. Many bypass the governors and mayors responsible to the electorate, and instead deal directly with functional units of local government or with a variety of paragovernmental organizations.

A revised federal field structure would set up a single top-ranking director for each of the four new departments in each of the ten federal regions. He would report to the Secretary's office and be responsible for directing that department's programs in his region. In administering the 550 grant-in-aid programs (which currently cost $27 billion annually), the strengthened regional offices would be fully capable of making many grant decisions in the field, consistent with departmental policy but based on greater understanding of local situations and needs.

CHANGE FOR SURVIVAL

These changes—together with the creation last year of the Office of Management and Budget and the Domestic Council to provide the President the needed managerial tools at his level—are major and essential strides toward making the executive branch of the government responsible to the people. Taken together, the changes are revolutionary.

The principal obstacle to effective government is resistance to change. Handmaidens to those who oppose change are those who acknowledge the need for change but say it can't be accomplished. Such defeatists should keep in mind that the continued vitality, and even survival, of any living organism requires constant adaptation to the dynamically changing times.

AIR FORCE ACCEPTANCE OF ALLEGEDLY DEFECTIVE C–5 AIRCRAFT

Mr. TALMADGE. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) yesterday stated that the Air Force knowingly accepted delivery of defective C–5's from the Lockheed Aircraft Corp. The Lockheed C–5 is a concurrent development and production program. Under such a contract, airplanes are delivered before all development is complete. Until development is complete certain performance restrictions are placed on the vehicle. Even with such restrictions the C–5 is performing a gargantuan air cargo task today for the Air Force.

Thirty operational C–5 aircraft are performing air cargo flights as part of the Military Airlift Command's mission. These 30 planes have flown 3,111 flights. In addition, eight flight test aircraft have flown 1,583 flights. Total C–5 flight time is more than 20,000 hours.

The aerodynamic performance of the C–5 aircraft will meet the 14 specific mission guarantees set forth in the Lockheed contract. The guaranteed performance requirements of the C–5 contract include both payload and range warrantees. The actual aerodynamic per-

formance of the C–5 aircraft has demonstrated it will exceed these 14 guarantees by at least 1 percent on all missions and by 15–20 percent on some.

A more thorough review of the General Accounting Office staff study referred to by Senator PROXMIRE shows that the GAO recognized the inherent problems built into the C–5 program under the now discarded total package procurement concept. The GAO report emphasizes the untested procurement concept; the several compressions of the test and delivery schedule; and revised design requirements which resulted in the expectation of impossible performance and schedule requirements.

On April 12—last week—a month after the GAO report on which Senator PROXMIRE said he based his remarks, Gen. George S. Brown, commander of the Air Force Systems Command said:

Right now the technical problems (on the C–5) are well in hand and, in fact, the C–5's are doing a big job. Under the Nixon Doctrine and the Strategy of Realistic Deterrence, there will undoubtedly be an even greater premium on the rapid strategic mobility that the C–5 makes possible.

This was the Air Force commander responsible for procuring the C–5 who made these remarks. In addition, the Department of Defense on April 19 said in response to a question from a member of the press that:

The aircraft is effectively and safely performing strategic airlift missions to both Europe and the Western Pacific. . . . and we are bringing along the tactical capabilities of this aircraft at a deliberately cautious rate.

I ask unanimous consent that the Department of Defense reply to yesterday's press query be printed in the RECORD.

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

In response to a query, on 4–19–71 the Department of Defense said:

The Senator is describing GAO reported items which, for the most part, were discussed in considerable detail with the press and the Congress almost a year ago when the Scientific Advisory Report on the C–5 was released.

For about the same length of time, C–5s have routinely flown strategic airlift missions, hauling heavy, outsized cargo including helicopters both to Pacific and European bases. They have accrued more than 20,000 flying hours.

The term deficiency describes both minor defects and such problems as those still existing with the avionics subsystems and the wing modification for which development and test is neither completed nor scheduled for completion until later in the concurrent development/deployment program. The Air Force does accept, temporarily, deficiencies which do not effect safety of flight in order to train crews, build up logistics support systems and use the existing operational capability while test programs are completed. Deficiencies are then corrected by the contractor during normal or special maintenance cycles. This practice has been used successfully during acquisition of other weapons systems.

As Secretary Seamans pointed out last summer, the complex landing gear has been troublesome to maintain. He also indicated that a number of tests to prove the efficacy and endurance of the wing remain to be accomplished and could indicate additional structural modifications over the life of the aircraft. Those tests, which simulate extreme flight loads and 20 to 30 years of aircraft use, are scheduled for completion in 1973. However, we hope to release the aircraft from 80% to 100% of design load later this year. Validation of avionics subsystems to be used in the tactical mode also is scheduled for completion by the end of 1971.

We believe we are making progress. The aircraft is effectively and safely performing strategic airlift missions to both Europe and the Western Pacific. Its immediate release for specific tactical operations would be possible should such use be required in an emergency. However, for the present, we are bringing along the tactical capabilities of this aircraft at a deliberately cautious rate.

REMARKABLE WORK OF SAVE THE CHILDREN FEDERATION, INC.

Mr. BAKER. Mr. President, I know that Senators and millions of other Americans have some familiarity with the remarkable work being done throughout the world by Save the Children Federation, Inc. I have recently had brought to my attention a statement relating to the activities of Save the Children, and I was very much impressed by it. To share the statement with Senators, I ask unanimous consent that it be printed in the RECORD.

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

ACTIVITIES OF SAVE THE CHILDREN FEDERATION

"Give a man a fish—he eats for a day.
Teach a man to fish—he eats for life."

This, in essence, is the philosophy of Save the Children Federation (SCF)—a philosophy that makes it unique among child welfare agencies. The aim of SCF is not merely to buy one child a warm coat, a new pair of shoes and a six months' supply of vitamins—but rather, to give the child, his family and their community the little boost that may be all they need to put into effect long-cherished dreams for a better life.

Aware of the poverty, sickness and despair afflicting people throughout the world, and seeking, as we all are, ways of alleviating the suffering, I would like to set forth the work of this international welfare organization, which is bringing about truly remarkable changes in the lives of people throughout the world.

SCF was founded in 1932 to help the children of Appalachia, where desperate conditions had resulted from the collapse of the coal mining industry. Since then, the program has mushroomed into a world-wide organization that touches and changes the lives of over 21,000 children, their families and communities throughout the world. From its headquarters in Norwalk, Connecticut, SCF reaches out to American Indian reservations, to the Southern Appalachian Mountains and the Southern States, and to 14 overseas countries; to rural villages and urban slums—always with the child as the touchstone of its progress and the link between the helper and the helped.

Save the Children is a nonprofit organization which helps needy children and their families without regard to race or creed. It achieves its aims through self-help sponsorships in which individuals or groups contribute $180 annually towards the welfare of a particular child, his family and community. The Federation also has a Scholarship and a General Fund, and conducts annual collections of used clothing for the underprivileged. In addition, it responds to special disaster appeals. Incorporated in the State of Connecticut, it is registered with the U.S. State Department Advisory Committee on Voluntary Foreign Aid, and is a member of the International Union for Child Welfare, and the American Council of Voluntary Agencies for Foreign Service, Inc.

The family and the SCF field worker carefully work out a plan that will raise the family's income or improve its standard of living. The plan may involve acquiring a cow which will produce fresh milk and calves to sell; it may be a crafts project which will bring not only new income, but new skills; it may be obtaining seeds, fertilizer and tools for better crops, or purchasing materials and equipment with which to begin a small business.

Frequently, sponsorships are clustered within a given village, and sponsored families elect to pool a portion or all of their funds to undertake a major community project—for example, building a clinic, a school, or an irrigation system that will raise all incomes substantially, or provide needed facilities for the community. The funds contributed by the sponsor are more than matched by the efforts of the child, his family and their community to make the project a success.

The child is the key link in the chain of friendship between his sponsor and his family and community, and it is a position of responsibility in which he takes pride.

At the same time, he experiences increased pride in the efforts of his own family and its ability to care for itself.

Correspondence, field office reports and visits preserve and strengthen the person-to-person relationship between sponsors and children. In the South Korean program alone, more than 15,000 letters were exchanged last year between children and their sponsors. All translations were handled by the Korea field office.

A Cherokee boy sponsored by a Connecticut Scout troop and later invited to spend the summer at their camp . . . a ten-year-old French lad badly crippled with polio who receives frequent and encouraging letters from his sponsors . . . a Korean girl sponsored by an Albany church group who writes, "I am going to study hard . . . and in this way I will try to please you," (she was later accepted by one of Seoul's most highly-accredited schools)—there are many such stories of understanding and enduring friendship which have developed between individuals separated by many miles, but brought together by a common humanity.

Glen Leet, Executive Director and guiding spirit of Save the Children Federation, has been working within the Federation to develop this unique kind of people-to-people movement, using principles hammered out during years of strenous field work with the United Nations Relief nad Rehabilitation Agency in war-torn Greece and later with the UN in Korea.

Wherever Mr. Leet went in his work for UNRRA, he found the same things holding people back; lack of roads and water systems, poor sanitation, ill health and a fatalistic attitude. Under his leadership, SCF has developed programs which employ the most modern concepts of group dynamics to motivate individuals and communities. In this way, truly remarkable results are brought about—often on a surprisingly modest budget. Advanced technological tools, such as computer reporting and closed circuit TV for training, are also used.

"Our field workers never say, 'We think you should make this or that improvement,'" points out Mr. Leet. "The people themselves decide what they want to do—they resent it otherwise, and we have found that they know what they really need.

"Because the projects they undertake are their own, they take pride in them. In an American Indian village, all the men and women worked on a footbridge over a stream the children had to cross to get to school. It wasn't the Golden Gate Bridge, but everyone pitched in. We encouraged them and lent them money for materials.

"If someone had come in and had built a Golden Gate over the stream for them, the Indians would not have had the sense of satisfaction and the pride of achievement as they had from building their own drawbridge," Mr. Leet said.

Many families living in comfortable American suburbs are aware that American Indians live in desperate poverty in the midst of plenty. More than 11,000 families are sponsoring American Indian children, their families and communities through the Federation's self-help program. They are making it possible for the youngsters to stay in school with money enough for clothes, books and school essentials. The SCF American Indian program has been praised by many as one of the few which offers Indian communities the opportunity to plan for themselves and to develop leadership at the grass roots level. This program is now the largest operated by Save the Children Federation, reaching out to 150 tribal groups.

SCF also carries out its programs in the United States in the Southern Appalachian Mountains as well as in other areas of the Southern States. SCF has been helping the mountain people of Kentucky, Tennessee, Missouri, Virginia and West Virginia since its inception in 1932 and is well-known there for its SCF Clothing Centers and its self-help sponsorships which currently offer aid to more than 1,400 Appalachian children, their families and communities. A self-help program, in which mountain families are joining together to form small but challenging group ventures, began in 1967. Some of the projects include the Appalachian Fireside Crafts (pinecone wreaths, quilts and apparel), the Kentucky Hills Industries (woodworking), and the Fentress County Low Income People, Inc. (feeder-pig cooperatives).

Although going to high school—or staying there—is still only a dream to many, it is a dream come true for hundreds of Appalachian children who have been kept in school, thanks to SCF self-help scholarships. From young Billy of Kentucky—"So now that I'm graduating, I want to thank you again for making this day possible. I am the first in my family ever to graduate from high school."

Developing new leadership and stimulating community action is the aim of the SCF Southern States self-help sponsorship program. Begun in 1969, this program has already resulted in a community laundromat, a cooperative dry cleaning and shoe repair business, and several other small but promising group ventures.

In addition to these programs within the United States, SCF also works in Europe, Latin America, Africa, the Middle East and Southeast Asia.

The Republic of South Korea is SCF's second largest program, reflecting strong bonds of friendship. More than 2,000 children, their families and communities are currently receiving self-help sponsorship aid. At a time when Korea is striving to rebuild its economy and stand on its own feet after withdrawal of U.S. governmental assistance, and while it is still burdened with heavy military commitments, this support is vital. SCF's work in South Korea is particularly outstanding in its constructive relationship with various governmental agencies. Its field staff works to help achieve declared national objectives . . . improving education, raising income levels, stemming the movement of young people from the farm areas to the cities; in short, promoting social, educational and economic progress.

In South Vietnam, SCF is bringing help and hope to approximately 900 children and families displaced by war. Since the beginning of its program there in 1966, SCF has worked in 53 hamlets in six provinces. Of that total, 26 hamlets were attacked or continually harassed during the past year. Roads are mined, battles continue in and around the villages, assassinations take place, and homes are burned. Nevertheless, SCF's presence is important in a number of ways. The practice of encouraging families to work together on mutually beneficial projects helps combat the social disorganization that is one of the most devastating results of the war. Every self-help project requires initiative, local leadership, organization, and decision-making by the participating families—all the necessary qualities that have suffered attrition and which are needed for South Vietnam's future.

Other countries where SCF is making valuable contributions include France, Italy, Austria, Finland, Greece, Lebanon, Tanzania, and in Latin America, Colombia, the Dominican Republic, Honduras and Mexico. The groundwork is now being laid for a sponsorship program in India.

The generosity and concern of the American people, expressed through sponsorships and contributions, make the SCF program possible. Their wisdom and common sense enable it to carry forth self-help projects that eliminate situations of continuing dependency. Their foresight has enabled the Federation to place increasing emphasis on the use of interest-free loans, rather than grants—loans which preserve the dignity and self-respect of people and which educate them to become self-sustaining members of the economy, rather than helpless dependents upon it.

Self-help sponsorships are a major part of the program, but alone they cannot accomplish the results SCF looks for. Contributions are vital in helping SCF work in areas it does not reach through sponsorships. They also allow it to undertake demonstration programs to test the effectivenes of its self-help approach in new areas.

I could cite impressive figures about SCF achievements, but statistics themselves cannot convey the intangible values of the program in terms of increased security and well-being of the children, and the enhanced self-esteem and self-reliance of their parents. Hope inspired in impoverished people when they realize they have friends who stand ready to help them, acts as a spur and an impetus to greater efforts and initiative, and produces remarkable changes which improve the quality of their lives.

Next year Save the Children Federation will be observing its 40th anniversary. When it started in 1932, the Federation's mission was to give needy children a better chance in life. Today its objective is unchanged—only its vision and the scope of its work have expanded. During the past 39 years, it has brought help, understanding and encouragement to countless children and in the process has affected the lives of their parents and communities. However, the need is still acute in many areas of the world, and as SCF enters its 40th anniversary, it anticipates expanding its sphere of assistance.

In these times of international tension and anxiety, perhaps it is also appropriate to say a few words about the role of SCF in helping to promote friendship and understanding among the peoples of the world. Governments alone cannot build and maintain a peaceful world. As Woodrow Wilson put it, "Friendship is the only cement that will hold the world together".

SCF sponsors and contributors are doing much to cement these bonds of peace and brotherhood. Children are able to stay in school. Families are becoming self-supporting. People living in remote villages in developing countries are working together to win their special wars on poverty. All this through the generosity of those who support the programs of the Federation.

SCF is based on the premise that the most successful way of helping underprivileged people is to create opportunities for them to solve their own problems through efforts of their own making. This is happening to children, to families and to whole communities through Federation self-help programs. Through the Federation, 21,000 sponsors and more than 100,000 contributors are serving as unofficial ambassadors, projecting an image of understanding, of open-heartedness and faith in human resources to thousands of people throughout the world.

RESERVATION OF SEATS FOR NONSMOKING PASSENGERS IN INTERSTATE COMMERCE

Mr. GURNEY. Mr. President, on March 19, I introduced S. 1298, a bill to require certain modes of public transportation in interstate commerce to reserve some seating capacity for nonsmoking passengers. Joining me in cosponsorship of the bill are the Senators from Utah (Mr. BENNETT), California (Mr. CRANSTON), Kansas (Mr. DOLE), Wyoming (Mr. HANSEN), Oklahoma (Mr. HARRIS), Oregon (Mr. HATFIELD), Utah (Mr. Moss), and South Carolina (Mr. THURMOND).

The bill was originally introduced on the House side by my colleague from Florida, Representative BILL YOUNG, who reintroduced the measure a second time to accommodate additional cosponsors.

The response to the proposed legislation has been most encouraging, and I have received many letters and newspaper articles urging enactment of the bill. One comment which I received struck me as being particularly noteworthy, and I would like to call the statement to the attention of the Senate.

Last June, at the American Medical Association's annual convention, the Florida AMA delegates presented a resolution urging nonsmoking areas on commercial aviation facilities. This resolution was adopted by the AMA House of Delegates. I ask unanimous consent that the text of the resolution, and of the AMA's position paper on cigarette smoking, be printed in the RECORD.

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

RESOLUTION NO. 49—SEPARATE COMPARTMENTS FOR SMOKERS ON PUBLIC TRANSPORTATION

(Introduced by Florida Delegation)

Resolution 49 would have the American Medical Association go on record as urging the Federal Aviation Administration to require all public air transportation suppliers to separate smokers from non-smokers in commercial aviation. Such a proposal has not been considered previously by the House of Delegates but the House has resolved that the AMA should "take a strong stand against smoking by every means at its command."

Mr. Speaker, your Reference Committee has been informed that some airlines have already established separate sections of their planes for smokers and nonsmokers on a voluntary basis.

RECOMMENDATION

Mr. Speaker, your Reference Committee recommends adoption of a substitute Resolution as follows:

Resolved, That the American Medical Association go on record as urging very strongly that the Federal Aviation Administration require all public air transportation suppliers to separate non-smokers from smokers when the size of the aircraft permits.

House action: Substitute Resolution 49 adopted.

AMA POSITION ON CIGARETTE SMOKING—1969

As early as 1964, the House of Delegates of the American Medical Association passed a resolution which "recognized a significant relationship between cigarette smoking and lung cancer and certain other diseases," indicated that "cigarette smoking is a serious health hazard . . .," and stipulated that, "programs be developed to disseminate . . . health education material on the hazards of smoking to all age groups through all available means of communication."

Since 1964, the House of Delegates has periodically taken subsequent actions to broaden and strengthen its position with respect to smoking and health.

The latest resolution on this subject, passed by the AMA House of Delegates at the annual meeting in July 1969, is as follows:

Whereas, There is increasing evidence implicating cigarette smoking in the pathogenesis of chronic obstructive and pulmonary disease, lung cancer and cardiovascular diseases; and

Whereas, The Surgeon General of the United States estimates that each year in the United States 300,000 excess deaths and several million extra cases of serious illness and disability occur which are casually related to cigarette smoking; and

Whereas, The American Medical Association is concerned in all matters relating to public health; therefore be it

Resolved, That the American Medical Association again urge its members to play a major role against cigarette smoking by personal example and by advice regarding the health hazards of smoking; and be it further

Resolved, That the American Medical Association discourage smoking by means of public pronouncements and educational programs; and be it further

Resolved, That the American Medical Association take a strong stand against smoking by every means at its command; and be it further

Resolved, That, through appropriate channels, the American Medical Association indicate to the Congress of the United States the incongruity of the expenditure of tax dollars to promote the production and sale of tobacco while at the same time spending other tax dollars to discourage cigarette smoking because of its hazard to health.

RAILPAX ROUTES IN NORTH DAKOTA

Mr. BURDICK. Mr. President, I am very much pleased to join in sponsoring Senate Joint Resolution 88, introduced yesterday by the Senator from Ohio (Mr. TAFT).

In North Dakota the Railpax plan would provide service to the communities along the former route of the Great Northern, but communities along the southern part of the State were completely cut off from rail passenger service when it was decided not to provide service over the former Northern Pacific route. Few decisions in recent years have provoked a more negative response from my constituents than this. I certainly share their feelings that this service must be reestablished.

Senate Joint Resolution 88 would authorize the appropriation of additional funds to establish six more Railpax routes, one of which would offer rail passenger service to North Dakota communities on the former Northern Pacific route. I will do everything I can to expedite Senate action on this measure.

The city commissioners of North Dakota's largest city, Fargo, have lent their strong support to such legislation by a resolution of April 13, 1971. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION ADOPTED REGARDING THE RAILPAX PROPOSAL

Whereas, The City of Fargo has noted with considerable interest the introduction of Resolutions by the Honorable Milton R. Young, Senior United States Senator from North Dakota; the Honorable Arthur Link, Member of Congress from the Western District of the State of North Dakota; and our distinguished United States Senator from our own home City of Fargo, the Honorable Senator Quentin N. Burdick; expressing their displeasure with various aspects of the program known as Railpax; and

Whereas, The Fargo City Commission share the concern of these three distinguished gentlemen and wishes to express its displeasure and unhappiness with Railpax in many respects—its adverse impact on many communities across America with passenger service summarily cutoff, the most conspicuous and notable being that of Cleveland, Ohio and also many other cities equally adversely affected; and

Whereas, The so-called southern swing of the State of North Dakota, embracing the communities of Valley City, Jamestown, Bismarck, Mandan and Dickinson are to be also summarily cut off from passenger service which will have a profound physical and economic impact upon our State, its people and its economy, which the Fargo City Commission views with deep concern; and

Whereas, The railroad industry has had a covenant with the American people for many generations whereby the United States of America conferred huge grants and patents of vast tracts of land comprising millions and millions of acres of land across America in consideration of the railroads rendering certain passenger services; and

Whereas, Over the past 15 years there has been a gradual erosion, attrition and evaporation of passenger rail service, always with assurances that the current bite would be the last one, with the result that today we are faced with an emasculated rail transportation service presented to us by the Department of Transportation; and

Whereas, The Fargo City Commission believes that it must now turn to the Congress of the United States and appeal to it to take such action as is necessary to halt Railpax, or to at least delay Railpax, or to modify and alter Railpax—but to do something and do it promptly.

Now, therefore, be it resolved, That this Resolution expressing the deep concern of the Fargo City Commission over this latest emasculation of rail passenger service, not only in North Dakota but nationally, should be made a part of the permanent record of the proceedings of the Fargo City Commission and certified copies shall be forwarded herewith to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable John Volpe, Secretary of the Department of Transportation; and to the four distinguished Members of the North Dakota Congressional Delegation in the hope and expectation that this Resolution will be incorporated in the Congressional Record and called to the attention of the American people.

NATIONAL PRISONER OF WAR DAY

Mr. BUCKLEY. Mr. President, I invite the Senate's attention to POW Day, April 28, as proclaimed by many Governors and mayors around the Nation. In its official statement seeking support for POW Day, the sponsoring group, the National POW Day Committee, said:

The International Jewish Community recently proved how effective public opinion can be when directed against the Iron Curtain. Certainly the combined public outcry of the American people and our allies throughout the world cannot long be ignored by the Communists. The time has come for the American people to demand that the Communists treat their prisoners in accordance with the provisions set down in the Geneva Convention.

The National POW Day Committee, which is sponsoring rallies in many cities on April 28 has noted:

The Communists have long pointed to anti-war demonstrations as the true expression of American public opinion. Let them recognize National P.O.W. Day as the truest expression of American disgust with their mistreatment of prisoners of war.

I commend this group for its constructive efforts and am pleased to join with other public officials in calling attention to National POW Day.

THE TRIAL OF LIEUTENANT CALLEY

Mr. GURNEY. Mr. President, in the wake of the trial of Lieutenant Calley, there have been many statements that merit our consideration. On April 7, the able Senator from Massachusetts (Mr. BROOKE) delivered a report to the people of his State by radio. Senator BROOKE, as a lawyer and former attorney general, feels that the judicial process should be permitted to run its course as free as possible from popular outcry. I ask unanimous consent that Senator BROOKE's comments be printed in the RECORD.

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

THE CALLEY TRIAL

As you can well imagine, the major topic of discussion in the Capitol this week has been the conviction of Lt. William Calley, Jr.

Ever since the verdict was rendered and sentence announced, Congressional offices have been inundated with letters, telegrams and phone calls commenting on the decision.

An estimated 100,000 telegrams have poured into the White House alone. My office here in Washington, and the Springfield and Boston offices as well, have received hundreds of calls from Massachusetts citizens expressing their shock and dismay over the sentence. Seldom if ever in our nation's history has there been such an outpouring of public protest over a legal conviction.

But let us look at what is involved in this decision, and what lies ahead as well.

Personally I do not intend to sit as judge or jury or as a trier of the facts. I was not present at the trial. I have not reviewed the transcript of the trial nor heard the evidence that was presented. I did not sit in the courtroom day after day where I could see and hear the many witnesses and look into their eyes. In short, I have no first-hand knowledge of the evidence upon which the jury arrived at its decision. I cannot say and therefore will not say whether the verdict was right or wrong.

But I do know from our long experiences that ours is a government of laws and not of men. Our country was founded on the basic principle, that all men are equal before the law and are entitled to protection under the law.

I do not know if Lt. Calley was, in fact, guilty of the acts described in the binding

codes of conduct. I do know, however, that when it was alleged in eyewitness accounts that unarmed civilians were killed in the hamlet of My Lai, the Army had no choice under domestic or international law but to conduct a full-scale investigation of the charges. As a result of that investigation, Lt. Calley was brought to trial.

Under our system of justice, which has served us well for 195 years, a man is first charged with having committed a crime. William Calley was charged with murder and pleaded innocent to that charge.

Again under our system of justice a man is entitled to trial by a jury of his peers. Lt. Calley was tried in a proceeding which lasted nearly five months, by a jury of six military officers with extensive combat experience in Vietnam who heard the evidence and had the responsibility for passing on his innocence and guilt.

After the conclusion of the trial and thirteen days of deliberation, the jury unanimously found Lt. Calley guilty of premeditated murder. The jury then had two choices in the sentence it would impose: death or life at hard labor. The jury sentence was life, a sentence which, under our laws, makes Lt. Calley eligible for parole after serving ten years.

President Nixon, acting under his constitutional authority, released Lt. Calley from the stockade, confined him to his quarters pending appeal, and announced his intention to review the Calley case after judicial proceedings have been completed.

These are the facts. But what rights are now available to William Calley, Jr.?

First the record of the trial will be prepared and forwarded to another general court-martial convening authority for review.

If this authority approved the original sentence, the case will automatically be reviewed by the U.S. Army Court of Military Review which must, again, determine whether the findings and sentence are legally correct. If this court also upholds the decision of the lower court, Lt. Calley may petition for a further review of his case by the U.S. Court of Military Appeals.

Finally, the President himself can review and pass judgment on the case.

Our system of justice is the best in the world. Adequate safeguards are provided at all steps in the proceeding, and these safeguards will be observed. As citizens, we all have the right to agree or disagree with the verdict of the court. But political judgments and public pressure must never be allowed to influence a case which is under judicial review.

This is not the time for politics or emotion. This is the time for calm, reason and, above all, confidence in our system of justice. I say—Let justice run its course.

NONRETURNABLE CONTAINERS

Mr. HATFIELD. Mr. President, the concern of the American public over our environment has grown to great proportions. Recently, in Portland, Oreg., a chain of grocery stores decided to measure that concern in specific, public opinion on one-way, or nonreturnable, containers.

Mr. John Piacentini, president of Plaid Pantry Convenience Stores, has been concerned with the problem of litter caused by these containers for quite some time. Last year, Plaid Pantry Stores served as collection centers for a clean-up campaign in which citizens of Oregon scoured highways for littered cans and bottles. The unusual part of this particular campaign was that Plaid Pantry Stores paid for each container brought to one of its stores in order to show its determination as a merchant to take positive action against ugly litter.

This year, Plaid Pantry's poll of public opinion brought some interesting results. It showed that Oregonians who answered were not only aware of the problems of litter, but were also willing to pay for solutions.

Mr. President, I ask unanimous consent that a letter from Mr. Piacentini, the poll results, and a newspaper advertisement placed by Mr. Piacentini after the poll was completed, be printed in the RECORD.

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

PLAID PANTRY CONVENIENCE STORES,
Portland, Ore., March 13, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MARK: Thank you for your letter of March 9th requesting the results of our poll on littering. We ran advertisements in both the Portland and Salem newspapers. Over 5,000 people responded by returning the polls to our main office. We feel that a response from this many people is excellent, considering they had to mail them to us.

The results of the poll show that the people of Oregon are concerned about the problems of our environment. As you can see, the enclosed results show the people are overwhelmingly in favor of banning the one-way container. Other results of the poll show that the public thinks is is useless to try and educate the public on not to litter. They as the consumers are willing to pay a higher price for merchandise if a tax is passed on to them. A majority of the people feel that the voters and not the legislature should decide on the law to be passed.

We received several hundred letters along with the returned polls. These letters were written by adults and youngsters. Each told of their concern about our environment. They are concerned about the Oregon and America of tomorrow and what will it be like unless we act at once. Unfortunately, too many of us are only interested in what the politicians and leaders of certain industries think about the problems of our environment. We feel that it is everybody's concern. Our poll was directed to the average citizen and he was happy that someone allowed him to speak out his One Two Millionth's Worth.

I am enclosing the results of our poll along with a copy of a follow-up advertisement we ran in the papers. This advertisement states Plaid Pantry's feeling about the one-way container.

Sincerely,

JOHN.

OREGON IS ONE TWO-MILLIONTHS YOURS—WHAT DO YOU THINK?

We at Plaid Pantry are concerned about the environment we live in. Littering is a serious problem. What to do about it is even a bigger problem. Soon the Oregon Legislature will decide on several ways to prevent littering. What they decide will affect you. We at Plaid Pantry would like to know what you think.

Please answer the questions below, and send us any other ideas on the subject of littering you might have. We will publish the results and see that the elected officials in Salem receive them.

5,000 RESPONSES

	Percent	
	Yes	No
1. Do you think that littering of our highways and parks is a serious problem?	99	1
2. Are you in favor of banning all 1-way beverage bottles and cans?	78	22
3. Are you in favor of a 2-cent to 5-cent tax or deposit on all 1-way beverage containers?	74	26
4. Are you in favor of a tax even if it is passed on to the consumer?	59	41
5. Do you think to educate the public is a better way to solve the problem, rather than a ban or tax?	37	63
6. Do you think people caught littering should be fined and/or put in jail?	95	5
	Voters	Legislature
7. Who do you think should decide on what to do on 1-way containers: Voters or legislators?	66	34

Please send your opinions to: Plaid Pantry, 2715 S.E. Ash, Portland, Oregon 97214 (or drop off at your nearest Plaid Pantry Market).

Speak out your 1-two millionth's worth and tell us what you think.

DEAR CONCERNED OREGONIANS: The Oregon Legislature will soon decide on what to do with one-way beverage containers. Bills are pending that would tax or place a deposit of up to 5c on each container. A deposit of 5c in effect would be a ban of one-way containers. This means that in Oregon all you would be able to buy would be returnable glass containers.

At Plaid Pantry we have felt that to educate the public on not littering is a more effective way than a ban on solving the problem.

A year ago we tried to prove this. We bought back all littered one-way containers and we, among others, have run many newspaper ads and promotions encouraging people not to litter.

Did it work? Take a look at the roadsides and you again see litter. Some people can't be educated and those of us who can must pay for those who can't.

We at Plaid Pantry encourage the legislature to pass a bill banning one-way containers. We encourage Oregonians to write their Representatives to do the same.

Selling only returnable containers will be a hardship on certain industries. Through American ingenuity industries will overcome these problems.

And the fact that Oregon, the most beautiful State in the Union, will become the cleanest State in the Union is well worth any hardship.

JOHN PIACENTINI,
President.

NEW JERSEY SOLID WASTE CONTRACTORS FORM FEDERATION

Mr. CASE. Mr. President, there have been several developments relating to solid waste contractors in New Jersey recently which I believe are worthy of widespread attention. I ask unanimous consent that news accounts about these developments, published in two New Jersey newspapers, be printed in the RECORD.

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

[From Newark News, Feb. 3, 1971]

SOLID WASTE CONTRACTORS FORM STATE FEDERATION

(By Eric L. Parham)

More than 800 solid waste contractors in New Jersey have organized into a statewide federation known as the Solid Waste Industry Council.

John C. Filiberto, secretary and treasurer of J. Filiberto Sanitation, Inc. of Chester, is chairman of the council.

The council, whose members operate under the jurisdiction of the Public Utilities Commission (PUC), is made up of autonomous regional associations which represent 80 per cent New Jersey's solid waste contractors.

Filiberto said that his organization will cooperate with the PUC and will set about to end rumors of mob influence in the industry. He congratulated the Legislature for putting the industry under PUC regulation and endorsed the commission's policy of "full disclosure."

The disclosure policy is contained in application made to the PUC for permission to conduct a solid waste collection and/or a disposal operation.

The form requires the applicant to provide, under oath, a list of all persons involved in the applicant's business, including those having any "beneficial interest, directly or indirectly." Criminal records, if any, of those persons must also be submitted with the application.

Filiberto said the council would prepare a code of ethical practice to be submitted to the PUC for approval. He said the code would be rigidly enforced as a means of "self-protection as well as self-policing."

The chairman also said with the new awareness of ecology the solid waste contractor is now identified as performing an integral part "in the maintenance of a proper and healthy ecological balance."

SWIC, according to Filiberto, will work in the area of research and development and will represent association members in matters concerning waste collection and disposal before the New Jersey Department of Environmental Protection and the PUC.

Association members received this week the first copy of "Solid Waste News of New Jersey," a monthly tabloid newspaper.

Also elected as SWIC officers were John P. Pinto, vice chairman, Raymond Jensen, treasurer, and Mark Mauriello, secretary.

Trustees are Vincent Apice of Livingston Sanitation Association; Jack Argento of V.A. Pinto Association; Charles Capozzolo of Central Jersey Association; Sam Garofalo of New Jersey State Business and Industrial Refuse Contractors; John Mauti of Cranford Disposal Association; Loe Ross of Ocean and Monmouth Counties Solid Waste Association and Anthony Pinto of the Wayne Cartmen's Association.

[From Newark Star Ledger, Feb. 4, 1971]

GARBAGE INDUSTRY WILL SUBMIT ETHICS CODE TO THE PUC

(By Charles Q. Finley)

The Solid Waste Industry Council (SWIC), a new statewide federation of solid waste contractors, plans to prepare a code of ethical practice to be submitted to the Public Utilities Commission for its approval.

John C. Filiberto, chairman of the new organization, said yesterday the code would be the first order of business in line with the council's aim to dispel "continuing rumors of mob influence" in the industry.

Filiberto, secretary-treasurer of J. Filiberto Sanitation Inc. of Chester, termed the Legislature's action in placing the solid waste industry under PUC regulation "a most progressive step." The contractors have been operating under the jurisdiction of the PUC since last November.

"Frankly, we are all fed up with hearing stories about sinister influences in our industry," Filiberto asserted. "The PUC policy of 'full disclosure' should clear up this situation once and for all."

In applications to conduct business in the industry the PUC requires, under oath, a listing of all persons involved in the applicant's business, including those having any "beneficial interest, directly or indirectly."

Filiberto said: "The solid waste contractor—the garbage man—was for many years a marginal operator in our society. Suddenly, with mankind threatened with problems generated by ever-increasing amounts of refuse, the solid waste contractor is viewed in a new perspective and seen as performing an integral function in the maintenance of proper and healthy ecological balance."

Filiberto pointed out that one of the nation's major problems is solid waste collection and disposal, and that nowhere is the problem more acute than in highly urbanized New Jersey.

"However, with new industry standards, new research and implementation of broad public education, we are confident that a long-range program will see the state as the nation's model in the area of solid waste management," he said.

Filiberto said the group embraces 15 autonomous regional associations representing 80 percent of the solid waste contracting firms in New Jersey. He said more than 800 contractors are now in the organization.

THE NSA "PEACE TREATY" VERSUS THE PEOPLE

Mr. ALLOTT. Mr. President, as their numbers dwindle, their fanaticism increases. And their increasing fanaticism further diminishes their support. This is the dilemma of the hard-core activists who oppose the President's policy for winding down the war.

Unfortunately, the fanatical activists are still numerous enough to be a public nuisance, and there is some evidence that they will be in Washington trying to be such a nuisance in the next few weeks.

During the last days of April and the first days of May demonstrations will attract an as yet undetermined number of persons to Washington. Many of these persons will be responsible, dedicated, concerned citizens exercising their constitutionally protected rights to speak freely and to assemble and petition for the redress of grievances.

Unfortunately, this year more than ever in the past the demonstrations will be under the control of irresponsible persons bent on trouble. Several persons conspicuously associated with the planning of these demonstrations have been quite candid in describing the disorder they hope to foster.

One of the most regrettable aspects of this is that it will further discredit the very process of dissent, while denying the responsible dissenters a chance to be heard. Thus it will be extremely difficult for the responsible dissenters to argue their case with the dignity and care it deserves.

Mr. President, as an example of the sort of disagreeable fakery which the extremists are willing to perpetrate, consider the case of the so-called People's Peace Treaty. This document—and the monumental misnomer that is its title—has an interesting story behind it, a story which should be known by all those who will be exposed to the advocacy of this so-called peace treaty. Fortunately, a responsible and moderate group of young Americans—American Youth for a Just Peace—have prepared an incisive and devastating analysis of this so-called peace treaty.

When the small band of fanatics arrives there will be much idle chatter about this peace treaty as a way of ending the war. As the American Youth for a Just Peace say, everyone—and most especially President Nixon—favors peace in Vietnam. The President is making great progress in achieving peace. And the so-called peace treaty is just a pernicious distraction concocted by those who speak of peace, and long for Communist victory in South Vietnam.

Mr. President, so that all Senators can familiarize themselves with the sordid reality behind the peace treaty, I ask unanimous consent that the report from the American Youth for a Just Peace, entitled "The NSA 'Peace Treaty' Versus the People," be printed in the RECORD.

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

THE NSA "PEACE TREATY" VERSUS THE PEOPLE

(An analysis of a political fraud prepared by American Youth for a Just Peace)

The National Student Association (NSA) is asking Americans, especially young Americans, to sign and otherwise endorse a "People's Peace Treaty." The so-called "treaty," they say, can "end the war."

Obviously, ending the war is a good idea. But on what terms does the so-called "treaty" propose that this should be done, and by whose mandate?

BY WHOSE MANDATE?

The "treaty" is called the "Joint Treaty of Peace between the U.S. and the Vietnamese Peoples". Neither the name nor the substance of the "treaty" was decided by representative mandates of either the American people, the North Vietnamese people, or the South Vietnamese people.

The leaders of the National Student Association, in consultation with themselves, with the Communist Party of North Vietnam, its student fronts—North Vietnamese National Student Union and South Vietnamese Liberation Students Union—and with a few representatives of the alleged "South Vietnam National Student Union", announced the "treaty" at a Washington, D.C. press conference upon their return from a two week visit to North Vietnam as guests of the North Vietnamese government.

HOW REPRESENTATIVE IS NSA?

There are some 2,400 colleges in the United States. NSA lists only 535 affiliate memberships—or less than 25% of all U.S. colleges and universities.

Moreover, student government leaders are not elected or polled on the basis of their positions on the war in Southeast Asia. NSA is a miniscule minority within an eight million minority population of college students in a country of 20 million college-age youth and a total population of 210 million people.[1]

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[1] Less than 50 percent of the NSA member institutions send delegates to the annual NSA Congress, and few of the "representatives" are democratically elected by their respective student bodies. NSA is actually run by its National Supervisory Board (NSB), consisting of a few officers and 12 area representatives who exercise wide powers, including the right to enact "emergency" policies between the meetings of the Annual Congress. See: *USNSA Handbook*, (Washington, D.C., NSA 1967 Report, Houston, Stop NSA, 1971).

HOW REPRESENTATIVE IS THE COMMUNIST PARTY OF NORTH VIETNAM?

In contrast with South Vietnam's 12 major parties and 43 registered parties, the Communist Party of North Vietnam (800,000 members) is the only political party in North Vietnam (20 million people). It has never permitted any opposition parties to exist or allowed competitive elections. Coalition parties which initially shared power with the Communists in 1945 and in 1954 were liquidated.

During the 1954–56 collectivization program and the suppression of intellectuals, the Party assassinated approximately 100,000 peasants and caused the death of some 500,000 through forced labor and imprisonment. (See Bernard Fall's *The Vietminh Regime, The Two Vietnams*, and Hoang Van Chi's *From Colonialism to Communism*.)

The North Vienamese Communist Party not only monopolizes the political process, it monopolizes and exerts control over all other aspects of life in North Vietnam, such as the economy, religion, culture. For example, in January of this year the Hanoi Municipal People's Court sentenced the leader of a pop music group, Phan Thang Toan, to 15 years in jail for strumming a "melancholy, heart-rending, provocative" musical beat that encouraged young people to a "dissolute, depraved, and orgy-like way of life". (See *Hanoi Moi—Hanoi Today*—January 12, 1971.)

The Stalinist nature of the Hanoi government is also pointed up by a 1968 North Vietnamese Presidential Decree on so-called "counter-revolutionary" crimes. It makes it a capital crime to: (1) "disrupt public order and security"; (2) "harbor counter-revolutionary elements"; (3) "defect or flee to foreign countries"; (4) "undermine the solidarity of the Vietnamese people", i.e., the Communist Party. (Radio Hanoi, March 21, 1968.)[2]

HOW REPRESENTATIVE IS THE "SOUTH VIETNAM NATIONAL STUDENT UNION"?

The "South Vietnam National Student Union" does not exist. The claim by NSA that it does is pure fabrication. There are four separate student unions in Vietnam which have never merged into a national student union. They are the student unions at Hue, Dalat, Saigon, and Can Tho. In addition, there is a Buddhist Student Union in Saigon, and a National Catholic Association.

One NSA delegate allegedly contacted a few representatives of the Saigon Student Union. But NSA has produced no evidence that any of these representatives endorsed the "treaty".

THE TERMS OF THE "TREATY"

Article I of the "treaty" states: "The Americans agree to immediate and total withdrawal from Vietnam and to publicly set a date by which all American forces will be removed."

Answer: Why isn't the withdrawal of North Vietnamese forces from South Vietnam on a publicly set date also called for? Some 400,000 North Vietnamese forces have presently crossed internationally recognized frontiers into neutral Laos, Cambodia, and into Vietnam. According to the South Vietnamese government, the North Vietnamese have killed 120,000 South Vietnamese soldiers, wounded 232,000, attacked and bombarded with rockets nearly every town and city in South Vietnam, killed 31,000 civilians (many in deliberately staged massacres such as in Hue and Dak Son), wounded 74,000 and kidnapped 38,000.

How can the people of South Vietnam ever hope to fulfill their nationhood peacefully if divisions of soldiers from a Stalinist state have a free hand in South Vietnam?

Suppose there were divisions of South Vietnamese soldiers in North Vietnam seeking to "liberate" it? Wouldn't it be logical and just to insist on reciprocal withdrawals as a condition for ending the warfare?

Article II states: "The Vietnamese pledge that as soon as the U.S. Government publicly sets a date for total withdrawal, they will enter discussions to secure the release of all American prisoners, including pilots captured while bombing North Vietnam."

Answer: In the past the North Vietnamese and the Viet Cong have "pledged to discuss seriously" only if the United States would unilaterally take certain steps. But in each case—the unilateral bombing halt of North Vietnam; the pledge to withdraw large numbers of U.S. forces and the actual withdrawal of over 200,000 U.S. troops—there has not been the slightest reciprocity on the other side. What reason is there to expect it now?

In exchange for the total, unilateral U.S. withdrawal—a major concession which would give to the Communists on a silver platter what they have not been able to achieve on the battlefield or politically in South Vietnam—the "treaty" merely offers to "enter discussions" about POW's without any assurance whatsoever that the POW's will be freed. This is political blackmail.

On strictly humanitarian grounds with no political strings attached, South Vietnam has offered a total exchange of POW's with North Vietnam, which the North has rejected (Paris, December 1970). Indeed, South Vietnam has already released over 1,000 POW's as compared to the North's release of less than a dozen.

Finally, it is important to note, that whereas South Vietnam has abided by the Geneva Convention regarding POW's and has always opened its POW camps to International Red Cross Inspection teams, North Vietnam has totally rejected the terms of the Geneva Convention and has never permitted International Red Cross inspection teams.

Article III states: "There will be an immediate ceasefire between U.S. forces and those led by the Provisional Revolutionary Government of South Vietnam." (PRG)[3]

Answer: In the past each of the 15 ceasefires agreed to by the U.S. have been violated by the North Vietnamese and Viet Cong forces. The massive Tet Offensive of 1968 against South Vietnamese population centers was launched during one such "cease-fire" proposed by the Communists.

On October 7, 1970 the U.S. and South Vietnamese governments proposed an internationally supervised cease-fire for all of Indochina. This proposal, like all other allied and third party proposals for a cease fire, was rejected by the North Vietnamese and the Viet Cong. Madame Binh in particular used the strongest language in Paris to denounce any cease-fire as a betrayal of the so-called "liberation" war. Thus Communist performance on cease-fire and its proclaimed position on cease-fire, bears little resemblance to fact.

Moreover, it should be noted that the "treaty's" proposal appears to apply exclusively to the U.S. forces and not at all to the forces of either North or South Vietnam. What kind of cease-fire will there be if there is no cease-fire between the principal antagonists?

Article IV states: "They" (U.S. and PRG) *"will enter discussions of the procedures to guarantee the safety of all withdrawing troops."*

Answer: All allied proposals for the reciprocal withdrawal of troops have been totally rejected by the Communists. All discussions of international inspection and guarantees for withdrawal have also been rejected by the other side. As with the other "articles" in this "treaty", it is only discussions about the procedures about safety that the "treaty" promises, not the safety itself.

Article V states: "The Americans pledge to end the imposition of Thieu-Ky-Khiem on the people of South Vietnam in order to insure their right to self-determination and so that all political prisoners can be released."

Answer: The South Vietnamese Government was not imposed by America on the Vietnamese people. It came to power in September 1967 as a result of internationally observed competitive elections with all other political parties. The winning ticket, which won 34.8% of the votes, was later joined by many representatives of losing slates, thus increasing the government's mandate.[4]

Since 1967, South Vietnamese have had the opportunity to vote in five major sets of competitive elections from local village officials to representatives in the National Assembly. On October 3 of this year, South Vietnamese will once again have the right to vote in competitive elections for the Presidency and Upper and Lower House. North Vietnam has never tolerated the litmus test of competitive elections.

For America to depose the South Vietnamese Government would amount to a slap in the face and a gross denigration of the constitutional processes and of the right of millions of South Vietnamese citizens from all walks of life to choose their representatives.

How then can the "right of self-determination" of the South Vietnamese possibly be enhanced by an American coup on behalf of the PRG—a Hanoi puppet organization (see footnote)—which on July 11 was invited by President Thieu to participate in elections, but has rejected the option of being judged by democratic choice?

Article VI states: "The Vietnamese pledge to form a provisional government to organize democratic elections. All parties agree to respect the results of elections in which all South Vietnamese can participate freely without the presence of foreign troops."

Answer: The Vietnamese already have an elected government, and on October 3 the Vietnamese will again have the democratic

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[2] For scholarly and in-depth reading on North Vietnam see: Buttinger, Joseph A., *Vietnam: A Dragon Embattled* (N.Y. Praeger, 1967); Fall, Bernard, *The Two Vietnams* (N.Y. Praeger, 1967); Hoang, Van Chi, *From Colonialism to Communism* (N.Y. Praeger, 1964); Honey, P.J., *Communism in Vietnam; North Vietnam Today* (N.Y. Praeger, 1962); Spinks, Charles, et al. *The North Vietnamese Regime: Institutions and Problems* (Washington, D.C., Center for Research in Social Systems, (1969).

[3] The Provisional Revolutionary Government was proclaimed on June 8, 1969. It is the product of a merger between the National Liberation Front (NLF) formed in 1960 and the Alliance of National Democratic and Peace Forces (ANDPF) proclaimed by the Communists in 1968 during the Tet Offensive. These organizations publicly supported Hanoi, and there is a great deal of evidence to show that they were controlled by Hanoi, and that the PRG is controlled by Hanoi. Radio pronouncements of the PRG are made only on Radio Hanoi and the Viet Cong's Liberation Radio. The Information Office of the PRG in Paris is a NLF Headquarters. (*Liberation Radio*, 2330 GMT, 10 June, 1969).

[4] Nearly all candidates were committed to peace—their differences relating to acceptable conditions for peace. The most "unconditional" candidate, Mr. Truong Dinh Dzu, who received 17% of the vote, was charged with embezzlement and passing bad checks *ten months before the elections*. His trial was deliberately postponed in order to allow him to run for the Presidency.

For a detailed on-the-scenes account of these elections see: Dr. Penniman, Howard, *Decision in South Vietnam* (Washington, D.C., The Free Society Association, Inc. 1967).

right to re-elect Thieu-Ky-Khiem or vote for someone else, including the PRG should it accept President Thieu's invitation. Why then is there a need for a provisional government? But even granting this need, which Vietnamese will "pledge to form" (what does that mean?) a provisional government? The PRG led by Hanoi?

In Hue during the Tet Offensive of 1968, the PRG cadres carried out mass liquidations of actual or potential political opponents. This is a continuation of the pattern established by the Communists in 1945–46 when they crushed all coalition parties and murdered nationalist leaders, and in 1954–55 when similar policies were carried out by the Communists in North Vietnam during the "consolidation".[5]

In view of this grim record, what hope is there that the South Vietnamese people will place their faith in Communist pledges to respect democratic elections?

Article VII states: "The South Vietnamese pledge to enter discussions of procedures to guarantee the safety and political freedom of those South Vietnamese who have collaborated with the U.S. or with the U.S. supported regime."

Answer: Again, nothing is said about guaranteeing the safety or political freedom of anybody. The treaty only guarantees to enter discussions about procedures.

There are, in any case, several million South Vietnamese who can be classified as "collaborators". In North Vietnam "collaborators" are "counter-revolutionaries", and as the Presidential Decree on Insurgency states, are liable to summary execution. In fact, the Viet Cong and North Vietnamese have murdered ("collected blood debts") some 31,000 South Vietnamese as "collaborators".

Should this record be glossed over in exchange for a mere "pledge" about "procedures" to guarantee the "safety and political freedom" of those people the Communists have been trying so hard to liquidate?

What kind of "political freedom" will there be in South Vietnam under a North Vietnamese Communist controlled form of government when there has never been the slightest glimmering of democracy in North Vietnam? Why doesn't the NSA "treaty" demand guarantees for the rights of opponetns in North Vietnam?[6]

Article VIII states: "The Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia in accord with the 1954 and 1962 Geneva conventions, and not to interfere in the internal affairs of these two nations."

Answer: In gross violation of the Geneva Accords of 1954 and 1962, the North Vietnamese have consistently and massively violated Laotian and Cambodian peace and neutrality by sending hundreds of thousands of troops into neutral Laos and Cambodia; by constructing roads—Ho Chi Minh and Sihanouk trails—through these two countries; by establishing military base areas for prosecuting the war against South Vietnam; and by launching attacks on the people and governments of these nations.

How can anyone believe that the North Vietnamese will respect Cambodia and Laos as they attempt to conquer them?[7]

Why doesn't the NSA "treaty" require United Nations supervision of both the U.S. and North Vietnamese military presence in Indochina in order to safeguard the sovereignty of these nations? Hanoi has always rejected a United Nations supervisory role.

Article IX states: "Upon these points of agreement we pledge to end the war and resolve all other questions in the spirit of self-determination and mutual respect for the independence and political freedom of Vietnam and the United States."

Answer: The Allied governments have proposed in Paris to resolve the war on the basis of: (1) an internationally supervised cease-fire throughout Indochina; (2) an Indochina peace conference; (3) an agreed time-table for complete *reciprocal* withdrawals; (4) a fair political settlement involving all of the major forces; (5) the unconditional release of all POW's.[8]

These proposals have been rejected by Hanoi and its PRG who have even refused to discuss them.

As with so much else in the alleged "treaty", it seems the height of hypocrisy for the unrepresentative inventors of this "treaty" to believe that their one-sided proposals would be acceptable to the parties in the conflict or that such proposals could assure self-determination and peace in Southeast Asia.

CONCLUSION

The presence of the American, South Vietnamese, and North Vietnamese delegations at the Paris Peace Talks points up an internationally accepted fact: treaties are negotiated by governments. They are not negotiated by private groups.

Sometimes the negotiating governments are broadly representative of their citizens. In the United States and in other Western democracies, the electoral process has insured such widespread representation. Sometimes, the governments negotiating treaties are authoritarian, or totalitarian in nature, representing only a tiny elite who rule by force.

The pitiful fact about the NSA "People's Peace Treaty" is that it embodies the double fault of representing a miniscule minority in America bidding for dictatorial power, on behalf of a miniscule minority in North Vietnam which already exercises dictatorial control.

The "People's Peace Treaty" is not a formula for peace. It is a disguised formula for the victory of tyranny, which undercuts the efforts to achieve a just peace.

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[5] Harrison, Selig S. (Brookings Institution), "Vietnam Had a Coalition Once", The Washington Post, April 7, 1968; Fall, Bernard, *The Viet-Minh Regime,* (Cornell University, 1956); Buttinger, Joseph, *Vietnam: A Dragon Embattled,* (N.Y. Praeger, 1967).

[6] There are 43 registered political parties in South Vietnam. There is one in the North, and two puppet fronts. There is a free trade union movement in South Vietnam with 600,000 members who have gone on strike and won demands in the midst of the war. There is no free trade union movement in North Vietnam (or in any Communist country). There are 15 opposition newspapers in Saigon. They function with intermittent censorship, but they function. There is no opposition press in the North. There are various religious groups in Vietnam such as the Hoa Hao and Cao Dai (3.5 million), the Catholics (2.5 million), and moderate and militant Buddhists. All organize of their own accord, participate and exercise varying degrees of influence in their country's political and socio-economic life. No such pluralism exists in North Vietnam.

[7] In May, 1967, Prince Norodom Sihanouk asserted:

"After the French troops left Cambodia, the Vietnamese Communists remained in our country in order to conquer it."

Neutralist Prince Souvanna Phouma of Laos stated:

"Should South Vietnam become Communist . . . it would be difficult for Laos to exist. The same goes for Cambodia and other countries."

The 1962 Geneva Accords on Laos incorporated the North Vietnamese and Russian formulation calling for a three party coalition government headed by neutralist Prince Souvanna Phouma. By April 1963 the Pathet Lao and North Vietnamese were attacking the very government which they brought into being. See: *Background Information Relating to Southeast Asia and Vietnam,* Committee on Foreign Relations, (Washington, D.C., U.S. Government Printing Office, 1970); Fall, Bernard, *Anatomy of a Crisis,* (N.Y. Doubleday, 1969); Fishel, Wesley, *Vietnam: Anatomy of a Conflict,* (Illinois, Peacock Publishers, Inc., 1968); Leifer, Michael, *Cambodia; The Search for Security* (N.Y. Praeger, 1967); Shaplin, Robert, *Lost Revolution,* (N.Y. Harper and Row, 1966); Swearingen, Roger, *Communism in Vietnam, A Documentary Study,* (Chicago, American Bar Association, 1967).

[8] President Nixon's address to the nation, October 7, 1970.

EUGENE, OREG., FEELS FREIGHT CAR SHORTAGE

Mr. HATFIELD. Mr. President, recently, I joined the distinguished Senator from Washington (Mr. MAGNUSON) in cosponsoring a bill designed to alleviate the freight car shortage which plagues my State and other Western States.

Mr. Jim Frake, a knowledgeable reporter for the Eugene Register-Guard, has written a very informative article detailing the effects of the freight car shortage in the Eugene area.

Lane County is the center of Oregon's lumber economy and they feel the effects of the car shortage greatly.

I ask unanimous consent that Mr. Frake's article of March 14, 1971, be printed in the RECORD.

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

CAR SHORTAGE FLY IN OINTMENT OF RISING CALL FOR WOOD PRODUCTS

(By Jim Frake)

The increasing demand for lumber, paper and related products could be viewed as nothing less than a long-awaited blessing for the forest products industry in the Northwest.

But the recent upturn in the market has brought with it a "new" problem—a shortage of special railroad cars for transporting wood chips. The chips, a by-product of lumber manufacturing, are used in paper production.

The problem is new only in the sense that it has reached a relatively critical level since the first of this year.

However, spokesmen for the railroads say several steps are being taken—in cooperation with the forest products industry—to provide additional chip cars and to increase utilization and "flow" of existing cars.

The "tight-car" situation isn't necessarily expected to get worse before it gets better, according to industry sources.

One of the least publicized steps to bring relief is a change in the demurrage arrangement for chip car users. Demurrage relates to the detention of a freight car beyond a set time allowed for either loading or unloading and the payment for such detention.

Shippers and receivers are charged a minimum of $5 a day if they detain any freight car longer than 48 hours. However, prior to the recent change, car users have been given credit for returning a car to the carrier (the railroad) in less time. These credits would help to off-set any debits (for keeping cars too long) and reduce the amount of demurrage charges.

This balancing of debits and credits—known as the averaging arrangement—has been eliminated for a six-month period to see if better utilization of railroad cars can be achieved.

Without the averaging arrangement, car users can't build up credits in order to keep cars longer at other times without being charged.

The demurrage rule change becomes effective March 1 for intra-state shipments on the Southern Pacific (SP) railroad. Shipments on other railroads operating in Oregon will come under a similar demurrage rule change beginning April 8, according to the Oregon Public Utility Commissioner.

But the "turnaround" time for a railroad car is only one part of the total picture of getting the wood chips from the shipper to the receiver. There are also the number of cars and the flow of cars to consider.

Southern Pacific reports having approximately 2,300 chip cars in its entire system with "the majority of them in the Oregon region." The first of an additional 350 chip cars are expected to be added to the system beginning at the end of this month. These new cars are being constructed by Gunderson, Inc., Portland.

Burlington Northern (BN) has about 2,100 chip cars that are used almost exclusively in the Northwest. An additional 150 new cars are being built by Gunderson, Inc., and delivery will begin late this month.

In addition to increasing the number of chip cars in circulation, the railroads report there is greater emphasis being placed on the flow of cars—keeping track of where the cars are and expediting their movement. Special "chip trains" are often put together to shuttle the cars back and forth and special attention is given the cars in railroad "classification" yards.

Spokesmen for SP and BN have told the Register-Guard that each of the railroads is working closely with the forest products industry to improve car utilization to meet the increased demand for rail shipment of chips.

The supply of chip cars has been running "close to demand" due to a better lumber market and the resulting higher production, according to Henry Ortiz, public relations manager in Portland for SP. "But generally there has been no critical or serious problems on car supply," he said. "The supply has been such to take care of almost all demands."

Ortiz acknowledged, however, that "at times it has been close and there have been spot problems."

In Eugene, Bill Peebles, the district freight and passenger agent described the availability of chip cars as a "very serious matter" and said "there's no denying there is a shortage."

"It's been a problem in varying degrees for some time," Peebles said. "It's become especially critical since the first of the year. It is a very top subject with us. We're trying to utilize cars to the best advantage."

At BN, a regional executive said the railroad has implemented a three-part program to improve its contribution to the "forest-to-paper-producer-to-market" production cycle—car manufacturing, improved car utilization and study of new marketing approaches.

"Our goal (for improved car utilization) is to achieve 10 per cent or more increase in car use by expedited handling from loading, through rail line movement to unloading and return to chip centers," said J. W. Wicks, assistant vice president for operations.

"We have set up a special program to expedite wood chip car handling with up-to-the-minute reports on the status of all freight cars and closer control to help increase utilization," he said.

Although BN has ordered more freight cars, the railroad points out that "the current capital crisis faced by all of the nation's railroads is a critical factor affecting expenditures for all types of freight cars."

As for marketing plans, BN is focusing attention on studies of the length of wood chip hauls and the proximity of chip producers to various paper plants to develop new approaches to distribution that might make turnaround time faster and gain increased utilization and availability, according to Wicks.

Although the railroads may sound as if they are defending themselves, the car shortage really isn't entirely their fault, according to Jim Manning, transportation manager for the Western Wood Products Assn. (WWPA). With headquarters in Portland, the trade association represents lumber manufacturers in the 12 Western states.

Manning says that the railroads need more money because they can't keep pace, financially, with the increased lumber production and "terrific demand" for chips by the pulp mills. "There's just not enough equipment to handle the demand," he said.

The concern over the car shortage is echoed in the Eugene-Springfield area by several wood chip shippers and receivers.

At Georgia-Pacific, George Ritchie, general manager of the local division, reports that it's been "very touch and go" at times during the past six weeks. He said chip cars have been "very short" and his firm has had to resort to using trucks when they were available. Although the company hasn't had to shut down its operations because of the car shortage, Ritchie said some chips have been diverted to hog fuel—"which is very wasteful, an economic loss."

"Fortunately there is a larger supply of trucks in this area than in other areas," Ritchie said. Without trucks as an alternate means of transportation, there would be a greater chance that G-P and other mills would have to shut down whenever railroad cars become scarce.

Weyerhaeuser Co. in Springfield receives chips from other mills in addition to having its own internal source of wood chips. The firm also has the capability of maintaining an inventory of chips so the car shortage has a minimum effect on its operations.

One of the largest shippers in the area to feel the pinch has been the All American Stud Co. in Springfield which has an average requirement of 45 chip and sawdust cars a week.

During January and February there were only two weeks in which the firm received a sufficient number of cars, according to Dave Dailey, sales manager. He said the least number of cars was received the first week of February—33 instead of 45. As a result the firm's mill was forced to shut down "for one or two shifts," Dailey said.

Dailey said that it's more expensive to ship via truck and there is an economic loss when the mill has to curtail its operation.

All American Stud Co., like most chip producers, doesn't have the space or facilities necessary to store chips if railroad cars aren't immediately available. If they did, the extra handling would increase the cost of the operation.

Virtually all of the chips produced by All American are sent to paper mills in the Newberg-Oregon City area.

OTHER AIRLINES SHOULD FOLLOW UNITED IN PROVIDING SEPARATE SEATING

Mr. BENNETT. Mr. President, the announcement last week by United Airlines that it will henceforth provide separate seating for smoking and nonsmoking passengers comes as welcome news to all of us who have been pushing for such action.

I want to hereby thank United for this decision in the public interest, and to call upon other passenger airlines to follow United's lead.

The harmful primary physical effects of cigarette smoking are well established. There is likewise evidence to support the belief that smoking in a confined area such as an airplane is physically damaging to other persons in the vicinity as well.

However, beyond the harmful physical aspects is the principle that all individuals should have the right to travel in public transit systems in an environment they personally find comfortable. I believe that United Airlines has found a logical balance in allowing smoking passengers to sit together, and nonsmoking passengers to sit together.

Mr. President, last year I cosponsored a bill providing precisely for what United has taken it upon itself to provide. I do not pretend to be a prophet. However, at that time I said the following:

I feel that nonsmokers have a right to fly free from the dangers and irritating effects of smoke; and the airlines, after seeing the support of the bill, may institute the seating arrangement voluntarily.

I also said:

The assignment of a smoking area should not be costly to the airlines. In fact, the increased good will and patronage of nonsmokers would probably offset any additional costs.

Mr. President, I stand by this assessment, and again call upon our Nation's other airlines to follow the fine example of United in providing separate seating arrangements for smokers and nonsmokers.

AMBASSADOR CHARLES YOST SPEAKS ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, Charles Yost, career diplomat and former U.S. Ambassador to the United Nations, has been one of the foremost representatives of this country abroad. Ambassador Yost recently wrote an article for Look magazine in which he focused his attention on the current issues in the Middle East crisis. It is a most perceptive and articulate presentation, and I highly commend it to the Senate.

Mr. President, I ask unanimous consent that the article by Ambassador Charles Yost be printed in the RECORD.

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

LAST CHANCE FOR PEACE IN THE MIDEAST

There is at the moment a remarkable but probably fleeting opportunity to achieve a peaceful settlement of the Arab-Israeli conflict. If that opportunity is missed, it will threaten not only the security of Israel and the Arab states, but that of the U.S. and the U.S.S.R. as well. Each of these big powers is already committed, morally and politically if not legally, to the support of its Israeli or Arab friends. If fighting resumes again, as is almost certain if peace is not made soon, a direct confrontation between the big powers is all too likely to occur—even though neither wants it. Israel, Jordan and the United Arab Republic can no longer claim that a settlement is exclusively their business.

At present both the Arabs and the Israelis have moved from confrontation to negotiation and are seeking a political settlement through a commonly agreed U.N. procedure. Israel's primary demand for more than 20 years has been that her Arab neighbors ex-

plicitly recognize and accept her existence, and that they make with her not an armistice but a binding peace containing firm reciprocal commitments. It has been my strong impression, growing out of the Four Power talks where the Soviets have stuck doggedly to the Arab position, that the Arabs have in fact been ready for a year and a half to make such a peace and undertake such commitments. In its aide-memoire of Feb. 15 to Ambassador Jarring, the government of the U.A.R. made that understanding explicit. It said unequivocally that it is prepared to make "a peace agreement with Israel."

I think the evidence is also clear that the U.A.R. would, in the context of such an agreement, permit free passage of Israeli ships through the Suez Canal and the Strait of Tiran, ensure that its territories were not used as a base for hostile attacks against Israel, accept demilitarized zones along the borders, and agree to a U.N. presence, including Big Four contingents, at Sharm el Sheikh and other strategic points. This presence, by the way, could not be withdrawn except with the consent of the U.N. Security Council, on which of course the U.S. has a veto. It is also quite clear that the government of Jordan would agree to corresponding commitments and arrangements.

All of this, as I say, is what Israel has been asking for two decades. Why then is it not immediately accepted? Because there is a price, and Israel, so far, considers the price too high. The price is the withdrawal of Israeli forces from Arab territory occupied in the Six-Day War. There is an argument as to whether the U.N. Security Council resolution of Nov. 22, 1967 called for Israeli withdrawal from *all* occupied territories or only from some occupied territories to "secure and recognized boundaries" to be negotiated between the parties. Which interpretation one chooses is immaterial.

Israel has been the first to insist that no peace settlement must be imposed, that it must be agreed between the parties. The Big Four, particularly the United States, have supported her in this insistence. But if a settlement is not to be imposed by the Big Four, it also cannot be imposed by Israel. Foreign Minister Eban has said from the rostrum of the U.N. General Assembly that there must be "secure, recognized and *agreed* boundaries." Otherwise there will be no peace. Yet it is quite clear that the Arab states will never agree to a peace settlement transferring substantial Arab territories to Israel. That is why the United States has repeatedly expressed the view, since Secretary Rogers' speech of Dec. 9, 1969, that there should be only insubstantial alterations or minor modifications in the lines that existed before the Six-Day War.

It is wholly unrealistic for Israel to say that it will negotiate without conditions but that it will not return to the prewar line even with Egypt, that it must have Sharm el Sheikh and an access road to it, or that it must have its own forces along the West Bank of the Jordan as the Allon Plan proposes. Egypt and Jordan would never agree to these territorial changes. There would be no "agreed" boundaries and hence no peace settlement. To insist upon these extensive territorial demands, and others, is simply to refuse to make a peace settlement on the only terms on which it can be made, simply to mislead the Israeli people as to what is and is not possible, simply to turn down in effect the long-awaited, fervently desired offer of the Arab states to make "a peace agreement with Israel."

But what of the claim of many Israelis that after 20 years of tragic experience Israel cannot trust the Arabs, cannot rely even on solemn agreements, cannot after the lesson of 1967 count on the United Nations, must have its own armed forces so positioned on the ground and in depth as to assure its security? A March 10 memorandum of the Israeli embassy in Washington says that Israel "will not squander its territorial security again. Israel is ready, in peace, to withdraw from the cease-fire lines. But this time the withdrawal will be to boundaries that are secure, and shall be rendered so by geography."

One cannot but deeply sympathize with the agonizing dilemmas of those responsible for the present and future security of Israel. Its essential vulnerability is indisputable. The recent history of its people is appalling. One can also recognize the domestic political problems of its leaders, the difficulty of maintaining national unity in the face of such choices. But the choices have to be made. If they are not made by bold decision, they will be made by tragic default and by the pitiless forces of history.

Israel has long and passionately sought peace agreements with her neighbors. It would be a ghastly mistake, now that they are at last available, to say that they are worthless—and that only more territory can provide security.

When in history has territory ever provided security? The German generals in 1871, despite Bismarck's reservations, insisted on annexing Alsace-Lorraine to provide geographical security. The result was to make France an implacable enemy, and helped provoke two world wars in which Germany was crushed. A hundred years later, in the age of the jet plane and the rocket, what security can a few more kilometers of territory offer to a country the size of Israel? Can one imagine a more militarily provocative and exposed position than that of an Israeli force at Sharm el Sheikh with a narrow access route leading to it? It could provide no protection but only a *casus belli*, and there will always be plenty of those. Would Israeli military strongpoints along the Jordan River, surrounded by profoundly hostile Palestinians or Jordanians, be a source of strength or weakness? A secure boundary is an uncontested, agreed boundary. There is no other.

As a matter of fact Israel is not being asked to make the choice simply between territory and agreement with the Arabs. She is also being offered, if she will opt for the latter, guarantees of the settlement by the United Nations and the big powers. Those guarantees would in no sense be a substitute for an agreement between Arabs and Israelis, but would be an extremely significant supplement to such an agreement. The exact nature of these guarantees depends on what Israel and the Arabs would find most reassuring, but they might run all the way from a commitment of enforcement by the U.N. Security Council, through the presence of Big Four contingents in a U.N. force, to supplementary unilateral guarantees by some of the big powers separately. Even Senator Fulbright, despite his strong feelings about our involvement in Vietnam, has said he would be willing to consider a direct commitment by the U.S. to Israel.

It is difficult for a concerned observer, one who from personal experience has a deep admiration and sympathy for both Israelis and Arabs, not to conclude that each is far more likely to find long-term security in an agreement between them guaranteed by the U.N. and the Big Four than it could conceivably find through any territorial acquisitions, however tempting, which would make any such agreement and guarantees impossible.

Twenty-three years have passed since Israel was created and she has had no peace. Almost four years have passed since the Six-Day War. There was almost another war a year ago and, if peace is not quickly made, there is likely to be another one in a year or two.

The negotiations have dragged on interminably and inexcusably. Ambassador Jarring has identified the two critical issues on which a settlement depends and has asked the two principal parties to accept simultaneous commitments on each. He has asked the Egyptians to make a peace agreement with Israel; he has asked Israel to withdraw from Egyptian territory. Each is contingent on the other. The Egyptians have accepted. The Israelis have not.

If they do, the negotiations can proceed rapidly to a settlement, with the strong probability of an early subsequent settlement with Jordan and immediate action by the U.N. and the Big Four to guarantee those settlements. If the Israelis do not accept, the negotiations will before long break down, fighting will resume, on a small scale at first but inevitably escalating, both sides will ask for more help from their big friends, the big friends will become more deeply and critically involved, tempers and fears will rise in Washington and Moscow, confrontation will take place—and where will it end?

I should like to finish where I began. An early and stable settlement of the Arab-Israeli conflict is a vital interest of Israel, Jordan and the United Arab Republic. It is a vital interest of the Soviet Union. It is a vital interest of the United States.

PASSENGER TRAIN OPERATIONS IN OTHER NATIONS

Mr. ALLOTT. Mr. President, as the Railpax Corp. prepares to operate the Nation's remaining passenger trains, it might be well for all to keep in mind the style of passenger train operations in other nations.

The Christian Science Monitor of Tuesday, April 6, 1971, featured excellent articles by two correspondents, James G. Tawse and Reg Moore, on the style of rail passenger service in Europe. I hope every member of the Railpax board, as well as their able staff, will take time to read these articles.

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

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

[From the Christian Science Monitor, Apr. 6, 1971]

PUFFING OUT OF THE PAST

(By James G. Tawse)

Most people above the age of 15 can remember, at some time in their lives, standing beside a railway line transfixed by the sight of a vast steam locomotive thundering by.

Nowadays such things are almost forgotten, except on a few short lines dedicated to the preservation of steam engines, but in some parts of Europe, steam engines can still be found operating daily, hauling commercial traffic.

One example is in Austria, where a secondary line from Hieflau to Leoben traverses the country's main mountain range. The height of the pass, 3,952 feet, requires the use of cog-wheel-fitted locomotives. Six times a day these machines, whose design dates back to 1890, blast their way over the summit with passenger trains.

Vacationers in Austria wishing to witness this spectacle would do well to start their journey at Hieflau, a mountain junction where columns of steam rising in a steep-sided valley make a fitting prelude to what is to follow.

The journey is best undertaken from the Hieflau end, as the gradient against the engine is longer, and the scenery more climactic this way.

Leaving Hieflau, the line passes through a narrow gorge, which later widens out to a broader valley, at the head of which can be seen the iron workings of Eisenerz. This name means, literally, "iron ore," and

gives a clue to the reason for the line's existence. A whole mountainside is mined for its ore, and the railway serves to convey the ore to the steel works at Linz and Donawitz.

The three lines radiating from Hieflau now are electrified, but due to a shortage of electric locomotives, quite a lot of steam power is in evidence, and the light passenger trains to Eisenerz are often steam hauled.

Regardless of the type of engine used from Hieflau, it will be replaced at Eisenerz by a special steam locomative fitted with cog equipment for the climb over the mountain to Vordenberg. As a safety precaution against the train running backward down the hill, the engine is attached to the rear, and propels the train.

Take your position, then, on the back platform of the coach next to the engine for the best sound and smoke effects! You will not be struck by smuts from the engine because it is behind you, but you will see and hear all.

The train takes 48 minutes to cover the next 7½ miles—not much of a feat, until one realizes that it climbs 1,700 feet in the process. Not all the sections are steep enough to justify the use of the cogs, so that the gradient is uneven, but at its steepest pitch it is roughly an 8 percent grade.

The line climbs through a succession of tunnels, across several viaducts, and along corridors cut through the tall trees. The scenery is spectacular at any time of the year. Forested slopes alternate with alpine meadows and rocky peaks, and one is always aware of the ore workings nearby, and of the valley far below.

Because the line twists a good deal, you can see the track over which the train has recently passed—a long, long way down.

Ever present is the volcanic exhaust from the coal fired locomotive, accompanied by its rhythmic full-throated roar which you can feel as well as hear.

Each "puff" of exhaust from the chimney follows the forceful expulsion of steam from the cylinders, and the "puffs" (actually more of a whooshing sound) come forth in the repeated pattern "one two-and-three four, one two-and-three four." This pounding rhythm fills the air for three-quarters of an hour, apart from brief halts at the three stations on the ascent.

Prabichi is the summit station, where the engine runs round to the front end of the train, to prevent it from running out of control on the way down. The scenery on this side of the divide is less rugged but nonetheless pleasing.

At one of the intermediate stations you are quite likely to meet with a train of empty ore cars coming up from Donawitz for the next load. These trains are heavy enough to warrant an engine at both ends, so watch them as they climb away!

At Vordenberg the steam engine will be replaced by an electric one for the relatively level miles on to Leoben, past the huge steelworks at Donawitz which provides the lifeblood of the line. Leoben is roughly 31 miles, linear distance, from Hieflau, but the journey has taken 2½ hours, so the weary traveler may feel in need of refreshment. Leoben is a fair-sized town, and has several restaurants.

Other things the intending traveler might like to know are that Hieflau has a guesthouse (*Gasthof*) some half mile from the station. But this starting point can be reached from other places in time for the best train, which leaves at 10:50 and gives an hour for exploration at Eisenerz.

A copy of the timetable (Kursbuch) is highly recommended for anyone traveling independently by rail. It is simple to read, and the instructions for doing so are given in English. The journey is quite easily undertaken by a family on vacation.

GLIDING INTO THE PRESENT

(By Reg Moore)

The great trains of Europe are part of a traveling institution that belongs to a more leisurely past.

The Orient Express, dramatized by Graham Greene in "Stamboul Train" and Ian Fleming in "From Russia with Love" conjure up sinister and memorable journeys of timeless duration across varied landscape and a wide background of nationalities.

The harbingers of an entirely new international fleet of express trains appeared in 1957 for the first time. They operate smoothly and efficiently today over thousands of miles of European track for the comfort of a vast sophisticated audience of travelers.

The Trans-Europe Expresses, or TEE as they are known by in bold letters emblazoned on their engines, are unique in world travel. They offer the most rapid and luxurious rail transport in Western Europe and are a boon to travelers weary of flying, who wish to stretch out in comfort for a few days and nights.

In an age where airline competition is intense, the "rapides" (super expresses) are just about holding their own, although a few are not fast enough for the army of businessmen geared to whistle-stop appointments.

There are four different railway systems in Western Europe for feeding electric power and on the majority of the international rapides, this involves changing engines at frontier borders. The "through" carriages are still something of a joke when detached from their original engine and shunted off on another route, causing delay.

The Trans-Europe trains are expensive and by their very nature cannot appeal to all travelers. There is just one first-class and supplements to pay. Reservations are obligatory, and TEE has its own telex network with cost included in the surcharge. It is always safer to book well in advance than board these trains on a romantic impulse.

The earliest rapides were revolutionary and designed from scratch in the short space of four years. There are 23 giant trains today, speeding across Europe's changing frontiers at up to 90 miles per hour on the griddle of railway lines criss-crossing through Germany, Austria, France, Holland, Switzerland, and parts of Italy.

The lines extend as far south as Marseille, Verona, and Genoa from the northern terminals of Amsterdam and Hamburg, representing the fastest, most punctual and luxurious services in the world.

Component parts are never uncoupled and trains are completely integrated. The old draughty connections and heaving footplates between carriages has disappeared altogether.

Diesel engines haul the carriages over the entire scheduled routes, competing with airlines on the short journeys but lagging behind on a time basis. Passengers have telephones installed on the lines and invariably arrive at their destinations refreshed.

Most train journeys take place in broad daylight. Le Mistral covers 318 miles from Paris to Lyons in four hours.

The Blauer Enzian covers 513 miles from Hamburg to Munich in less than eight hours, running close alongside the East German frontier wire.

The Parsifal from Paris to Hamburg covers 600 miles in 10 hours, and the passenger has time to admire the awe-inspiring views en route before the Krupp big shots jump abroad at Essen.

The Rheingold covers 682 miles from Amsterdam to Geneva in 11¼ hours, with 15 stops spaced out along the Rhine. There is a direct British Express connection with the boat train from Harwich and the Hook of Holland on this comfortable journey.

Restaurant cars serve single dishes, but quality of food is high and prices reasonable. Only a few bumpy sections in Italy can spoil eating on these trains, as they surge through the silent landscapes, rarely stopping more than a couple of minutes on their effortless way forward.

Travelers wanting to stretch their legs in comfort and keen to feel the European atmosphere in their bones should use the TEE. It remains one of the finest means of traveling on wheels. It represents a bygone era of luxurious leisure that is gradually vanishing.

LETTERS FROM OREGON: THE CONQUEST OF CANCER

Mr. HATFIELD. Mr. President, I am sure that every Senator has received many letters from his home State and from across the Nation regarding a goal set out by our President this year. In his state of the Union message, the President called on America to launch an all-out crusade to find a cure for cancer. The letters we receive are many and varied. Many are well documented studies of the need and work that is being done. While such material is valuable, I think we need to look at only a few simple lines to bring startlingly close, once again, the grave responsibility of this Congress to enact meaningful legislation. We must bring the conquest of cancer to fruition. I ask unanimous consent that two letters from Oregonians be printed in the RECORD.

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

Senator MARK O. HATFIELD,
United States Senate,
Washington, D.C.

Our daughter was born in Denton, Texas on November 2, 1968.

For a year she filled our hearts with joy and warmth and pride. We took this picture of her when she was eleven months old. And then it happened. Shortly after her first birthday, cancer struck. Through forty days in the hospital—three operations and seven weeks of radiation, paralyzed and deaf on one side—she fought to live and love and laugh again. And she won another pathetically short year.

On Sunday, February 14, Renata lost her fight. The doctors and nurses had done all they could. They tried several new medicines, but the one that will someday cure the form of cancer our daughter had has not yet been developed. Not yet, but maybe next year, or the next, or the next.

Meanwhile, we are left with a mixture of beautiful memories, bitter regrets and determination to demand of our nation's leaders a commitment to place the conquering of cancer at the top of our country's goals—above space exploration, above faster jetplanes, above waging war. Did you know that funds for cancer research were cut back last year!

As the inevitable tragedy of Renata's death approached us, friends said they knew there was nothing that could be done, yet they wanted to do something.

There *is* something that can be done. In Renata's memory and in concern for the *millions* who are expected to encounter cancer in the next few years, won't you please take the time to write to our nation's leaders expressing a demand that we make the health of our people—our children, our loved ones—the first concern of this nation. Please send us a copy of your letter to strengthen our own appeals for commitment. We will be grateful to you for as long as we cherish

Renata's memory. Can you doubt that it will be forever?

RALPH AND MUTSUKO BUNCH.

Portland, Oregon.

PORTLAND, OREG.,
March 12, 1971.

The Honorable MARK HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: It is with an ache in my heart and growing concern that I am writing to you. On Valentine's Day a 2 year old baby girl, daughter of a voice student of mine, died of incurable cancer! Two days later my son-in-law's little 10 years old sister also died of incurable cancer! During this last year I have had several occasions to be with the two families involved and have been agonized to see their suffering, not only the sick child's suffering, but the incredible shadow that clouds *all* of their lives day in and day out.

My own mother died of cancer 5 years ago, and as in the case of these 2 children, she had been given drugs toward the end of her life in the constant hope of reversing the malignancies or at least retarding their growth.

Now, a neighbor of ours has had an operation on her lungs to remove cancerous tissue, and I feel I must cry out in despair! Can not something be done to get some moneys appropriated to scientists and hospitals for the study of cancer? Surely with all the millions used to eradicate life we can find some sympathetic leaders who will help to *extend* life and help it to be made whole!

If there is another person to whom I can write, or in some other way help this cause, I will gladly do so. And any help you will give will be terribly gratefully received, not only by me, but by those families about whom I am writing.

Thank you.

Sincerely,

MRS. CARL R. MANNING.

UNIQUE READING PROGRAM IN BERLIN AND DENTON, MD.

Mr. BEALL. Mr. President, as a member of the Labor and Public Welfare Subcommittee on Education, I naturally am very much interested in the reading problems throughout the country and efforts by local school districts to promote and encourage reading proficiency. I recently read in the Salisbury, Md., Sunday Times of April 4 about a unique reading program that is being conducted in Berlin and Denton, Md. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Sunday Times (Salisbury, Md.), Apr. 4, 1971]

UNIQUE SHORE READING PROGRAM ATTRACTING NATIONAL ATTENTION

(By Orlando Wooten)

BERLIN.—A reading program is receiving much attention here at Stephen Decatur High School from visiting educators and school officials from many distant areas.

There is a similar program underway in Riverview Junior High School in Denton.

The program is not designed as remedial instruction for special students or slow learners. Everyone reads. For one half an hour a day silence descends over the entire school, and pupils and teachers alike stop what they are doing—flop down in the gym, pull up a chair in the chemistry lab, spread out into the hall—and read "just for fun". While the teachers do indeed give some guidance to pupils for better books, and good books are available in libraries, everyone does his own thing and reads just what he wants to, just for fun. Results have been astonishing.

Mrs. Gladys Burbage, principal at the school, said, "Our students were not reading as they should have. They were apathetic and indifferent to books, and behind in standard tests on reading skills on the high school level. When we started this program last fall of a half-hour class period a day in reading, we did get some resistance. Some youngsters for the first few days just stared out the window, but finally they began picking up books, and now you couldn't drag the books away.

"We do offer some instruction on reading skills, but what we are after here is to get the pupils to discover the great enjoyment that can come from reading. Our youngsters are now buying their own books, reading skills have advanced rapidly and are up over one grade level on the average, the vocabulary of our pupils has increased, and their general use of the English language is better.

"Some of our people were very poor readers—some still have trouble. There are sometimes physical and psychological reasons why a student cannot read. These kids will not admit that they cannot read—it would make them feel inferior to their buddies. We are trying to help these people, too; but the practice they get in this half-hour reading a day has increased their skills tremendously."

While the school library does offer some assistance with its shelves of 6,000 books, and the county library has a good modern collection, most of the youngsters buy their own books. Paperbacks are popular, and the school library has added 1,000 up-to-date titles. Two commercial book clubs are offering paperbacks to the students at 40 to 95 cents a book and there is a constant swapping of books among the youngsters. A book "wishing well" is maintained in the hall, for swaps, donations and picking over for free—"We really get some wild stuff here," said one teacher.

Mrs. Gwen Freeman is in charge of the program as "reading coordinator". She called the pupils "enthusiastic" about the program.

As might be expected, books dealing with contemporary problems, and with stories or "how-to-do-it" projects that the kids can identify with, are most popular. "Love Story" heads the list, with "The Autobiography of Malcolm X" perhaps a good second. Black authors are read by almost everyone, black and white, and science fiction gets a good score. Eldridge Cleaver and Robert Heinlein are well read, and "Black Like Me" and "Soul Sister" complete with "Jane Ayre" and "Moby Dick". Some students read encyclopedias, and one is wading through the Bible, front to back. History books of the last war are in demand, but not Civil War stuff. Magazines are read by all, and students who are in shop or home economics like manuals dealing with their specialties.

Pupils are encouraged to pick up books at random and to test themselves to see if they can handle them. "If a student finds five words on a page that he does not understand, we think the book is too advanced for him," Mrs. Freeman said. "We have a little formula here for words not understood, and we send students to the dictionary only when they cannot 'decode' the meaning of a word by its use in the sentence or by analyzing its parts. We make good books available, and we are pleased with constantly rising level of tastes in our students.

"Pupils now come to teachers to discuss books that have interested them, and we plan a reading seminar for panel discussions for all students, to let them get up and speak their mind on ideas advanced by books."

Both Mrs. Burbage and Mrs. Freeman used the words "relaxing" and "happy" in describing the program. "The school is quieter, especially after the reading period, and pupils seem more relaxed. Indeed, I think they are happier—and who is to say if this is bad," Mrs. Freeman said.

A number of educators have visited Stephen Decatur, and school officials in the East are observing it for possible duplications in their schools. Proper reading skills, with the correct understanding and comprehension of the written word, is the basis of all foundations of education. Deficiencies in reading skills is the one big problem haunting public school education today.

RAILCAR SHORTAGES AND BRANCH LINE ABANDONMENTS

Mr. ALLOTT. Mr. President, last year Congress, after more than a decade of sidestepping, finally at last came to grips with the rail passenger problem by passing the Railpax bill.

Congress continues, however, to ignore the critical problem of railcar shortages and the probable abandonment of many branch line railroads throughout the United States.

Recently, Prof. W. H. Thompson, Chairman of the Department of Industrial Administration, made some very interesting remarks before the Mid-America Governors' Transportation Council meeting here in Washington.

Although his remarks are geared to Iowa, what he says could well be applied to Colorado and other Western States as well.

It is high time we begin to face up to some very serious problems before they become so serious that the alternative solutions available will all be undesirable.

Mr. President, I ask unanimous consent that Professor Thompson's remarks be printed in the RECORD.

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

MID-AMERICA GOVERNORS' TRANSPORTATION COUNCIL BREAKFAST MEETING WITH CONGRESSIONAL DELEGATIONS, WASHINGTON, D.C., MARCH 31, 1971

(By W. H. Thompson)

The Washington papers of March 30 quoted the former Senator Smathers, now general counsel for ASTRO, as recommending that railroads should be authorized to abandon unprofitable branch lines on their own—without seeking approval of the I.C.C. or any other regulatory body—simply on six months' notice. In some areas of my state, abandonment is already underway, unofficially of course, because the railroads have allowed their branch lines to deteriorate.

Turn to the table in our brochure titled "Transportation Facilities" and estimate the number of so called "unprofitable" branch lines included in these figures. For Iowa, it would probably consist of one third to one half of the total mileage by the railroad's definition of "unprofitable." Next, look at the Storage Capacity of the region and estimate the number of elevators which are involved and the number potentially affected by abandonments. For the sake of argument, in Iowa we will estimate 300–400 elevators.

Abandonments are supposed to effectively counter equipment shortages. We have fought shortages of railroad cars, trucks and barges for many years but the real crisis situation occurred in 1969, and probably would have been repeated in 1970 if we had not had production curtailed by drought and blight. We have been told by railroads and regulatory agencies that whereas the 40 and 50 foot box cars are declining in numbers, hopper car numbers have increased so that the capacity

of the total car fleet has not been impaired. This argument is small consolation to the elevator which cannot get the larger cars because maintenance of the line has been deferred. Further, we are told that it is not the number of cars that is important but rather their utilization. To check on this problem we studied a sample of grain cars of all types which ran through intermediate inspection and grading en route to Chicago and Milwaukee from Iowa origins. It took 26 days for turnaround. This is efficient utilization?

Car shortages have had a direct effect upon income of grain dealers and farmers. In 1969, we surveyed 300 elevators, requesting estimates of losses from lack of equipment and inadequate service. Replies were made in eight categories as listed below:

Penalties from delayed shipments	$284,000
Interest expense from delayed shipments	1,544,000
Losses from grain stored on the ground	491,000
Losses in transit (above ⅛ of 1 percent)	859,000
Grade changes in transit	140,000
Cleaning and repairing equipment	361,000
Lost business because elevator was full	1,906,000
Other	282,000
Total losses	5,867,000

How long can these states maintain a high level of farm income as shown in the tables, under these circumstances?

Check the values of our principal crops and livestock in these states. Then tie these figures to the problems outlined above and forecast if you can, the future of our rural communities. Every adverse development in transportation causes the people living in rural communities to become further concerned over their economic and social future. The feed grain-livestock production of these states must be moved to market efficiently and economically or this mid american region will die. And if we are having difficulty at present, consider the question of how we are to meet future domestic and foreign demands estimated by U.S.D.A. to be double and triple the current levels of movement.

The agricultural transportation and marketing system is inefficient domestically—to export markets it is a shambles. In visiting the European and far eastern nations—collectively our two greatest overseas markets, the story is the same from all importers—poor quality, high prices relative to the supplies of our international competitors. This is a serious indictment of the 30 percent of our volume available for sale which moves into export markets. And these criticisms come as no surprise when in some instances, we handle grain 8 to 11 times from production points to final foreign consumers.

From a transportation point of view, we in the grain producing states are in trouble and we need help. We need programs of research and analysis on a regional basis using a systems approach to find answers to our problems. No longer can we afford the luxury of studying in splendid isolation problems of production, storage, scheduling, transportation and distribution without some means of merging the several parts into a system for efficient marketing.

We read with a good deal of envy about the vast sums of money planned and spent for mass urban transit, for further development of highways, and airway and waterway programs. We fail to see any organized effort programmed by any national agency or combination of agencies for studies on the impact of changing transportation and marketing technology on the feed grain-livestock producer and the rural community. If these problems involved with the need for efficient distribution of feed, food, and fibre cannot be solved, there will be little necessity for concern about the others.

It is the objective of this council to look at transportation problems of the scope and nature important to our region. These objectives are found on the back cover of the brochure. The purpose of this meeting is to acquaint you with these objectives and to hopefully request your assistance in getting resources to help us solve the problems, so critical at present. Perhaps, more important this morning, is my plea to you to place in the proper perspective and give the proper priorities to the transportation problems of the mid-American states by whatever means such can be accomplished by the Congress.

Please don't abandon us.

PRISONER OF WAR DAY IN HOUSTON, TEX.

Mr. TOWER. Mr. President, Mayor Louie Welch of Houston, my State's most populous city and the sixth largest city in the United States, has issued a proclamation declaring April 28 POW Day in his city. During the past few years there has developed a broad awareness throughout the country of the plight of our servicemen being held prisoner in North Vietnam. The generous prisoner exchange proposals which our negotiators in Paris have offered the North Vietnamese have so far been unsuccessful. But there is some reason to feel that perhaps the great outpouring of public sentiment, the letter writing campaigns and proclamations such as this which focus public attention on this problem, will eventually prove fruitful. Over the past year, for instance, as expressions of public concern have mounted, there has been some indication that the mail situation is improving. There has been a significant increase in the number of letters received from prisoners.

Mayor Welch's proclamation is another of the many and continuing efforts around the country to provide a focus for the widespread concern of our citizens for U.S. servicemen held prisoner in North Vietnam. I feel that it is most commendable and 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:

POW DAY

Whereas, the men being held prisoner or missing in action in Vietnam represent one of the foremost moral responsibilities of every American citizen at this time, and no citizen is warranted in avoiding or ignoring the fact that until these men be released and returned to their families and homes America itself stands before the bar of humanity's judgment; and

Whereas, while the physical means available to private citizens in Houston and elsewhere are limited, and they can successfully only lay their petitions for release of these American servicemen before their captors, and exert moral influence on world opinion, it is nevertheless incumbent upon every American whose citizenship and whose personal freedom these men have risked their lives on foreign soil to protect and vouchsafe, to involve himself in the rising voice of conscience to set our people free;

Now, therefore, I, Louie Welch, Mayor of the City of Houston, Texas, deeply aware of the sacrifices these brave men have made for all Americans and for me, as one of those fortunate Americans enjoying the use and the protection of our institutions of freedom, secured by the bravery and the sacrifice of such men as now are imprisoned in North Vietnam, do hereby proclaim April 28, 1971, to be POW Day and do petition all Houstonians to join me in praying for the release and safe return of these servicemen and in this expression of commitment to them and to their welfare so long as they shall be held in enemy hands.

PRISONER-OF-WAR DAY PROCLAMATIONS IN OHIO

Mr. TAFT. Mr. President, I ask unanimous consent to have printed in the RECORD proclamations by the mayors of Cuyahoga Falls, Cleveland, Youngstown, and Barberton, Ohio, designating April 28, 1971, as Prisoner-of-War Day.

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

PROCLAMATION BY THE MAYOR OF CUYAHOGA FALLS

Whereas: American armed forces are combating the enemies of Freedom and Liberty and Justice on far-off battlefields; and

Whereas: Many brave Americans have been taken prisoners of war in these military operations, and are being held under barbaric and oppressive conditions in enemy camps; and

Whereas: The American people are deeply concerned about the welfare of these prisoners and the refusal of inimical powers to negotiate for their release; and

Whereas: A non-partisan, national program is being organized to express concern over American Prisoners of War, whose fate has remained ambiguous in spite of the provisions of the Geneva Convention.

Now, therefore: I, William R. Coleman, Mayor of the City of Cuyahoga Falls, Ohio, do hereby proclaim the 28th day of April, 1971, as "Prisoner of War Day" in the City of Cuyahoga Falls and urge all citizens to reaffirm their support of these valiant men.

PROCLAMATION BY THE MAYOR OF THE CITY OF CLEVELAND, OHIO, DESIGNATING WEDNESDAY, APRIL 28, 1971, AS "PRISONERS OF WAR DAY"

Whereas, Wednesday April 28, 1971 has been designated as American "Prisoners of War Day" to highlight this day as a national day of concern for our prisoners of war; and

Whereas, the maltreatment of prisoners and their return to this country is a grave issue and one that is properly of great public concern; and

Whereas, their concern is our concern—and our concern is for their children—their families and for each of them wrongfully imprisoned as Americans dedicated to the high service of our country; and

Whereas, the fate of our prisoners is an urgent gnawing concern. We can sense the misery and the devastating psychological damage of those who are swallowed up by the silence of imprisonment, those who wait in uncertainty.

Now, therefore I, Carl B. Stokes, Mayor of the City of Cleveland, Ohio do hereby proclaim Wednesday April 28, 1971, as "Prisoners of War Day" in Cleveland. Our concern for our prisoners of war and those missing in action should not be limited to a day or week. It is an ongoing concern, which must be extended to all American servicemen in Vietnam, who daily run the risk of themselves becoming statistics of war.

A RESOLUTION ASSISTING THE SILENT MAJORITY MOBILIZATION IN THEIR EFFORTS TO DECLARE APRIL 28 AS POW DAY AND TO URGE PROPER CARE AND/OR RELEASE OF AMERICAN PRISONERS OF WAR

Whereas, the Silent Majority Mobilization organization is promoting a nationwide program calling for humane treatment and/or release of American prisoners of war and declaring April 28 as POW day; and

Whereas, a national day of support would demonstrate the peaceful determination of the citizens of the United States and would arouse the conscience of the world; and

Whereas, the Council and Administration of the City of Youngstown wish to assist in the efforts to alleviate the plight of American prisoners of war and their release.

Now therefore, be it resolved by the Council of the city of Youngstown, State of Ohio:

SECTION 1

That the Council and Administration of the City of Youngstown do hereby join the Silent Majority Mobilization in their efforts to declare April 28 as POW day and do hereby support their nationwide program demanding humane treatment and release of American prisoners of war.

SECTION 2

That the Clerk of Council is hereby instructed to forward a copy of this resolution to the Silent Majority Mobilization, 503 Fifth Avenue, New York, New York, 10017, to the Supreme Soviet Moscow, and to the President of the Peoples Republic of Viet Nam.

PROCLAMATION BY THE MAYOR, CITY OF BARBERTON

Whereas: American armed forces are combating the enemies of Freedom and Liberty and Justice on far-off battlefields; and

Whereas: Many brave Americans have been taken prisoners of war in these military operations, and are being held under barbaric and oppressive conditions in enemy camps; and

Whereas: The American people are deeply concerned about the welfare of these prisoners and the refusal of inimical powers to negotiate for their release;

Now, therefore, I, Kenneth R. Cox, Mayor of the City of Barberton, Ohio, do hereby proclaim Wednesday, April 28, 1971, to be "Prisoners of War Day" in Barberton, Ohio, and call upon all citizens to pray for these Americans and to make known that the opposing governments must agree to negotiations for their release.

NATIONALIZATION OF U.S. RAILROADS WOULD BE A FINANCIAL DISASTER

Mr. ALLOTT. Mr. President, ever since the Penn Central ran into its predictable financial problems, there has been much discussion in the press and elsewhere to the effect that nationalization of the railroads is not only inevitable, but just might be desirable.

I do not share that view. Quite the contrary, I believe nationalization of the railroads would be a financial disaster for the American taxpayer. There is no need for such a policy, which has encouraged inefficiency and waste.

Mr. Frank E. Barnett, chairman of the board of the Union Pacific Railroad Co., recently undertook a survey of nationalized rail systems in major industrial nations to put the matter into sharp perspective.

The report is of considerable length so I shall not include it in the RECORD. However, Mr. Barnett's cover letter includes the conclusion of the report, which is that the basic cost of freight transportation in most nations with nationalized systems is significantly greater than in the United States.

Mr. Barnett has done a great public service in undertaking this study. The facts contained in the report he sent to Congress should be studied carefully by every legislator. I ask unanimous consent that Mr. Barnett's letter be printed in the RECORD.

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

UNION PACIFIC RAILROAD CO.,
New York, N.Y., March 30, 1971.

Hon. GORDON L. ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: Rail industry leaders in the United States have often stated that nationalization of U.S. railroads would strike only at the symptoms of the disease afflicting large segments of the industry and would not uncover and cure the real causes. Their view is borne out by Louis Armand, formerly secretary general of the International Union of Railways and perhaps the most noted transportation authority in Europe, who has said, "Government takeover is pointless. It solves no problems. It merely transfers responsibility for them. Europe's experience shows how badly this can work out in all too many cases."

However, recently some of the country's outstanding labor leaders and influential representatives of media have suggested nationalization as the only workable solution to the problems of the railroads. Even a member of the Interstate Commerce Commission said recently, "Most countries of the world operate nationalized systems and they don't seem to be in any trouble."

To determine what effect nationalization really has on transportation, we undertook an economic survey of rail systems in major industrial countries, including the U.S., using official reports issued by the systems. The study, which is essentially statistical, is enclosed for your information.

From an economic viewpoint, the study showed clearly that the basic cost of freight transportation in most countries with nationalized rail systems is significantly greater than in the U.S. Because the cost of transportation is such an integral and substantial factor in the overall cost of manufactured products (in total about 20% of our GNP) and is reflected in the cost of the product at all stages of processing, it seems that nationalized rail systems by their very nature tend to be wasteful, inflationary and against the best interests of the consumer.

We also believe that nationalization of U.S. railroads would almost certainly lead to a "politicizing" of the industry somewhat akin to what occurred over the decades in the patronage-ridden U.S. Post Office Department. Whenever economic decisions become affected by political considerations, economic efficiency is impaired and inflationary pressures are increased.

We hope the enclosed study will assist you in arriving at a clearer understanding of an important, timely and controversial subject. Should you want or need any additional information, please let me know.

Very sincerely yours,

FRANK E. BARNETT.

ANNUAL REPORT OF THE U.S. COMMISSIONER OF EDUCATION

Mr. JAVITS. Mr. President, U.S. Commissioner of Education Sidney P. Marland, Jr., has made an outstanding contribution in his annual report, the first Commissioner's annual report submitted in accordance with Public Law 91–230 enacted last year.

The first chapter of this report, "The State of Education," personally penned by Dr. Marland, reflects upon the present state of education in the Nation, including a statement of philosophy and needs. He sees the Federal role as one of increasing the effectiveness and the human and financial resources of our schools, colleges, and universities, including greatly increased technical assistance to State and local school systems to insure the delivery of new and better ways to teach and to learn.

Dr. Marland stresses that the Office of Education should provide national leadership, that it be a responsible and willing companion to the States and to the communities in serving the educational needs of our Nation.

I ask unanimous consent that the first chapter of the Commissioner's report be included as a part of my remarks and urge my colleagues to read the entire report.

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

CHAPTER I: THE STATE OF EDUCATION

This is my first annual report as Commissioner of Education. Further, this report deals with a period of time prior to my term of office. Accordingly, while this report will indeed give an accounting of this Office during Fiscal Year 1970, I should like to devote the first chapter to reflect on the state of education in America today and, in the process to look beyond Fiscal Year 1970. The time seems propitious for an inspection of this kind. The long swell of history appears at this moment to have lifted us above the turbulence of recent years and positioned us to appraise with some reasonableness the present condition of the educational enterprise. It is a commanding view, a prospect at once gladdening and disturbing.

We can take legitimate satisfaction from the tremendous progress of recent years. The sheer size of the American commitment to education is amazing, with more than 62 million Americans—more than 30 percent of the population— actively engaged as students or teachers. More than three million young men and women will graduate from high schools throughout the country in June 1971, as contrasted with fewer than two million 10 years ago. Nearly 8.5 million students are enrolled in higher education as contrasted with slightly more than four million 10 years ago. Size apart, our educational enterprise is also far more nearly equalized, with academic opportunity extended for the first time in our history to large numbers of black, brown, and Spanish-speaking people. Total black enrollment in colleges and universities, for example, has more than doubled since the mid-60's to more than 520,000 today, though much remains to be done for the advancement of our minority young people before we can rest.

We can be proud of the willingness and rapidity with which education has begun to move to meet the extensive and unprecedented demands being made upon it. Ten or 20 years ago education was almost wholly limited to academic matters carried on within the conventional confines of the classroom and the curriculum. Today educators are dealing with the whole range of human concerns—academic, economic, social, physical, emotional—and education has burst out of the classroom through such efforts as *Sesame Street*, with its succinct lessons for

preschoolers in an attractive and exciting television format.

But, viewed objectively, the great flaws of the educational system, the great voids in its capacity to satisfy the pressing requirements of our people press us to set aside our pleasant contemplation of our successes. Sadly, the quality of education a person receives in this country is still largely determined by his ability to pay for it one way or another. As a consequence, "free public education" has a connotation in, say, Shaker Heights far different from what it has in the city of Cleveland, and a boy or girl from a family earning $15,000 a year is almost five times more likely to attend college than the son or daughter in a household of less than $3,000 annual income.

We know that ours is the greatest educational system ever devised by man. But it falls short of our aspirations. We must improve it.

Like our system of representative government, the American education system is too vital for us to ignore or abandon because it has faults. It is time to set about, in an orderly fashion, making the system work better so that it will accomplish what we want from it.

DECADE OF DISCONTENT

American education has undergone over the past 10 years probably the most wrenching shakeup in its history. Education has been charged with inefficiency, unresponsiveness, and aloofness from the great issues of our society, perhaps even lack of interest in these issues. These charges, in some instances, have undoubtedly been true. But in most cases, I insist, the schools and those who lead them and those who teach in them are deeply, painfully, and inescapably concerned with the great social issues of our time and the part that the schools must play in resolving them.

The depth of the schools' contemporary involvement becomes strikingly apparent when it is compared with the false serenity of education as recently as 15 years ago, when it was in the very absence of stridency and criticism that our real problems lay. Public discontent with the education of 1970 was bred in the synthetic calm of the 1950's and before.

This movement from serenity to discontent, from complacent inadequacy to the desire for vigorous reform, has not been accomplished easily. Some reform efforts, conceived in an atmosphere of hysteria, have failed while others have succeeded splendidly. But after many stops and starts, false expectations and disheartening letdowns, we have arrived at a time and place in which, I judge, educational reform at all levels is now the intent of all responsible educators. As a consequence, truly equal educational opportunity for all young Americans is now a feasible goal.

We are going through a period of intensive concern with the poor and the disadvantaged. Since 1965 under one program alone, Title I of the Elementary and Secondary Education Act, the Federal Government has invested more than $7 billion in the education of children from low-income families. A number of States have made significant companion efforts. Admittedly, one success in increasing the academic achievement of the disadvantaged child has been marginal. But prospects for future success are increasing because the education profession itself, at first prodded into this work by such outside forces as the drive for civil rights, is now substantially dedicated to the redress of educational inequality wherever it may be found. This is a dramatic turnaround from the early and mid-60's, when we tolerated the fact that certain of our citizens were not profiting to any measurable extent from the schools' conventional offerings and when we were content to permit these citizens to become the responsibility of unemployment offices, unskilled labor pools, and prisons. This time has passed, and we now accept the proposition that no longer does the young person fail in school. When human beings in our charge fall short of their capacities to grow to useful adulthood, *we fail.*

Rough events of the past decade, then, have brought the educators of this nation to a beginning appreciation of just what thoroughgoing education reform really means. A giant institution comprising 60 million students, 2.5 million teachers, and thousands of administrative leaders cannot remake itself simply because it is asked or even told to do so. Tradition has enormous inertia, and wrong practice can be as deeply rooted as effective practice. The past decade, in sum, has been a time of trial and error, a time in which we have plowed and harrowed our fields. Now we must plant deeply to produce the strong roots of a new American education.

WHY ARE WE EDUCATING?

As we look to 1972 and beyond, we are able to state with far greater clarity the reasons we are educating our citizens than we could 10 or 20 years ago. We are educating a total population of young people in the elementary and secondary schools, and we are no longer satisfied that 30, 40, or 50 percent of it should not really expect to complete high school. And if we are educating for the fulfillment of all the people of our land, we certainly cannot halt at the secondary level, or even the level of higher education, but must look to the arrangements for continuing adult education over the years. Increasingly, we are persuaded as a Nation that education is not reserved for youth but is properly a lifelong concern. In the past half-dozen years, for example, more than two million adult Americans have been given the opportunity to obtain an eighth grade education under the Office of Education adult education program. Many millions more have continued to grow professionally, culturally, and intellectually, as adults, through formal and informal institutions of education.

We must be concerned with the provision of exciting and rewarding and meaningful experiences for children, both in and out of the formal environment of classrooms. When we use the word "meaningful," we imply a strong obligation that our young people complete the first 12 grades in such a fashion that they are ready either to enter into some form of higher education or to proceed immediately into satisfying and appropriate employment. Further, we now hold that the option should be open to most young people to *choose* either route.

We must eliminate anything in our curriculum that is unresponsive to either of these goals, particularly the high school anachronism called "the general curriculum," a false compromise between college preparatory curriculum and realistic career development. If our young people are indeed disenchanted with school—and more than 700,000 drop out every year—I suspect that it is because they are unable to perceive any light at the end of the school corridor. They cannot see any useful, necessary, rewarding future that can be insured by continued attendance in class. The reform to which we must address ourselves begins with the assurance of meaningful learning and growth for *all* young people, particularly at the junior high and high school levels. Students frequently ask us why they should learn this or that. We who schedule these courses and we who teach them should ask ourselves the same questions and have the wisdom and skill and sensitivity to produce good answers.

Courses of instruction, books, materials, and the educational environment—all should relate to the student's needs, answering some requirement of his present or future growth, irrespective of custom or tradition. We as teachers in today's educational setting cannot win the response of our young people by perpetuating formalized irrelevance in classrooms. Seemingly irrelevant expectations must be made relevant by the teacher. This is the nature of teaching.

EDUCATION RESEARCH

We are obliged not simply to provide education but to provide very good education. The success of our efforts to find ways to teach more effectively will depend upon the quality and application of our educational research, a pursuit that has absorbed more than $700 million in Office of Education funds over the past decade and will, I am determined, take an increasing share of our budget. We need to know how we can develop the child of deep poverty, the minority child, the child who has been held in economic or ethnic isolation for generations, the child without aspirations in his family or in his environment, the child who comes to school hungry and leaves hungrier. We must discover how to develop the five million American children who bring different languages and different cultures to their schools. They need special help. Nor can we ignore the gifted child, possessed of talents that we know frequently transcend the ability of his teacher.

If we would find the answers to these questions, let us set aside the traditional boundaries of learning, the days, the hours, the bells, the schedules. Let us find ways to free ourselves from administrative strangleholds on what teaching should be and what teachers should be. Research must open wide the windows of learning, and teachers must listen carefully to the counsel of the researchers.

Let us find ways to keep more schools open 12 to 15 hours a day and 12 months a year to make sensible constructive use of our multi-billion-dollar investment in facilities and personnel. Let us construct a school environment sufficiently systematic to be responsive to young people, yet informal enough to enable youngsters to come and go in a spirit of freedom and honest interest, rising above their present circumstances and reaching joyfully for all that the schools can give them.

NEED FOR HUMANENESS

Above all, let our schools be humane once more. With the possible exception of those who tend to the ill, teaching is the first of the humane professions, and it seems especially appropriate at this time to return to that tradition.

Teachers want to bring excitement to the classroom. They want to bring fulfillment to the lives of the children in their charge. But to achieve excitement and fulfillment in the classroom, teachers need a new freedom from administrative protocol and an increased competence in reaching each lerner and touching his life deeply and compassionately.

Titles I and III of the Elementary and Secondary Education Act have taught us sound lessons in creative teaching techniques. Now let us set aside the mechanics of testing and the excessive formalities of school organization, and let us put these new techniques to work in all the classrooms of America.

Let us find ways for teachers to concern themselves wholly with students. We must use our technology and the other resources of this half of the 20th century—resources that we have barely touched—to multiply the effectiveness of the teacher, greatly to increase the teacher's efficiency and productivity. Let technology extend the hand of the teacher through such efforts as *Sesame Street*, discharging the routine tasks of instruction while preserving for the teacher those things that enliven the human spirit.

THE FEDERAL ROLE

I believe the Federal role in education should be one of increasing the effectiveness

of the human and financial resources of our schools, colleges, and universities. The present level of Federal assistance to our public schools is something less than 7 percent of our total investment. I envision the Federal share's rising eventually to three or four times that level. But first the Federal Government must conduct centralized research into the learning process and deliver the results of that research convincingly and supportively to the educational institutions. We are constructing a nationwide educational communications network to disseminate proven new practice in order to move the art of education from its present condition to one of the increased quality that we demand of ourselves. We must proceed more swiftly to implement the products of research without stopping to redefine every goal and every process at every crossroad in the country.

The Federal role calls for greatly increased technical assistance to States and local school systems to insure the delivery of new and better ways to teach and learn. As conductor and purveyor of educational research, the U.S. Office of Education will, I hope, earn the faith and trust of the States and communities so that newly researched and validated program models stamped "O.E." will be swiftly and confidently put to use in our cities and towns, creating the overall climate of change that we ask.

Most of all, I ask that the Office of Education provide national leadership. Services, yes; supporting funds, yes. But I hold that this Office, made up of nearly 3,000 people, must have a larger and more effective role. If our situation changes over the next year or 2 as I hope it will, and we are able to diminish substantially our preoccupation with administration and paperwork, hundreds of OE staff members will be freed to bring leadership, technical assistance, and stimulation to the States and localities. The dedicated, creative and talented people who staff this Office will be instantly available to help where the problem is, whether it be a question of racial discrimination, curriculum, improved ways to teach, introduction of new technology, evaluation, or whatever. This Office will then be what it has long desired to be, a respectful and willing companion to the States and communities in serving the educational needs of the Nation.

EDUCATION AND THE BICENTENNIAL

The United States of America will celebrate its 200th birthday in 1976. I would suggest this bicentennial year as a useful deadline against which we can measure our capacity to effect change and our sincerity in seeking it. The five years remaining before the bicentennial constitute a relatively brief time in the history of the American educational enterprise. Yet it is a particularly crucial time in which, I am persuaded, we can accomplish as much as—and more than—we have managed to achieve in the past 20 years, or perhaps the part 100. My reason for optimism resides in my belief that, big as this Nation is, it is *ready* for change.

Our search for the education of 1976 is well begun. We know it will be innovative and efficient, yet characterized by good school teacher common sense. We know it will be flexible, responsive, and humane, that it will serve all the children of America, preparing them to meet universal standards of excellence, yet treating each in a very individualized and personalized way. We know that in 1976 our system of education will be considerate of the differences among us, adaptable to our changing expectations, and clearly available and clearly useful to all who seek it.

More than ever before, the substance of America's future resides in our teachers. The enormous success of our system of schooling in the past 195 years has brought our Nation to a pinnacle place among nations. The next five years should be viewed as the time in which the educational successes and satisfactions that have enlightened and undergirded the lives of the great majority of our people must now be extended to enlighten and undergird the lives of all. More than ever, this is the time of the humane teacher.

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, in which it requested the concurrence of the Senate:

H.R. 1534. An act to amend sections 320 and 321 of the Immigration and Nationality Act;

H.R. 1535. An act to amend section 312 of the Immigration and Nationality Act; and

H.R. 1729. An act giving consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

HOUSE BILLS REFERRED

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

H.R. 1534. An act to amend sections 320 and 321 of the Immigration and Nationality Act;

H.R. 1535. An act to amend section 312 of the Immigration and Nationality Act; and

H.R. 1729. An act giving consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

Calendar No. 63, S. 1557, a bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. PELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill itself is the unfinished business. The amendment offered by the Senator from Connecticut (Mr. RIBICOFF) is the pending question.

Mr. PELL. Mr. President, I thank the Chair.

QUORUM CALL

Mr. PELL. 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.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor today: William Smith, Francis Hennigan, Bert Carp, and Leonard P. Strickman, all of whom are members of the staff of the Select Committee on Equal Educational Opportunity.

I also ask unanimous consent that the privilege of the floor be accorded today to Emon Mahoney, staff adviser to the distinguished Senator from Arkansas (Mr. MCCLELLAN), and John Koskinen and Ted Leary, members of the staff of the distinguished Senator from Connecticut (Mr. RIBICOFF).

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

Mr. PELL. 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.

Mr. RIBICOFF. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Mr. President, am I correct in saying that the amendment of the Senator from Connecticut is the pending question?

The PRESIDING OFFICER. It is the pending question, that is correct.

Mr. RIBICOFF. Mr. President, I have no further remarks to make. I do not know whether any other Senator would care to speak on the amendment.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. RIBICOFF. I am pleased to yield to the Senator from Alabama.

Mr. ALLEN. I would like to ask the distinguished Senator from Connecticut if the uniform desegregation policy for metropolitan areas that is described in his amendment would be in lieu of or merely complementary to any presently existing effort to desegregate public schools in metropolitan areas.

Mr. RIBICOFF. My proposal would be in addition to what the Court has already ordered. The policy of my amendment, once it was adopted, would replace the absence of a policy that exists at the present time for the metropolitan areas of this country.

Mr. ALLEN. If the Supreme Court has already ordered desegregation to a far greater extent than would be achieved under the Senator's amendment at the expiration of 14 years, would it not be unfair to require those school districts to maintain that degree of segregation, whereas those metropolitan areas where there is no desegregation have the 14-year period to reach a 50-percent balance.

Mr. RIBICOFF. No. At the present time, those school districts are desegregating under the Constitution and

court order and the Constitution would still prevail. May I point out, however, that what is taking place in many southern areas is that the South is now undergoing resegregation due to housing patterns. For all practical purposes, in large cities of the South, de facto segregation is taking place much like that which exists in northern cities at the present time. Under these circumstances the South would be treated the same as the North by my amendment. But where a community is proceeding under a court order at the present time to remedy something that took place in the past, in my opinion that would have to continue.

I cannot tell the Senator what the situation would be in a particular city or town. Each area would have to be examined on its own. From my knowledge of what is taking place, together with the Census and HEW figures, I think we are finding the South urbanizing along the northern patterns, and to that extent exactly the same procedures would prevail in those areas in the North and in the South.

Mr. ALLEN. It occurs to the junior Senator from Alabama that this cannot be a truly uniform plan when it leaves the metropolitan areas outside of the South 14 years to come up even to a 50-percent racial balance, whereas the metropolitan areas in the South have already been required to desegregate practically 100 percent on a racial balance.

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

Mr. RIBICOFF. I shall yield in just a second.

My understanding is that there is no area in the South today or in the North in which desegregation is taking place on a metropolitan basis between separate school districts. Desegregation now takes place on a district-by-district basis. What I conceive should be done on a metropolitan basis is much different from anything that has been done in the past, because the district-by-district basis is not working in the North, and it will not work in the South, either, in the future.

Mr. ALLEN. The Supreme Court, in a decision handed down today, is ordering a restructuring of districts, which in effect would involve the metropolitan desegregation that the Senator is referring to.

Mr. RIBICOFF. I yield to the Senator from Minnesota.

Mr. MONDALE. I would like to repeat a point, that the Supreme Court, except in an unusual instance, has never issued a decision affecting more than one school district. The Charlotte-Mecklenburg case, to which the Senator makes reference, is a single county-wide school district, and the case is limited to that.

The pending amendment offered by the Senator from Connecticut goes far beyond what the Supreme Court has ruled, and asks us to affirm a national policy of a metropolitan approach to this problem. I think the decisions of the Court are, for all practical purposes, irrelevant to the proposal now pending.

There have been a few cases where a local school district has redrawn its district lines for the purpose of achieving a discriminatory separation of the races. In that case—and such cases are very rare—the Court has said that the redrawing itself was an act of discrimination and has abolished it. But, by and large, the Supreme Court almost unanimously has assumed existing district lines and has limited its orders to a certain district.

Mr. ALLEN. The fact remains, though, that in large population centers of the South desegregation almost on a racial balance has been ordered, whereas under the Senator's plan, in a metropolitan district, it would require only one-tenth of a 50-percent racial balance desegregation annually throughout the district, starting 4 years hence.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. ALLEN. I do not have the floor.

Mr. RIBICOFF. I am pleased to yield to the Senator from North Carolina.

Mr. ERVIN. I would just like to say to the Senator from Minnesota that he is incorrect in saying that the Charlotte-Mecklenburg school system was a single district. The Charlotte-Mecklenburg school system was under the control of a single governing body, but there were numerous districts in the city of Charlotte and in Mecklenburg County, and the effort of the school board there was to establish a system by geographic zoning or districts to avoid the necessity of disrupting the family arrangements and management of 10,000 or 15,000 homes in Charlotte and Mecklenburg County, and upsetting the lives of thousands of little children.

We apparently have that judgment confirmed today, by events which show man's inhumanity to man, in this respect, especially toward little children. Under that decree, little children, black and white, in the elementary schools, are required to leave their homes, in many cases, as early as 6:30 in the morning, and many of them do not return to their homes until 6:30 in the evening. I think that when we make little children the pawns in this fight, we are doing a gross injustice.

They said, "You have got to do all these things to prove that you no longer exclude people from schools on account of their race." But as one of the commentators on this subject has stated, it would be just as reasonable to send out the police force and round up black and white adult citizens, and compel them to go swimming together in a public bathing pool, in order to show that the bathing pool has been desegregated. I think that is the sort of thing we have.

Mr. ALLEN. Mr. President, I have no further questions.

Mr. ERVIN. I thank the Senator from Connecticut.

Mr. ALLEN. If the Senator from Connecticut yields the floor, I should like to obtain recognition in my own right.

Mr. RIBICOFF. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. ALLEN. Mr. President, yesterday I spoke on the measure now before the Senate (S. 1557), and in my remarks, I called attention to the fact that the Supreme Court has had the public school systems in the South under its thumb for nearly 17 years, but not once in that time has it provided a definitive statement of what the Constitution does or does not require with respect to the desegregation process.

As I stated, in this connection, in Northcross against Board of Education of the Memphis, Tenn., city schools, decided March 9, 1970—and that date is significant—Chief Justice Burger pointed out that there were three areas in which the Supreme Court had failed to rule in the matter of desegregation of public schools. Those three questions, as pointed out by the Chief Justice more than a year ago, were, first, whether or not a strict racial balance in the public schools must be required; second, whether school district lines may or might be altered; and third, whether transportation or busing could or might be used to carry out the purposes of the prior decisions of the Court.

I pointed out that on yesterday, April 19, 1971, more than 1 year thereafter, these questions still had not been answered and I stated:

> In other words, the Chief Justice of the United States is saying that the Supreme Court after 16 years of fumbling with these important questions, still has not decided: First, Whether any particular racial balance must be achieved in the schools; second, to what extent school districts and zones may or must be altered as a constitutional matter; and third, to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

I pointed out, too, that many Members of Congress are fed up with this monumental hypocrisy, to which the distinguished Senator from Connecticut has referred on more than one occasion, of having a dual Federal policy with regard to desegregation of public schools, one that demands immediate desegregation of the public schools of the South, but which fosters, encourages, and protects the segregated schools of the North.

As I stated, many Members of Congress—and this certainly includes the junior Senator from Alabama—"are fed up with this 'monumental hypocrisy,' and they are fed up with the inability or unwillingness of the U.S. Supreme Court, confounded and confused by its own Court-created chaos, to point the way to a constitutionally acceptable national school desegregation policy."

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question at that point?

Mr. ALLEN. I am delighted to yield to my distinguished friend from North Carolina.

Mr. ERVIN. I refer to the case of Green against County School Board of New Kent County, Va. Did not the school board in that case lay aside all vestiges of State imposed segregation, and open the only two schools it had to its schoolchildren, black and white, giving each child, whether he was black or whether he was white, the right to select the school of his choice?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. And did not the little schoolchildren of New Kent County exercise their freedom of choice in a manner which seems to comport with the law of nature, as I have observed that law in operation north, south, east, and west, in that the great majority of white children elected to go to a school where other white children went, and the great majority of the black children, in the exercise of their freedom, elected to go to a school attended largely by members of their race?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. And did not the Supreme Court of the United States, in an opinion, hold in substance, regardless of the legal jargon in which the opinion was written, that since the little children, black and white, had not exercised their freedom in a manner satisfactory to the undefined notions of Supreme Court Justices, the equal protection clause of the 14th amendment imposed upon the school board the duty to rob these little schoolchildren, black and white, of their freedom, and to take whatever methods might be necessary to coerce these little children, black and white, into attending schools in racial mixtures pleasing to the wholly undefined notions of the Supreme Court Justices?

Mr. ALLEN. That is correct. As I understand it, in that case the Supreme Court did not outlaw a freedom of choice plan per se, but, as the distinguished Senator from North Carolina points out, inasmuch as they did not come up to this undefined notion that the Justices of the Supreme Court thought they ought to come up to, the court said that this particular plan was unconstitutional.

Mr. ERVIN. And did they not hold, in substance, that the little schoolchildren of New Kent County could not have freedom unless they exercised their freedom, not in a manner pleasing to themselves, but in a manner pleasing to the undefined and unstated notions of Supreme Court Justices?

Mr. ALLEN. That was the effect of that decision.

Mr. ERVIN. Does the Senator from Alabama think that under our Constitution, the freedom of any group of Americans, whether they be schoolchildren or any other group of Americans, hangs upon such a tenuous and arbitrary thread that they cannot have liberty unless they please Supreme Court Justices?

Mr. ALLEN. It certainly should not so hang.

I thank the distinguished Senator from North Carolina for pointing out these interesting facts regarding this decision.

Yesterday, when the junior Senator from Alabama called on the Supreme Court to hand down some decisions touching on these questions, he did not know that the Supreme Court would give such a prompt answer to his plea. He might say that, not having read the five opinions carefully at this time, not having had the opportunity to do so, he does note that, as to one aspect of these three questions, the justices apparently have ruled that no ratio of a mathematical nicety is required in order to comply with their preconceived notions of what constitutes desegregation of the public schools.

As to whether these decisions will leave these questions in a clear state of definition, the junior Senator from Alabama is greatly skeptical. He feels that we will still have this Court-created chaos resulting from their present attempts to better define what their view of the desegregation process requires. It will be interesting to study these opinions and see just what the Supreme Court has ruled on the other points.

As to the amendment offered by the distinguished Senator from Connecticut, the junior Senator from Alabama has stated time and again on the floor of the Senate that he applauds the sincerity of the distinguished Senator from Connecticut. He applauds his condemnation of the monumental hypocrisy that exists in areas outside the South. He applauds his effort to provide a uniform national policy for desegregation of the public schools, North and South.

As the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from North Carolina (Mr. ERVIN), and the junior Senator from Alabama have said many times, "Give us a uniform system, one that applies to the North and the South alike, something they can live with, and we will be glad, in good faith, to seek to comply with any such uniform policy." For that matter, unfair as this dual policy is concerned, I submit that the people of the South have complied—and they are complying—in good faith with whatever the courts say is required of them, no matter how unjust, no matter how discriminatory against the people of the South these policies of HEW and these rulings of the Federal court are.

A few moments ago, the junior Senator from Alabama asked the distinguished Senator from Connecticut whether, under his plan for the desegregation of the metropolian areas, North and South, that would set standards in lieu of the present state of affairs and the present degree of desegregation that now exists in areas in the South, and he said, "No."

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. RIBICOFF. There is no way that legislation—whether it be my amendment or someone else's—can undo or change what has taken place between the years 1954 and the present time under constitutional mandate. We cannot substitute new rules here for what the Supreme Court has decided or for the orders handed down by district court after district court.

I would be more than willing to combine the Stennis amendment and the Ribicoff amendment. If the distinguished Senator from Mississippi would be on the floor and amend my proposal by adding to it the so-called Stennis amendment, from the time my bill was implemented in the future there would be a uniform policy applying to the entire Nation. At the present time, with a failure to put the Stennis amendment and the Ribicoff amendment together, there may be some variations.

As far as I can see, even with adoption of the Ribicoff proposal, if the Supreme Court ultimately rules that de facto segregation is unconstitutional and wrong, the Supreme Court, through northern Federal district courts, could go into any district and order that district to desegregate on the same basis it has ordered de jure desegregation in the Southern States.

But my proposal is on a metropolitan basis. Once the bill became law, the North and the South would be treated equally. There is no way I can change what has taken place before 1971.

Mr. ALLEN. The point that the junior Senator from Alabama is making could possibly be illustrated in this fashion: to compare the northern school districts and the southern school districts to track men in a 100-yard dash. We would have to picture the southern school districts about 90 yards toward the tape and the northern school districts about 5 yards back of the starting line, and we would find that the southern districts lacked only about 10 percent of having complete desegregation; whereas, the northern districts—as pointed out by the distinguished Senator from Minnesota yesterday, there is more segregation in the North this year than last year or the year before—would be some 5 yards behind the starting point. So there is no chance of ever getting them up to an equal point under the amendment offered by the distinguished Senator from Connecticut.

Mr. RIBICOFF. Be that as it may, the fact remains that we have a condition that exists now, and we are discussing what to do for the future. Neither the Senator from Alabama nor the Senator from Connecticut can undo the past. All we can hope to do is try, for the future, to have a sense of equality and a sense of fairness nationwide.

As I said during debate last year on the Stennis amendment, and during debate at the present time, the South has made greater progress toward integrating its schools than the North has done. But, as I tried to point out with the census figures, the South will soon be back again to where the North is, because the South now is going through the same changes in housing and urbanization that the North has. Thus, as far as the future is concerned, they will both be treated alike.

I am asking that now, at least, the North begin desegregating. I cannot condone or excuse the fact that many of us in the North, and on the floor of the Senate, have continually pointed our fingers at the South and demanded standards of desegregation from the South that many of us in the North are unwilling to accept. I must confess that I am curious how many Senators who have been in the forefront demanding desegregation in Southern schools will vote on my proposal which will be a step forward in the Northern States toward achieving the desegregation that they have demanded over the past 20 years for the Southern States.

I do not know what their vote will be, but I am sure that there is great curiosity to see how many of the advocates of civil rights and desegregation will vote, now that it will affect them in the future as it has affected the South in the past.

Mr. ALLEN. The junior Senator from Alabama wants to assure the distinguished Senator from Connecticut that there is great admiration for him in this Senator's home State and throughout the entire southern region. We admire his political courage and his great statesmanship. We appreciate his sympathetic understanding of some of the problems that affect the people of our region.

The junior Senator from Alabama has been advised that there is going to be, in all likelihood, a motion made to lay on the table the amendment offered by the distinguished Senator from Connecticut. The junior Senator from Alabama wishes to advise the distinguished Senator from Connecticut that he will vote against that motion to table because he, too, would like to see how many of the distinguished Members of this body will vote on a bona fide amendment to bring some measure of desegregation to the school systems outside the South.

Mr. RIBICOFF. If the distinguished Senator will yield further, I must add, however, that I am also very curious as to how the Senators from the Southern States will vote on the Ribicoff amendment as well. While I appreciate their admiration, I have stated time and time again that it is immaterial to me what the motives of Senators from the South may be for supporting the Stennis amendment.

I know what my purposes are. I believe that the time has come for uniformity. If we are going to have national standards, it becomes important that Senators from the South vote for the Ribicoff amendment too, because now we are on the road to uniformity and the way we can really get uniformity, in fairness, would be the combination of the Stennis amendment and the Ribicoff amendment. The question has been raised time and time again, "Will you support the Stennis amendment this year?" and I have said that I would. I would hope that Senators from the South, those who have been pleading for the same treatment for the North, will see in the Ribicoff amendment an opportunity finally to have a uniform system.

Without my amendment, we will continue operating in the South on a de jure basis and in the North on a de facto basis. If the Supreme Court rules some day that de facto segregation is constitutional, then the North will continue to become more and more segregated while the South will be desegregated. I have felt all along that this would be unalloyed tragedy for the future of the Nation because it can only lead to apartheid. Apartheid is a grave problem, whether it is in South Africa or in the United States. I do not believe that any nation can survive when a substantial minority of its people are closed off in ghettos, surrounded, for all practical purposes, by their own "Chinese Wall."

My amendment, gives us an opportunity to prevent that. There are those who take exception. They do not like some features of my amendment. I have said time and time again that, if someone does not like my amendment, let them come up with a suggested change or a suggested amendment.

All I know is that, for 1 solid year, my staff and I have struggled to produce a proposal that we thought would be fair. We have asked for advice from knowledgeable people throughout the Nation. Draft after draft has been prepared in our office and we finally came up with this proposal. I do not believe it is perfect. It does not have all the answers. But I have yet to meet someone who does not like my proposal who has come up with a suggested alternative.

We have read about the turmoil in Newark. We know of the large percentage of black students in Chicago and Detroit—in fact, in every city we know of the increasing percentage of blacks. In my own State of Connecticut, in Hartford, Bridgeport, and New Haven, it is obvious that any formula we would provide for a single school district could not have any semblance of fairness to it because, basically, school districts in most of the northern States are on a citywide basis. That is the district. It is unlike some of the districts in the South which at the present time include a central city and some of the surrounding areas.

Mr. ALLEN. Does the Senator feel that this amendment would provide the exclusive method of providing for desegregation of the public schools in the metropolitan areas, with the proviso that where desegregation has proceeded beyond that point, that point would still be maintained?

Mr. RIBICOFF. Let us look at the problem in large cities. The only way we can desegregate the big cities in the United States is to include their metropolitan areas.

It becomes obvious that what has been taking place in city after city is a flight of the whites from the cities to the suburbs with the cities becoming blacker and blacker.

Washington, D.C., has a school population that is 95 percent black. No system we could possibly devise could provide any chance of desegregating the schools in Washington unless we involved the suburbs in Maryland and Virginia.

Thus, unless we desegregrate on a metropolitan basis, we will not have a desegregated school system but a more segregrated school system. As I stated yesterday, it would be separate and unequal. As the cities are becoming poorer and poorer, and the people there are losing jobs to those in the suburbs, more and more blacks keep moving in and the whites keep moving out. Soon what we will have will be school districts in the North 100 percent black and school districts 100 percent white. If we believe that segregated school districts are wrong and that segregated education is bad, the only way we can eliminate it is on a metropolitan basis.

We tried to develop a vehicle to accomplish this goal. If someone has a better idea, I will be happy to support it. But, so far, no one has come up with a suggestion that is preferable or that will do the job better than my proposal.

Along that line, the senior Senator from Minnesota, who has been chairman of the Select Committee on Equal Education Opportunity, after spending a year studying all the proposals now supports the Ribicoff proposal. I am sure that the able Senator from Minnesota, if he felt there were a preferable vehicle, would not hesitate to come up with a substitute to my proposal.

Mr. ALLEN. Mr. President, the Senator does not understand that the Supreme Court has ruled that de jure segregation is unconstitutional and de facto segregation is constitutional. As a matter of fact, I do not recall that they have used those terms at all. However, in talking of the Court-created chaos, if the Supreme Court should ever rule that the so-called de facto segregation is constitutional, as the Senator from Connecticut mentioned a moment ago, the South, where desegregation has taken place, has in some areas resegregated. Obviously, that would be segregation of the so-called de facto segregation type.

If all segregation becomes de facto segregation, then we would have 100 percent segregated schools throughout the country. So, that would certainly lead us to the conclusion that something must be done to break down the de facto segregation that exists in the North.

There is no reason to wait until the Supreme Court says that de facto segregation is unconstitutional. They have already said that segregation is unconstitutional because it provides, they say, an inferior type of education and therefore does not give equal protection under the law.

It would seem to the junior Senator from Alabama that an attack ought to be made on the segregation that exists in the North, whether it be de jure or de facto. And if the Supreme Court rules that de facto segregation is constitutional, well and good. We have de facto segregation ourselves down South.

Mr. RIBICOFF. Mr. President, the Senator is already getting it. Basically the South is on its way to having de facto segregation.

As I said last year and as I have said this year, the South is going through the same experience the North has already had. Until recent years, housing patterns in the South were much less segregated than housing patterns in the North. Until recent years, blacks were scattered throughout southern neighborhoods. The northerners, on the other hand, had a special ghettoized situation in their housing that the South had not known. However, once the Supreme Court handed down the decision in the Brown case, the South started to duplicate the situation we had in the North. Whites started to move to the suburbs. Southern cities began to be blacker and blacker.

I need not tell the Senator from Alabama or the Senator from North Carolina what has taken place in their towns or their areas. They have seen it as well as I or anyone else. With what is taking place in the South, the South will have de facto segregation pretty soon.

I do not know what the Supreme Court will do in the future, but it would be tragic if the Supreme Court were not to strike down segregation in the North. I see no difference between de jure and de facto segregation. They are both wrong.

The Supreme Court says that de jure segregation is wrong. I think that they must say that de facto segregation is also wrong.

I do not understand the implications of the decisions of the Supreme Court today.

I have a copy of an item that just appeared on the wire, if I may read it. It reads:

"Desegregation plans cannot be limited to the walk-in school," said Chief Justice Warren E. Burger in announcing the most important ruling of the term.

At the same time, the Court held fixed racial ratios are not required in all the schools of a community.

As Burger said:

"The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."

However, the Court ruled valid the use of a white-black ratio system for schools in Charlotte, Mecklenburg County, N.C.

"The very limited use of mathematical ratios was within the equitable remedial discretion of the district court," said the Chief Justice.

In all respects the Court was unanimous as it ruled on school cases from Mobile County, Ala., and Clarke County, Ga., as well as the Charlotte case.

I suppose it depends on one circumstance or another. We can have a fixed ratio or not have a fixed ratio. Whatever the district judge says is right. There is no general rule, as I say, so far.

Mr. ALLEN. The Senator is correct. That is the court-created chaos the junior Senator from Alabama is talking about.

Mr. RIBICOFF. Mr. President, the very use of a mathematical ratio is within the discretion of the district judge. Since we can apparently have a ratio, I am saying, let us adopt a uniform, metropolitan proposal. Let us establish a goal that each and every school district in a metropolitan area should have a percentage of minority group children equal to one-half the percentage of minority group children in the entire metropolitan area. Then we will have a fixed ratio that will apply all over the Nation.

Mr. President, we have no right to complain about the Supreme Court, because we have placed all of our burdens on its back. Let us begin to do the legislating here instead of complaining when we are not satisfied with the legislative process of the Supreme Court. The Court should be a judicial body and not a legislative body. However, since the Senate of the United States has failed to legislate about desegregation, we have placed the burden of legislating on the Supreme Court.

When the Supreme Court hands down a decision that we are unhappy about, we complain and condemn the Justices. The Supreme Court should not be condemned. The blame should fall on the Senate of the United States because we have ducked the issue and yet we complain about the decision of the Supreme Court if we are unhappy with it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, is not the fundamental trouble in the courts today the fact that the courts look upon de facto segregation in the South as de jure segregation?

Mr. ALLEN. That is one of the problems.

Mr. ERVIN. There has not been any de jure segregation in the South since it was outlawed in 1954.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. The Senator from Alabama is perhaps familiar with the situation that exists in the city of Charlotte, N.C. The city of Charlotte, N.C., has de facto segregation. The black people live in certain areas and the white people live in certain areas. Yet, they call it de jure segregation. In other words, de facto segregation in the South is equivalent to de jure segregation.

No better illustration can be found of this than the city of Charlotte. The city of Charlotte is a very progressive city. It has attempted to implement in good faith the decision in the Brown case. Yet, because the black people live in one section and the white people live in another section, and because the city of Charlotte is located south of the Mason-Dixon line and south of the Potomac River, de facto segregation in the city of Charlotte is held to be segregation in violation of the equal protection clause of the 15th amendment.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, I have a lot of admiration for the distinguished Senator from Connecticut for pointing out that we do have a dual system. I certainly agree with him that if segregated schools are a psychological handicap for a black child, they are just as much a handicap for him whether they are the result of de jure segregation or de facto segregation.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, my complaint about the Supreme Court is that it perverts a very simple provision of the Constitution, the equal protection clause, which to my mind is one of the most easily understandable provisions of the Constitution. As a result, the Supreme Court has complicated simplicity with some of its decisions.

The equal protection clause states that no State shall deny any person within its jurisdiction the equal protection of the laws. This means that a State cannot treat differently by law or by State action persons similarly situated. In other words, it means the State must treat everybody in like circumstances in like manner.

There is no possible system for assigning children to public schools which is more in harmony with the equal protection clause than a freedom-of-choice system, as it is called in the South, or an open enrollment system, as it is called in the learned city of Boston. That is true because when the school board says to the schoolchildren under its charge, "You may go to the school of your choice regardless of your race," it is treating everybody in like circumstances in exactly the same manner, and no amount of judicial sophistry can erase the fact that freedom of choice or open enrollment is in harmony with the equal protection clause.

Mr. ALLEN. I certainly agree with the Senator.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, this bill presents many serious problems for the Senate.

First, I would like to say that when Congress enacted title VI of the Civil Rights Act of 1964 it committed a terrible offense against the Constitution of the United States. In saying this, I do not make any reference to the 14th amendment. I refer to the first amendment. The first amendment states that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I submit that under that provision of the Constitution it is improper, and I assert unconstitutional, for Congress to pass a law which authorizes an institution to take tax money and discriminate against anybody in its use on account of his religion. The first amendment prohibits the use of tax moneys for the support of religious institutions; that is, institutions which are concerned with the teaching of religion.

The first amendment is also concerned with freedom of religion; and I assert that any statute which authorizes any institution to receive tax money and use that tax money in carrying on a program which discriminates against any person on account of his religion is unconstitutional.

When the Civil Rights Act of 1964 was passed it contained a provision in every title except title VI which stated in express words that it prohibited discrimination in public schools, in places of public accommodation, in employment, and in all other areas covered by the act which was based upon a person's race, or his color, or his religion, or his national origin. But for many years there have been those who were not willing to have religious institutions depend upon the voluntary gifts of their adherents for the support of their activities, and those who have this view have been attempting to give these religious institutions access to the U.S. Treasury to support the activities of religious institutions. So when Congress adopted the Civil Rights Act of 1964 and came to the enactment of title VI, which deals with programs and activities supported in whole or in part by Federal tax moneys, it provided that the only kind of discrimination which would be penalized in the use of those moneys would be discrimination on the basis of race, or color, or national origin.

It might as well have done what it did do and said, "We hereby authorize discrimination on the basis of religion." That was done deliberately so that Congress could permit Federal agencies and departments to wink at the first amendment to the Constitution and permit institutions to receive tax moneys for re-

ligious purposes and discriminate against people who do not worship Almighty God in precisely the same way those institutions believe Almighty God should be worshipped.

This bill represents a major effort to violate the first amendment and to make tax moneys available for the use of schools supported and controlled by religious institutions. It has a lot of pious protestations on the basis of race, Mr. President, such as that you cannot discriminate on the basis of race, color, or national origin in the operation of any school activity, but it expressly provides in many sections that you can discriminate against anyone on account of his religion.

I introduced an amendment yesterday which I propose to call up at the appropriate time that will strike out every provision of this bill which undertakes to make the money of taxpayers available for the support of schools operated by religious institutions.

I contend that it is not only unconstitutional but also it is tyrannical to tax Protestants and Jews for the support of Catholic schools. I maintain that it is not only unconstitutional, but it is tyrannical to tax Catholics and Jews for support of Protestant schools. I maintain it is not only unconstitutional but tyrannical to tax Jews for the support of Catholic and Protestant schools. I maintain it is likewise not only unconstitutional but tyrannical to tax agnostics or even infidels to support Catholic, Jewish, or Protestant institutions teaching their respective religions.

When Thomas Jefferson phrased the statute of Virginia for religious freedom, he said that—

> It is both sinful and tyrannical to compel a man to make contributions of money for the dissemination of religious doctrines which he disbelieves.

His protege, James Madison, who piloted the Virginia statute of religious freedom through the Legislature of Virginia, stated that—

> We had better resist the first incursion upon our liberties.

The bill before the Senate provides that tax moneys can be taken from Americans of all religions and of no religions for private schools conducted by religious institutions just as they can be taken for the public schools of the States.

As I stated a moment ago, I prepared, and introduced on yesterday, a proposed amendment, which I shall call up at the appropriate time, amendment No. 45 to S. 1557, which strikes from the bill every provision which undertakes to violate the first amendment to the Constitution of the United States.

For the information of Senators, I ask unanimous consent that a complete copy of the amendment be printed at this point in the body of the RECORD.

There being no objection, amendment No. 45 was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 45

On page 18, line 1, strike out "and private nonprofit".

On page 18, line 9, strike out "and private nonprofit".

On page 18, line 11, strike out "nonpublic" and insert in lieu thereof "public".

On page 19, beginning with line 6, strike out through the words "section 5" in line 9 and insert in lieu thereof the following:

"(A) local educational agencies eligible for assistance under section 5 to develop curricula".

On page 19, strike out lines 19 through 21.

On page 19, line 22, strike out "(C)" and insert in lieu thereof "(B)".

On page 19, line 25, beginning with the word "clauses" strike out through line 3 on page 20 and insert in lieu thereof "clause (A)".

On page 20, lines 7 and 8, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, line 11, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, beginning with line 15, strike out through line 5 on page 21 and insert in lieu thereof the following:

"(2)(A) In order to be eligible for a grant or contract under this subsection a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application."

On page 27, strike out lines 10 through 21.

Renumber the succeeding paragraphs in section 9(a) accordingly.

On page 31, line 12, strike out "or private nonprofit".

Mr. ERVIN. Mr. President, I have prepared another amendment in the nature of a substitute. I think that the Federal Government owes exactly the same obligation to assist in promoting the education of every schoolchild in this Nation, regardless of his race, regardless of his language, and regardless of whether he lives south of the Potomac and Ohio Rivers or north of the Potomac and Ohio Rivers, and regardless of whether he lives east of the Mississippi or west of the Mississippi.

So I have prepared an amendment in the nature of a substitute in the hope that the Senate will adopt it, and in the hope that we will not have to debate all these emotional issues like the question of Federal tax aid to parochial schools, and the emotional issue that it is the duty of the Federal Government to browbeat the South.

My substitute, which I had printed in the record this morning, would provide for equality of treatment of every child in the United States, regardless of all matters of race and of matters of religion and regardless of all other matters. It would strike out everything after the enacting clause of the pending amendment and substitute an entirely different formula for the distribution of the $1.5 billion. Under this formula, every State in the Union, north, south, east, or west, would receive an absolute grant from the Federal Government, free from all Federal commands, based upon the proportionate number of schoolchildren it has enrolled in its public schools in relation to the number of schoolchildren enrolled in all of the public schools of all of the 50 States.

My amendment in the nature of a substitute would be quite in harmony with the President's revenue-sharing proposals. It would insure equality of treatment for schoolchildren throughout the entire Nation, and it would insure that every State in the Union would be treated exactly alike in the distribution of those Federal funds.

Furthermore, its adoption would signify a willingness on the part of Members of the U.S. Senate to readmit into the Union on the basis of equality with the other States of the Union, the States which happen to have been members of what we may call the old Confederacy. I think it is high time that we put an end in the Congress of the United States to browbeating one section of the country and making a whipping boy of one section of the country because it is politically profitable in some areas to do so.

I have to confess that during the 17 years I have been a Member of the Senate I have seen the area from which I come continuously browbeaten by legislative enactments. I have seen it browbeaten by judicial decisions. These legislative actions and these judicial decisions are something which neither the Congress nor the Court has dared to make applicable to other sections of the Nation.

This is a bill aimed at the South. Everything in this bill is designed to integrate the bodies of southern schoolchildren, but not to enlighten their minds. There is not a single provision in the bill which has as its primary purpose the enlightenment of the minds of any of the schoolchildren attending any of the schools under the auspices of any of the local school authorities which could receive money under this bill.

Not only that, Mr. President, the bill actually contains a provision which is designed to prevent the enlightenment of the minds of bright and diligent students. I refer to subsection (C) of subsection (1) of subsection (d) of section 5.

This provides:

> (d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—
>
> • • • • •
>
> (C) in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day.

By these words, the bill forbids any special instruction for bright or gifted or diligent students in any school where it happens that those children belong to a particular race or are of a particular national origin, or are children who speak specified languages, if the giving of such special instructions separates minority and nonminority students for any substantial period of a day. And I would think that, since schools operate about 4 or 5 hours a day, a half hour or even 15 minutes would be a substantial period of a day.

In other words, this bill says, in effect, that no school system can receive any money under this bill if it has at any time after the enactment of the bill had any procedure which afforded gifted or diligent students an opportunity to learn anything more than it undertakes to teach to dull or lazy students, if it results in any separation of minority from nonminority children at any time during the course of the day. Presumably, this

is based upon the theory that this Nation is desirous of attaining an equality of inferiority among the children who are educated in its schools.

I think that this provision is utterly inconsistent with a fundamental principle upon which this Nation is founded, and that is the principle that the object of education in our country is to give every child an opportunity to make of himself everything which the Almighty gave him any possibility of being.

Many States of this Union have constitutional provisions which, like the first amendment, prohibit the use of State tax funds for religious purposes. In those States, the members of local educational agencies, such as school boards, have to take oaths to support State constitutions containing provisions similar to that outlined by me.

Yet, this bill says that those public officials who have taken an oath of that character must first consult with the officials of private schools belonging to institutions that teach religion, and must agree with them upon provisions to be set forth in their application for the funds which will insure to the private schools controlled and operated by religious institutions, the same benefits under this act that public schools are eligible to receive.

"Oh," they say, "but we may separate secular activities from sectarian activities."

The Supreme Court has declared in a number of cases that you cannot separate the secular from the sectarian in education, where a school exists for the purpose of teaching both. Justice Douglas has declared, in a concurring opinion in one of the school prayer cases, that giving the benefit of tax moneys to a religious institution is an aid to that institution forbidden by the first amendment. And this is so, he said, even though the tax moneys are ostensibly to be used for a secular purpose. He declares quite correctly that such action on the part of government enable such institutions to use their own funds for their religious purposes, and render it unnecessary for them to use their funds for secular purposes, and that the gift of tax moneys under those circumstances supports the institutions in teaching religion, because it enables them to engage in proselyting with their own funds.

The private schools that would receive money under this measure are established for the purpose of giving children instruction in a particular religion, which is usually the religion of their parents, and they are established so that the children can receive something which the Constitution forbids them to receive in the public schools.

The Supreme Court of the United States held, in what are popularly known as the school prayer cases, that it is unconstitutional under the first amendment to require children to say a prayer or to listen to a Bible reading. Yet, these private schools conducted by religious institutions are ordained and established for the purpose of making it certain that the children who attend them will receive religious instruction, and will say or listen to prayers, and will read or listen to the reading of the words of the holy books revered by the institution which establishes these schools.

Mr. President, if it is unconstitutional to use for the teaching of religion a school building constructed and maintained for public use by tax moneys, how can it possibly be constitutional, as this bill provides, to give tax moneys to assist religious institutions in operating schools which are ordained and established for the primary purpose of teaching religion? I do not believe that the first amendment can be twisted to make one of these uses of tax moneys unconstitutional and the other constitutional.

Let us see what this bill authorizes in respect to the use of these tax moneys for grants and contracts relating to these moneys. Section 6 reads, in part, as follows:

> SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects under the comprehensive districtwide plan submitted pursuant to section 5(a) as necessary and appropriate to carry out the purposes of this Act:

It then proceeds to say that one of the activities shall be "the development and use of new curricula and instructional methods."

Mind you, these applications for funds must set forth the activites for which they are to be used, and the use for these activities must be approved by the Federal Commissioner of Education before he can make the grant or the contract.

Here, for the first time, so far as I know, in the history of the United States, we have an indirect method of giving to the Commissioner of Education the power to prescribe curricula in the elementary and secondary schools.

This appears in section 6(a)(1) on page 15.

I wish to invite attention to another thing in subsection (a)(1) on page 15. One of the activities is "to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups." Does that mean that if you have a student who came indirectly, by his family descent, from Hindustan, it is necessary or proper to have a course of instruction in the language of that country?

It has always been my idea that America has the objective of making all its inhabitants American. This bill represents another effort to fragmentize the American people, not to give their children an education befitting all Americans, but to give them an education based on the cultural heritage of the particular minority group to which they belong.

I will not digress to point out who is a member of a minority group under the definition of this bill. Many of us belong to very small minorities who are not minority groups within the purview of this bill. But it is not customary for the powers that be in American Government to be very much concerned about some of us minorities, so we are not included in the minority group.

Then, as appears on page 15, subsection (2), a permissible activity may be the provision of remedial services, which is teaching.

The bill also provides that guidance and counseling services constitute a permissible activity.

Then it provides that providing for administrative and auxiliary services constitute a permissible activity. This clearly authorizes the use of the tax money authorized to be appropriated by the bill for school administrators and their helpers.

The bill then provides that the tax moneys can be used to support community activities, including public information efforts; for recruiting, hiring, and training teacher aides; to provide for in-service teacher training designed to enhance the success of the schools assisted under this bill through contacts with institutions of higher learning. In other words, the tax moneys can be expended to send the teachers from the schools to institutions of higher learning to receive additional education. And finally, the bill provides that the tax moneys can be used to repair or remodel existing school facilities.

As I have pointed out, the bill expressly provides that the local educational agency which applies for these loans has to take care of private schools belonging to religious institutions in exactly the same way it takes care of the public schools within the boundaries subject to its jurisdiction.

That provision is in section 9, which relates to the applications. It provides:

> Any local educational agency desiring to receive assistance under this Act for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year at such time, in such form, and containing such information as the Commissioner shall require by regulation.

The Commissioner may approve such an application only if he determines that such application complies with many different requirements, including one set forth in subsection (8) of section 9, on page 27:

> To the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this Act, provides assurance that such agency (after consultation with the appropriate private school officials) has made provision for their participation on an equitable basis;

Hence, there can be no doubt that the bill would extend Federal tax aid to private schools controlled and operated by religious institutions in violation of the first amendment.

This bill also has another peculiar provision in it. It has become fashionable nowadays to propose legislation to encourage ambulance-chasing lawyers to chase ambulances. The bill contains provisions which exceed the most vivid

dream of the most pronounced ambulance chaser to be found in the legal profession. It contains a provision to encourage litigation, which is on page 3, lines 21, 22, 23, and 24, as follows:

3(b) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve $5,000,000 for the period ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973, for the purposes of section 11.

Let us see what section 11 states:

SEC. 11. (a) Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the Department of Health, Education, and Welfare for failure to comply with any provision of this Act or title I of the Elementary and Secondary Education Act of 1965, or for discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or of the Fourteenth Article of amendment to the Constitution of the United States as they pertain to elementary and secondary education, such court shall, upon a finding that the proceedings were necessary to bring about compliance, award, from funds reserved pursuant to section 3(b)(3), reasonable counsel fees, and costs not otherwise reimbursed, for services rendered, and costs incurred, after the date of enactment of this Act to the party obtaining such order. In any case in which a party asserts a right to be awarded fees and costs under such section, the United States shall be a party with respect to the appropriateness of such award and the reasonableness of counsel fees.

In other words, any private individual, or any organization, can sue any State or other agency of the State, or even the Department of Health, Education, and Welfare of the United States, and recover counsel fees to be paid out of the $15 million.

Continuing reading from section 11:

(b) The Commissioner shall transfer all funds reserved pursuant to section 3(b)(3) to the Administrative Office of the United States Courts for the purpose of making payments of fees awarded pursuant to subsection (a).

Mr. President, this is done by the authors of the bill for the avowed purpose of encouraging people to bring suits for the enforcement of the provisions of the equal protection laws and acts of Congress implementing the equal protection laws of the 14th amendment.

I believe that the first amendment is as sacred as the 14th amendment. It is the first amendment that gives us the right to bend our knees to God in our own way, and which gives us the right not to be taxed for the support of religious doctrines which we disbelieve. Accordingly, I am going to offer an amendment, at the appropriate time, to provide that no less than 20 percent of this $15 million shall be set aside and used to pay counsel fees and costs incurred by Americans who are so devoted to the U.S. Constitution that they desire to bring suits to contest the constitutionality under the establishment clause or the freedom of religion clause of the first amendment of any outlays of Federal tax moneys made as proposed to be made under the provisions of the bill or under any act of Congress.

Mr. President, if Congress is going to be concerned about the enforcement of the Constitution, it should be concerned about the first amendment.

If any provision of the Constitution can be said to be the very soul of the Constitution, it is the first amendment.

The first amendment was placed in the Constitution to make the minds and spirits of Americans free and exempt them from taxation for the support of violations of the first amendment.

I believe that all the amendments I shall propose at appropriate times are worthwhile. The one that would divide this money among the 50 States according to the student populations of those States and not for the purpose of browbeating certain areas of the country would promote the equality of the States and equality of schoolchildren in all areas of the Nation.

Mr. President, I hope that amendment will be adopted. The adoption of my substitute amendment would render it unnecessary for me to offer the amendments on the emotional issues. But if it becomes necessary, I will offer the other amendments. As I have said, it is as important to enforce the first amendment as it is to enforce the 14th amendment. For that reason, I propose to offer the amendment to make some of the $15 million available for the purpose of paying counsel fees and costs of litigation necessary to make the first amendment a viable part of the Constitution.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

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

ANNUAL REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-91)

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

To the Congress of the United States:

I transmit herewith the Fourteenth Annual Report of the Health Research Facilities Construction Program for activities during Fiscal Year 1969.

RICHARD NIXON.

THE WHITE HOUSE, *April 20, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of William T. Pecora, of New Jersey, to be Under Secretary of the Interior, which was referred to the Committee on the Interior.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

Mr. ERVIN. 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. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JAVITS. Mr. President, I speak as the ranking member of the Committee on Labor and Public Welfare which reported this bill. I participated very actively in the development of the pending bill, and so feel that I should have made the opening statement yesterday. Unfortunately, however, I necessarily had to be in my home State and was unable to do so. Hence, I wish to make the statement today especially since I was literally the nexus of the negotiations which resulted in the agreement between the administration, the Senator from Rhode Island (Mr. PELL), the chairman of the Education Subcommittee, and the Senator from Minnesota (Mr. MONDALE), the chairman of the Select Committee on Educational Opportunity.

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

Mr. JAVITS. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to express my thanks to the senior Senator from New York from being the nexus of the negotiations. That is very much the correct word to use. He was of great help in bringing the varying views together and in providing a habitat in which to do so.

I do oppose the use of the word "secret" that has been used by the press. It was a simple effort to get those primarily interested in the legislation together. There was nothing secretive about it, although the newspapers around the country refer to the discussion in that manner.

Mr. JAVITS. Mr. President, I thank the Senator from Rhode Island for his gracious reference to me and for expressing so unqualifiedly the truth. There was nothing secret about the matter. It was a matter of getting together the interested men to discuss the matter. It would hardly have been entertaining to the press to sit for 4 or 5 hours and watch those men try to reach agreement. That is what happened. Every explanation of how the matter was arrived at has been made in the most complete way.

There is no question that few bills have been so carefully gone through in the testimony given in support of what is proposed or in the detailed understanding of the original provision as this one.

This bill has had the careful scrutiny of the administration as well as of the chairman of the subcommittee, the Senator from Rhode Island; his entire subcommittee; the Committee on Labor

and Public Welfare; and the chairman of the select committee and the members of that committee.

Every suggestion which could possibly be considered in terms of educational excellence, desegregation, and integration of the educational process has been taken into consideration.

I wish to point out that the only exception made by the administration in support of this measure is section 11, relating to attorneys' fees. That has been excepted, according to our understanding. As I understand it, the Senator from Colorado (Mr. DOMINICK) will seek to strike it and has so indicated in his views found in the committee report. So the issue will be raised before us and decided by the Senate. I wish to make it clear, therefore, that the bill, except for section 11, is not a subject of disagreement with the administration.

I would like also to pay tribute to the Senator from Rhode Island (Mr. PELL) for his leadership and the fine tact and taste which he displayed in bringing the parties with different views together and to the Secretary of HEW, Hon. Elliot Richardson, who personally handled the effort in hammering out the terms of this legislation.

We are also very deeply indebted to all who participated in the demonstration of what could be done with $25 million which the Congress appropriated as a lead installment last year as part of the Education Appropriation Act for the current fiscal year.

The evidence adduced before us by many public witnesses was very well worthwhile in teaching us what we are now seeking in the bill.

The bill is the product of much testimony and scrutiny.

Mr. President, we have the hope and expectation that the action will be favorable. The declarations of the President last year and this year upon this subject are entirely consistent with what is contained in the bill. The bill is very much a product of, although by no means exactly like, the Emergency School Aid Act of 1970, the administration's proposal of last year. That act was passed by a 2 to 1 margin in the other body with a wide spectrum of the Representatives from all States, including the border and Southern States, supporting it.

It is very interesting that among those voting for the bill in the other body last year were Representatives from Arkansas, Delaware, Florida, Kentucky, Louisiana, Maryland, North Carolina, Oklahoma, South Carolina, Texas, and West Virginia.

Indeed, as the Senator from Mississippi (Mr. STENNIS) pointed out to this body last year: "We are going to have a continuation of integration in the South." I would like to add that, with the assurance of the resources given in this bill, we will have it in the North and in the West as well.

The policy of the Congress as finally expressed after a long struggle on the Stennis-Ribicoff amendment, which is section 2 of Public Law 91-230, is being carried out in this proposal.

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

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

SECTION 1. It is the policy of the United States that 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 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Mr. JAVITS. Mr. President, this deals with all phases of the proposal and the laying on with an equal hand, wherever it is and whatever might be the legal situation which impeded the educational attainment and educational goal, whether it was de jure or de facto, wherever the schools might be located.

Also, this is by no means a partisan issue. Twenty-one Senators joined as sponsors of the bill, which finally became the bill which is pending before the Senate at this time. Republicans and Democrats, members of the committee considering the bill, as well as those not members of the committee considering the bill, all joined together in presenting this measure to Congress.

This is an historic opportunity. It is a commitment for a very large sum of money, $1.5 billion, to be targeted at a given target in a short period of time.

It is a way in which to accomplish a breakthrough. We have the commitment of the administration to it, which gives every hope that the appropriation will match the amount authorized. So we are dealing here with the real thing and not, as we sometimes have to do, with passing a bill which represents a project and then having our hopes dashed by having the administration refuse to implement it.

I think we have every right to expect that the $1.5 billion will be the amount appropriated and that the conditions we specify will be the conditions that will be complied with. I think our Committee on Labor and Public Welfare, and the Subcommittee on Education headed by the Senator from Rhode Island (Mr. PELL) and the select committee chaired by the Senator from Minnesota (Mr. MONDALE) all assure us of that.

Mr. President, had I made this statement on yesterday, I would not have included this following matter, but making it today I feel it proper that I do so.

The Supreme Court has just helped us enormously in an understanding of the guidelines which should be followed in terms of the effort which is the objective of this bill; namely, excellence in education attained by the process of desegregation and integration of our public school systems in terms of racial and ethnic origin.

The opinions of the Court, which are unique, are so decisive upon this whole subject that I deeply believe they are essential as they confirm so profoundly everything we are trying to do to achieve a full understanding of this matter.

Mr. President, I ask unanimous consent that the opinions of the Court rendered today in four leading cases which have been before the Court for a considerable period of time may be made printed in the RECORD.

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

[Supreme Court of the United States, No. 436.—October Term, 1970]

BIRDIE MAE DAVIS ET AL., PETITIONERS,
v.
BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY ET AL.

(On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, April 20, 1971)

Mr. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Petitioners in this case challenge as inadequate a school desegregation plan for Mobile County, Alabama. The county is large and populous, embracing 1,248 square miles and the City of Mobile. The school system had 73,500 pupils in 91 schools at the beginning of the 1969 academic year; approximately 58% of the pupils were white and 42% Negro. During the 1967–1968 school year, the system transported 22,000 pupils daily in over 200 school buses, both in the rural areas of the county and in the outlying areas of metropolitan Mobile.

The present desegregation plan evolved from one developed by the District Court in response to the decision of the Court of Appeals for the Fifth Circuit in *Davis* v. *Board of School Commissioners*, 414 F. 2d 609 (CA5 1969), that an earlier desegregation plan formulated by the District Court on the basis of unified geographic zones was "constitutionally insufficient and unacceptable, and such zones must be redrawn." The Court of Appeals held that that earlier plan had "ignored the unequivocal directive to make a conscious effort in locating attendance zones to desegregate and eliminate past segregation." *Id.*, at 610.

The District Court responded with a new zoning plan which left 18,623, or 60%, of the system's 30,800 Negro children in 19 all-Negro or nearly all-Negro schools. On appeal, the Court of Appeals reviewed all aspects of desegregation in Mobile County. Additional information was requested regarding earlier desegregation plans for the rural parts of the county, and those plans were approved. They are not before us now. The Court of Appeals concluded that with respect to faculty and staff desegregation the board had "almost totally failed to comply" with earlier orders, and directed the District Court to require the board to establish a faculty and staff ratio in each school "substantially the same" as that for the entire district. We affirm that part of the Court of Appeals' opinion for the reasons given in *Swann* v. *Charlotte-Mecklenburg Board of Education*, *ante*, at 14–16.

Regarding junior and senior high schools, the Court of Appeals reversed the District Court and directed implementation of a plan which was intended to eliminate the seven all-Negro schools remaining under the District Court's scheme. This was to be achieved through pairing and adjusting grade structures within metropolitan Mobile, without bus transportation or split zoning. The Court of Appeals then turned to the difficult problem of desegregating the elementary schools of metropolitan Mobile. The metropolitan area is divided by a major north-south highway. About 94%of the Negro students in the metropolitan area live on the east side of the highway between it and the Mobile

River. The schools on that side of the highway are 65% Negro and 35% white. On the west side of the highway, however, the schools are 12% Negro and 88% white. Under the District Court's elementary school plan for the metropolitan area, the eastern and western sections were treated as distinct, without either interlocking zones or transportation across the highway. Not surprisingly, it was easy to desegregate the western section, but in the east the District Court left 12 all-Negro or nearly all-Negro elementary schools, serving over 90% of all the Negro elementary students in the metropolitan area.

The Court of Appeals rejected this solution in favor of a modified version of a plan submitted by the Department of Justice. As further modified after a second appeal, this plan reduced the number of all-Negro or nearly all-Negro elementary schools from 12 to six schools, projected to serve 5,310 students, or about 50% of the Negro elementary students in the metropolitan area. Like the District Court's plan, the Court of Appeals' plan was based on treating the western section in isolation from the eastern. There were unified geographic zones, and no transportation of students for purposes of desegregation. The reduction in the number of all-Negro schools was achieved through pairing, re-zoning, and adjusting grade structures within the eastern section. With yet further modifications not material here, this plan went into effect at the beginning of the 1970–1971 school year.

The enrollment figures for the 1970–1971 school year show that the projections on which the Court of Appeals based its plan for metropolitan Mobile were inaccurate. Under the Court of Appeals' plan as actually implemented, nine elementary schools in the eastern section of metropolitan Mobile were over 90% Negro as of September 21, 1970 (instead of six as projected), and they housed 7,651 students, or 64% of all the Negro elementary school pupils in the metropolitan area. Moreover, the enrollment figures indicate that 6,746 Negro junior and senior high school students in metropolitan Mobile, or over half, were then attending all-Negro or nearly all-Negro schools, rather than none as projected by the Court of Appeals. These figures are derived from a report of the school board to the District Court; they were brought to our attention in a supplemental brief for petitioners filed on October 10, 1970, and have not been challenged by respondents.

As we have held, "neighborhood school zoning," whether based strictly on home-to-school distance or on "unified geographic zones" is not the only constitutionally permissible remedy; nor is it *per se* adequate to meet the remedial responsibilities of local boards. Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones. See *Swann, ante*, at pp. 18–27. The measure of any desegregation plan is its effectiveness.

On the record before us, it is clear that the Court of Appeals felt constrained to treat the eastern part of metropolitan Mobile in isolation from the rest of the school system, and that inadequate consideration was given to the possible use of bus transpotration and split zoning. For these reasons, we reverse the judgment of the Court of Appeals as to the parts dealing with student assignment, and remand the case for the development of a decree "that promises realistically to work, and promises realistically to work *now*." *Green* v. *County School Board*, 391 U. S. 430, 439 (1968).

It is so ordered.

[SUPREME COURT OF THE UNITED STATES, No. 420. ARGUED OCTOBER 13, 1970—DECIDED APRIL 20, 1971]

MCDANIEL, SUPERINTENDENT OF SCHOOLS, ET AL. v. BARRESI ET AL.

(Certiorari to the Supreme Court of Georgia)

(NOTE.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

The Board of Education of Clarke County, Ga. (with a two-to-one white-Negro elementary school system ratio), devised a student assignment plan for desegregating elementary schools which establishes geographic zones drawn to promote desegregation and also provides that pupils in heavily concentrated Negro "pockets" walk or go by bus to schools in other attendance zones. The resulting Negro elementary enrollment ranges from 20% to 40% in all but two schools, where it is 50%. Respondent parents sued to enjoin the plan's operation. The state trial court denied an injunction. The Georgia Supreme Court reversed, holding that the plan violated (1) equal protection because it "[treated] students differently because of their race," and (2) the Civil Rights Act of 1964, because Title IV prohibits a school board from requiring busing to achieve a racial balance. *Held:*

1. In compliance with its duty to convert to a unitary system, the school board properly took race into account in fixing the attendance lines. Pp. 2–3.

2. Title IV, a direction to federal officials, does not restrict state officials in assigning students within their systems. P. 3.

226 Ga. 456, 175 S.E. 2d 649, reversed.

BURGER, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 420.—October Term, 1970]

CHARLES MCDANIEL, SUPERINTENDENT OF SCHOOLS, ET AL., PETITIONERS, *v.* JOSEPH BARRESI, JR., ET AL.

(On Writ of Certiorari to the Supreme Court of Georgia April 20, 1971)

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

We granted certiorari in this case to review a state court order enjoining the operation of a school desegregation plan. The action was brought in the Superior Court of Clarke County, Georgia, by parents of children attending public elementary schools in that county. Named as defendants were the Superintendent of Education and members of the Clarke County Board of Education. The trial court denied respondents' request for an injunction, but on appeal the Supreme Court of Georgia reversed, 226 Ga. 456, 175 S. E. 2d 649 (1970). This Court then granted certiorari, 400 U.S. 804 (1970).

Beginning in 1963, the Clarke County Board of Education began a voluntary program to desegregate its public schools. The student-assignment plan presently at issue, involving only elementary schools, has been in effect since the start of the 1969 academic year. The plan, adopted by the Board of Education and approved by the Department of Health, Education, and Welfare,[1] relies primarily upon geographic attendance zones drawn to achieve greater racial balance. Additionally, the pupils in five heavily Negro "pockets" either walk or are transported by bus to schools located in other attendance zones.[2] As a consequence the Negro enrollment of each elementary school in the system varies generally between 20% and 40%, although two schools have a 50% Negro enrollment. The white-Negro ratio of elementary pupils in the system is approximately two to one.

Respondents contend in this action that the board's desegregation plan violates the Fourteenth Amendment of the Federal Constitution and Title IV of the Civil Rights Act of 1964. The Supreme Court of Georgia upheld both contentions, concluding first that the plan violated the Equal Protection Clause "by treating students differently because of their race." The court concluded also that Title IV prohibited the board from "requiring the transportation of pupils or students from one school to another . . . in order to achieve such racial balance . . . ." We reject these contentions.

The Clarke County Board of Education, as part of its affirmative duty to disestablish the dual school system, properly took into account the race of its elementary school children in drawing attendance lines. To have done otherwise would have severely hampered the board's ability to deal effectively with the task at hand. School boards that operated dual school systems are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *County School Board*, 391 U.S. 430, 437, 438 (1968). In this remedial process, steps will almost invariably require that students be assigned "differently because of their race. See *Swann* v. *Charlotte-Mecklinburg Board of Education*, No. 281; *Youngblood* v. *Board of Public Instruction*, 430 F. 2d 625, 630 (CA5 1970). Any other approach would freeze the status quo that is the very target of all desegregation processes.

Nor is the board's plan barred by Title IV of the Civil Rights Act of 1964. The sections relied upon by respondents (42 U.S.C. §§ 2000c (b), 2000c–6) are directed only at federal officials and are designed simply to foreclose any interpretation of the Act as expanding the powers of federal officials to enforce the Equal Protection Clause. *Swann, ante*, at 13. Title IV clearly does not restrict state school authorities in the exercise of their discretionary powers to assign students within their school systems.

Reversed.

[Supreme Court of the United States, No. 444. Argued Oct. 13, 1970—Decided Apr. 20, 1971]

MOORE ET AL. *v.* CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ET AL.

(Appeal from the U.S. District Court for the Western District of North Carolina)

(NOTE.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

Since both parties in this action challenging a school desegregation plan seek the same

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[1] It may well be that the Board of Education adopted the present student-assignment plan because of urgings of federal officials and fear of losing federal financial assistance. The state trial court, however, made no findings on these matters. No federal officials are parties in this case.

[2] Where the distance between the student's residence and his assigned school is more than 1½ miles, free transportation is provided. There is no challenge here to the feasibility of the transportation provisions of the plan. The annual transportation expenses of the present plan are reported in the record to be $11,070 less than the school system spent on transportation during the 1968–1969 school year under dual operation.

result, *viz.*, a holding that North Carolina's Anti-Busing Law is constitutional, there is no Art. III case or controversy. Additionally, on the facts of this case, no direct appeal to this Court lies under 28 U.S.C. § 1253.

312 F. Supp. 503, appeal dismissed for lack of jurisdiction.

[Supreme Court of the United States, No. 444.—October Term, 1970]

MRS. ROBERT LEE MOORE ET AL., APPELLANTS, *v.* CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ET AL.

(On appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

PER CURIAM.

Appellants seek review of the decision of the United States District Court for the Western District of North Carolina declaring a portion of the North Carolina anti-busing statute unconstitutional, and enjoining its enforcement. It is a companion case to No. 498, *ante, North Carolina State Bd.* v. *Swann.* We postponed decision on the question of jurisdiction, 400 U.S. 803 (1970), and after hearing on the merits we now dismiss the appeal for lack of jurisdiction.

At the hearing both parties argued to the three-judge court that the anti-busing law was constitutional and urged that the order of the District Court adopting the Finger plan should be set aside. We are thus confronted with the anomaly that both litigants desire precisely the same result, namely, a holding that the anti-busing statute is constitutional. There is, therefore, no case or controversy within the meaning of Article III of the Constitution. *Muskrat* v. *United States*, 219 U.S. 346 (1911). Additionally, since neither party sought an injunction to restrain a state officer from enforcing a state statute alleged to be unconstitutional, 28 U.S.C. § 2281, this is not an appeal from "any civil action, suit or proceeding required . . . to be heard . . . by a district court of three judges," 28 U.S.C. § 1253, and hence no direct appeal to this Court is available.

Dismissed.

[Supreme Court of the United States, No. 498. Argued October 13, 1970—Decided April 20, 1971]

NORTH CAROLINA STATE BOARD OF EDUCATION ET AL. v. SWANN ET AL.

(Appeal from the United States District Court for the Western District of North Carolina)

(NOTE: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

North Carolina's Anti-Busing Law, which flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools and which prohibits busing for such purposes, *held* invalid as preventing implementation of desegregation plans required by the Fourteenth Amendment. Pp. 2–4.

312 F. Supp. 503, affirmed.

BURGER, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 498.—October Term, 1970]

NORTH CAROLINA STATE BOARD OF EDUCATION ET AL., APPELLANTS, *v.* JAMES E. SWANN ET AL.

(On Appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

This case is here on direct appeal pursuant to 28 U.S.C. § 1253 from the judgment of a three-judge court in the United States District Court for the Western District of North Carolina. The District Court declared unconstitutional a portion of the North Carolina General Statutes know as the Anti-Busing Law,[1] and granted an injunction against its enforcement.[2] The proceeding before the three-judge court was an ancillary proceeding connected with the school desegregation case heretofore discussed, *Swann* v. *Charlotte-Mecklenburg, supra*, p. ——. The instant appeal was taken by the North Carolina State Board of Education and four state officials. We granted the Charlotte-Mecklenburg School Board's motion to join in the appeal, 400 U.S. 804 (1970).

When the litigation in the *Swann* case recommenced in the spring of 1969, the District Court specifically directed that the school board consider altering attendance areas, pairing or consolidation of schools, bus transportation of students, and any other method which would effectuate a racially unitary system. That litigation was actively prosecuted. The board submitted a series of proposals, all rejected by the District Court as inadequate. In the midst of this litigation over the remedy to implement the District Court's order, the North Carolina Legislature enacted the anti-busing bill, set forth in relevant part in footnote 1.

Following enactment of the anti-busing statute the plaintiffs in the *Swann* case obtained leave to file a supplemental complaint which sought injunctive and declaratory relief against the statute. They sought to convene a three-judge court, but no action was taken on the requests at that time because the school board thought that the anti-busing law did not interfere with the school board's proposed plan to transport about 4,000 Negro children to white suburban schools. 306 F. Supp 1291 (WDNC 1969). Other parties were added as defendants by order of the District Court dated February 25. In addition certain persons who had brought a suit in state court to enjoin or impede the order of the federal court, the attorneys for those litigants, and state judges who at various times entered injunctions against the school authorities and blocked compliance with orders of the District Court were also joined; a three-judge court was then convened.

We observed in *Swann, ante*, p. 12, that school authorities have wide discretion in formulating school policy, and that as a matter of educational policy school authorities may well conclude that some kind of racial balance in the schools is desirable quite apart from any constitutional requirements. However, if a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

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[1] So far as here relevant, North Carolina General Statute § 115–176.1 reads as follows:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary busing of students in contravention of this article is prohibited, and public funds shall not be used for any such busing."

[2] 312 F. Supp 503 (1970). The opinion as printed grants only declaratory relief. However the District Court amended its original opinion by withdrawing Part V and entering an order dated June 22, 1970, which enjoined all parties "from enforcing, or seeking the enforcement of," the portion of the statute found unconstitutional.

The legislation before us flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools. The prohibition is absolute, and it would inescapably operate to obstruct the remedies granted by the District Court in the *Swann* case. But more important the statute exploits an apparently neutral form to control school assignment plans by directing that they be "color blind"; that requirement, against the background of segregation, would render illusory the promise of *Brown* v. *Board of Education*, 347 U.S. 483 (1954). Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy. To forbid, at this stage, all assignments made on the basis of race would deprive school authorities of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems.

Similarly the flat prohibition against assignment of students for the purpose of creating a racial balance must inevitably conflict with the duty of school authorities to disestablish dual school systems. As we have held in *Swann*, the Constitution does not compel any particular degree of racial balance or mixing, but when past and continuing constitutional violations are found, some ratios are likely to be useful starting points in shaping a remedy. An absolute prohibition against use of such a device—even as a starting point—contravenes the implicit command of *Green* v. *County School Board*, 391 U.S. 430 (1968), that all reasonable methods be available to formulate an effective remedy.

We likewise conclude that an absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio," will similarly hamper the ability of local authorities to effectively remedy constitutional violations. As noted in *Swann, ante*, p. 25, bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it. Cf. *McDaniel* v. *Barresi, post*, p. 3.

The remander of the order of the District Court is affirmed for the reasons stated in its opinion, 312 F. Supp. 503.

Affirmed.

[Supreme Court of the United States, No. 436. Argued October 13–14, 1970—Decided April 20, 1971]

DAVIS ET AL. *v.* BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY ET AL.

(Certiorari to the United States Court of Appeals for the Fifth Circuit)

(NOTE.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

East of the major highway that divides the metropolitan area of Mobile, Ala., live 94% of the area's Negro students, and the schools there are 65% Negro and 35% white. West of the highway the schools are 12% Negro and 88% white. The Court of Appeals approved a desegregation plan which, like the District Court's plan, insofar as those areas were concerned, treated the western section as isolated from the eastern, with unified geographic zones and providing no transportation of students for desegregation purposes. Though some reduction in the number of all-Negro schools was achieved for the 1970–1971 school year, nine elementary schools in the eastern section (attended

by 64% of all Negro elementary school pupils in the metropolitan area) were over 90% Negro, and over half of the Negro junior and senior high school students went to all-Negro or nearly all-Negro schools. With regard to the faculty and staff ratio in each of Mobile County's schools, the Court of Appeals directed the District Court to require the school board to establish "substantially the same" ratio as that for the whole district. *Held:*

1. The Court of Appeals decision dealing with the faculty and staff ratio is affirmed. *Swann* v. *Charlotte-Mecklenburg Board of Education, ante,* p.—, at 14–16. P. 2.

2. The Court of Appeals erred in treating the eastern part of metropolitan Mobile in isolation from the rest of the school system, and in not adequately considering the possible use of all available techniques to achieve the maximum amount of practicable desegregation. P. 4.

430 F. 2d 883 and 889, affirmed in part and reversed and remanded in part.

BURGER, C. J., delivered the opinion for a unanimous Court.

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

Mr. JAVITS. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I wish to state for the record my admiration for the gifted contribution made to this legislation by the distinguished Senator from New York. He is known, and properly so, as one of the Nation's key advocates for human rights. The devotion, concern, attention, and detail he showed in the development of this legislation and the bipartisan spirit with which he sought to develop a proposal in which men of good will of both parties could join, including the support of the administration, was indispensable to what I regard as one of the most creative and hopeful measures proposed in the field of education in a long time.

I think the decisions handed down this morning, to which the Senator from New York has referred, make this kind of legislation all the more necessary because the decisions this morning have many ramifications. However, one thing the Court made very clear is that where there is racial discrimination which is not the byproduct of official discrimination, the Court will not be involved. We do not know how many instances in which that is the case.

While I personally believe, and I am sure the Senator does, that many de facto situations reveal themselves to be the product of official discrimination, nevertheless it is patently clear that if this Nation is serious about eliminating racial and ethnic separation there is a clear and broad responsibility in the political and social arena beyond that which the Court is prepared to undertake.

With all the overwhelming evidence that education of poor and disadvantaged racial minorities in isolation has been ineffective, and all the evidence shows the need of bringing all children together so that they can come to know each other as an essential element in a united society, the role of Congress and the Senate in the public and political arena becomes all the more essential.

I am proud that the proposal is a creative proposal incorporating all the hopeful strategies we have been aware of and it does not stop with any legal remedies, but is bottomed on what is good for the schoolchildren of this country.

Mr. President, no person deserves more credit for the development of this legislation than the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am grateful to my colleague, the Senator from Minnesota. It is a fact that the very creative concept of a stable and integrated school system, which is a great part of this bill, is due to the work of the Senator from Minnesota and his select committee, of which I am a member. Without the two negotiating poles; to wit, the Senator from Minnesota and the administration represented by Secretary Richardson, we never would have had this amalgam which in a way has reflected what the Court has done.

Mr. President, to me the most significant aspect of the decisions of the Supreme Court today is that when you deal with desegregation you do not deal with that subject in isolation, but you have a right to make educational judgments as a part of it. The Court will distinguish; it will not condemn a plan because it is not dedicated to desegregation, but it will be willing to accept a plan which contains problems of educational excellence as well as problems of desegregation. That is precisely the gifted contribution as a result of the collaboration between the Senator from Minnesota and the Secretary of Health, Education, and Welfare, and it is exactly the thing, although often we missed each other's semantics, upon which we came to final agreement in the Stennis-Ribicoff amendment, section 2 of Public Law 91–230.

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

Mr. JAVITS. I yield.

Mr. MONDALE. The Court, in effect, said it is a constitutional requirement of every school district to remove all vestiges of official discrimination; and these decisions dealt with the remedy of racial discrimination and finding what remedies are necessary.

But the Court said at the same time it would not act where official discrimination was not found, so that presumably there can be many places, instances, communities, and school districts in which there is racial separation and separation of other ethnic minorities, and where presumably or possibly discrimination was not the cause, or discrimination did not cause such separation.

But for the school children there is no distinction. Every study has shown it makes no difference to a child being educated in a racially isolated school that it came about because of, or in the absence of, official discrimination. What makes this measure doubly important in light of that decision is that this measure draws no such distinction. This measure tries to afford quality integrated education to all the schoolchildren of this country, whether or not there is a legal requirement to do so.

Mr. JAVITS. There is one other point. The Court now confirms our authority to proceed with both concepts, even though they are intermingled, and holds that we can at one and the same time, by the exercise of our judgment and authority respecting the use of Federal funds, move to the achievement of a constitutional objective where segregation had been official policy.

Mr. ERVIN. Mr. President, will the Senator yield so I may ask a question?

Mr. JAVITS. I yield.

Mr. ERVIN. As I construe this bill, it acts in three areas. The first area is where there is a court decree requiring a school district to desegregate; the second area is where HEW has adopted a plan ordering the school district to desegregate under the Civil Rights Act of 1964; and the third is where there is a voluntary plan on the part of the school district to desegregate the school.

Mr. JAVITS. The Senator is correct about the first two points. The third is not hinged upon the desegregation process in response to some legal mandate. The third is hinged on the desirability of dealing with the inhibitions to the educational process in schools which have a heavy impact on youngsters of a particular color or race.

Mr. ERVIN. But the third is only to facilitate voluntary action; there is no compulsion.

Mr. JAVITS. When the Senator says there is no compulsion, one would be unable, at this stage of the law, to go into court and seek a mandatory injunction as one does in the case where official segregation has been practiced. But what the court is opening the door to—and that is what we would be doing—is that the court says this is a proper province for a local educational agency or a Government agency to deal with a situation, given the inducement of money to deal with it as we do in this bill, where a restraint because of race and racial composition has placed upon the educational process the inability to obtain an equal education.

Mr. ERVIN. The point I make is that there are three areas in which action can be taken, and two of them are areas which can be applied only to Southern States, because neither HEW nor the courts have done anything in the Northern States; so the only impact this bill would have on the North would be entirely voluntary in nature.

Mr. JAVITS. I am sorry; I cannot agree. As others have said, I was very much a party to these negotiations, and I beg the Senator to believe that we really proceeded on the theory that the Supreme Court had not yet really dug into the so-called de facto situations enough to say they were not de jure as well. We clearly did not assume this was solely a southern problem. We did not assume that segregated situations—I am using that term rather than "official discrimination," as we have heretofore defined it—would not come now, or, ultimately, under the inhibition of law.

So I cannot accept the proposition that parts 1 and 2 were solely applicable to the South; and part 3, relatively speaking, was solely applicable to the North. We were anticipating that in many so-called de facto situations the court, now or hereafter, would find a violation of the

constitutional protection, and we tried very hard, for that reason, to obey what is the policy of the Senate, certainly as expressed in Stennis-Ribicoff, and we feel the policy of the President, to deal with the substance of what was inhibiting education, in terms of racial composition of school bodies rather than trying to cut the cloth according to the decisions which had been rendered up to now.

Mr. ERVIN. Can the distinguished Senator from New York inform the Senator from North Carolina of any school north of the Mason-Dixon line that is under order of a Federal court to desegregate?

Mr. JAVITS. In the first place, the Senator does not have to do that, in line with his argument, which was that the decisions could come now or hereafter; but it is a fact that even in my State—and my recollection does not extend to whether it was a State or a Federal court decision—the schools of Mount Vernon, N.Y., were ordered to desegregate. I am told it was a State court. Also, the schools of Los Angeles, Calif., in a very, very extensive decree, again by the State courts, were so ordered.

It seems to me, with all respect, the State courts have the power to enforce—and do enforce—the Constitution of the United States, and therefore there should not be a distinction between the acts of compulsion as between a State court decree and a district court order.

Mr. ERVIN. The Senator has furnished me with two exceptions which prove the rule which I was stating. Does the Senator know of any case where HEW has threatened to withhold funds from any northern school on the condition that it desegregate?

Mr. JAVITS. First, my attention is called to another case, the Pasadena case, which is a Federal court decree as is the Pontiac, Mich., case and a State court decision in Harrisburg, Pa.

As to the solicitude of HEW, it is my understanding—and our committee has legislative oversight in these matters—that precisely in response to the climate which was created by the Stennis-Ribicoff amendment, HEW has sent people into the field and is making a very real campaign with respect to finding any evidences of school situations—and is undoubtedly finding them—where the intercession of law or the withholding of funds under the Civil Rights Act is justified. I think, in the first place, we have taken account literally of the kind of concern expressed by the Senator from North Carolina, and, second, I believe that the practice is now catching up with the situation which he refers to.

Mr. ERVIN. I understood that a moment ago the Senator from New York put into the RECORD a copy of the decision handed down this day by the Supreme Court in the case of Swann against Charlotte Board of Education. Did he not?

Mr. JAVITS. Yes.

Mr. ERVIN. Does not the Senator from New York consider that to be a holding to the effect that the Supreme Court has no jurisdiction in cases in this field except where it finds State-imposed segregation?

Mr. JAVITS. Yes; the Senator has so stated. Incidentally, I have argued it constantly on the law in this situation, but I have also stated that the Supreme Court has not yet gotten to cases which would pierce the veil of so-called de facto segregation because, in my judgment, many of those cases are also cases of de jure segregation, and will be decided by the courts if that ever becomes necessary. In drafting this bill we were giving consideration in a very real way to that possibility, either presently or in the future.

Mr. RIBICOFF. Mr. President——

Mr. JAVITS. Mr. President, I have the floor.

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. I have listened to this colloquy with interest. I think for the purpose of the RECORD it should be stated that the Department of Justice has been involved in six suits in the North and 229 in Southern and border States. HEW has been involved in desegregation plans in 4,349 districts in Southern and border States, and nine in Northern States.

Mr. JAVITS. I am glad the Senator from Connecticut mentioned those figures, because I think the time should not obscure the fact that there was blatant and unconstitutional and profound injustice to millions of Americans, including millions of American children, which was practiced in the South for years and years and years, even with courts going along with it on a separate-but-equal doctrine. So I am not surprised that the impact was properly where there was the greatest, most numerous injustice.

I think it is right that after the period of time which we have now had, some 17 years since the decision in the Brown case, that we should be going after other areas, no matter where they are, and we properly are doing so, where this practice takes place. That is the basic reason for the bill. But I must say I cannot at all condone the tremendous evil and the concentration which was intended to be met, and which was met, by the measures which were undertaken since 1954 by the courts, and finally by law which was enacted in the Congress.

I must say, too, there is still echoing in my ears the tremendous concern, even threats, that the whole educational system of the South would be destroyed; that its young people would be mongrelized, or some other horrible appellation, if we ever took the steps we took. Here it is 16 years later and the argument now is not that all those terrible things took place, but, on the contrary, that we should extend the process, which indeed we should, to the North, West, and other parts of the country in which such conditions may exist.

I credit my colleagues with enough statesmanship and Americanism so that I do not think they advocate these things out of resentment or "getting even," but that they genuinely now feel that this is the way the educational systems ought to be run, and in that I fully join.

I yield now to the Senator from North Carolina.

Mr. ERVIN. I would say to the Senator that I construe the Swann case as holding that the only kind of segregation which the Supreme Court has the power to reach under the Constitution is State-imposed segregation.

I would also say to the Senator from New York that during the first 86 years that the equal protection clause was in the Constitution, it was perfectly constitutional, according to all interpretations placed upon it, to maintain segregated schools.

Mr. JAVITS. I always enjoy debating with my learned colleague from North Carolina, who is a very accomplished lawyer and has great feeling for the law.

With all respect, however, I have stated the way I feel this bill affects the situation of the law. My analysis of the Supreme Court decision just announced, as I say, after all has been very cursory; so far none of us have had the opportunity to study these measures.

I hope the money provided in this bill may achieve its true purpose, which is a real, honorable effort to raise the level of education in order to get over those restraints and inefficiencies which have existed because of what we call racial isolation or segregation, whether official or actual.

Whatever may be the view of the Supreme Court on the so-called de facto issue, the fact is that this bill does not place any such limitation by section, by purpose, or by objective upon the use of these resources, but requires only that they should really and substantively be used to raise the educational level of all our children, where the level—and I think the Supreme Court certainly recognizes this—has been depressed by the incidence of undue numbers of black youth, particularly, though of other minorities as well, in given concentrations in educational institutions.

Mr. ERVIN. Am I correct in my interpretation of this bill to the effect that it makes no provision whatever for the use of any of this money in areas which are inhabited entirely by what we call nonminority groups? After all, there is such a condition in many places in the United States.

Mr. JAVITS. I would not say that. The bill contemplates what is defined as a stable integrated school, in terms of educational excellence, in any district which qualifies for resources under this bill. I would not exclude, in that regard, any of the districts which, as I say, can qualify under the terms of the bill for that kind of assistance.

Mr. ERVIN. I have tried to study the bill very diligently. In fact, for the last 24 hours I have spent most of my time in doing that. I did not see the bill until yesterday morning. But I have been unable to find a single syllable in this bill which would give any of the money to be appropriated to any school district which has no students belonging to what is defined in the bill to be members of the minority.

Mr. JAVITS. I refer the Senator to the following statement on page 38 of the report, where the provisions of the bill are summarized:

Subsection (*b*) of section 5 authorizes the Commissioner to make grants to, and con-

tracts with, local educational agencies in which the number of minority group children in average daily membership in its schools for the fiscal year proceeding the year for which assistance is sought (1) is at least 15,000, or (2) constitutes more than 50 per cent of the total number of children in average daily membership at such schools.

Mr. ERVIN. That does not——

Mr. JAVITS. If I may finish: There could be an educational district in which there were 15,000 or more black children, even if they constituted more than 50 percent of the total number of children in average daily attendance in that school district. It seems to me that that covers exactly the point which the Senator had in mind.

Mr. ERVIN. No, it covers exactly the reverse of the problem I had in mind.

My problem is that that would give aid to children belonging to minorities as defined in this act; but my point was that there is nothing in the bill that gives any aid to any school district or any school board which has jurisdiction over an area where there are no minority children.

Mr. JAVITS. Well, that is true, but if the Senator will remember, we have a whole network of laws providing billions of dollars for assistance to the poor, and various others, the Elementary and Secondary Education Act and many other such laws. This is a specialized law to deal with this particular problem. I think in that respect, the breadth and the reach it has, and the philosophy it follows, are most admirable.

Mr. ERVIN. That is the point I have been making: This is a specialized law to bring about the integration of the bodies of schoolchildren.

Mr. JAVITS. I think, with all respect to the Senator from North Carolina, it is as much a specialized law as any to improve, for example, the merchant marine of the country, or any to enable students to study at Military Academies. which are certainly specialized, or any with respect to thousands of other things. Practically everything we do is specialized.

Mr. President, I shall reserve debate on the Ribicoff amendment for a more appropriate time, as I have sought only to make my opening statement, though in all frankness, I shall be compelled to oppose the Ribicoff amendment.

But, Mr. President, I do wish to state now that personally, and I think this was true of both committees, we did not have extensive hearings on so vast a measure as the Senator from Connecticut is proposing—and we will—but we certainly paid attention to him and to it, and gave respect to the idea. I know the Senator knows that very well. We referred specifically to his bill, and we made provisions using the same type of units which the Senator has used—that is, the standard metropolitan statistical area—for exactly the kind of planning and experimentation which represents the threshold of his own measure. This is specifically cited on page 17 of the committee report.

I am not saying that that satisfies entirely the concept which the Senator has in mind. I am speaking now only in a preliminary way of the respect and the consideration which the Senator was entitled to and did receive from both committees, and the fact that there is actually an element of his handiwork in the bill which is presented to the Senate.

Mr. RIBICOFF. May I say to the distinguished Senator from New York, the Ribicoff proposal is now the pending business before the Senate. The yeas and nays have been ordered. So far, I do not see anyone else addressing himself to the proposal, and I would imagine, if there is no further discussion, there will be soon a vote up or down. So perhaps now is the time to discuss it.

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

Mr. RIBICOFF. I am pleased to yield to the Senator from Colorado.

Mr. JAVITS. The Senator from Connecticut is very kind. I shall address myself to it, perhaps even today, but I am not prepared to at this particular minute.

Mr. DOMINICK. Is the Senator willing to state some kind of time limit? Because it is my understanding that either the Senator from Rhode Island or myself will offer a motion, or perhaps the Senator from New York will, to table the Ribicoff amendment. I just wondered if there was any possibility of setting a time limit on it, so we could get a vote, as I know that a lot of Senators are interested in some kind of time certain.

Mr. RIBICOFF. I do not see the leadership here. As far as I am concerned, speaking for myself, I am willing to set any time limit on the Ribicoff amendment.

Mr. PELL. Mr. President, as the manager of the bill, I would like to add, the sooner the better as far as I am concerned, but I do not want anyone to feel shortchanged. I would suggest——

Mr. JAVITS. 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. PELL. 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. PELL. Mr. President, I ask unanimous consent that there be a vote within 30 minutes on the Ribicoff amendment 15 minutes allocated——

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. 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. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JAVITS. Mr. President, I said earlier that I would make some remarks on the Ribicoff amendment, and I shall do so now.

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

Mr. JAVITS. I yield.

Mr. DOMINICK. For the purpose of the RECORD, and so that everybody will know, at 2:30 p.m. I will move to table the Ribicoff amendment, as a member of the committee. I think everyone knows that that was my intention, if someone else did not do it. I do not intend to impinge upon the debate, but nobody seems to have been too excited about extending the debate on this amendment for very long. We all know what the issues are. By that time, everybody will be here, I believe, so that we can get a vote on that motion.

Subsequent to disposing of that, it is my intention, subject to getting the floor, to bring up my amendment to delete the section concerning attorneys' fees. I am perfectly willing to agree on a time certain on a vote on that, if we can do so. It is my understanding that the Senator from North Carolina does not particularly object to that. I will ask for it at the appropriate time.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I should like to direct the officials on the Democratic side to immediately notify all Senators that there will be a vote at 2:30, and I would hope that the acting minority leader would do so on his side.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that, on the laying down of the amendment by the distinguished Senator from Colorado dealing with lawyers' fees, there be a time limitation of 2 hours, the time to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. I hope the Senator will add to that 5 minutes on a side, in the event there are amendments to the amendment.

Mr. MANSFIELD. I will be delighted.

Mr. RIBICOFF. Reserving the right to object, I wish to point out that I do not assume that the Dominick motion to table is going to carry. There is a strong possibility that it will not.

Mr. MANSFIELD. I said on the laying down of it. I think the Senator knows my position on it.

Mr. PASTORE. Do we have a unanimous-consent agreement on the vote at 2:30?

Mr. MANSFIELD. No, but the announcement has been made. Word has gone out.

Mr. PASTORE. Why cannot we get a unanimous-consent agreement to vote on the motion at 2:30?

Mr. MANSFIELD. The Senator has a point.

Mr. President, I ask unanimous consent that the tabling motion by the Senator from Colorado (Mr. DOMINICK) occur at the hour of 2:30 o'clock.

Mr. PASTORE. Now we have got it laid down.

Mr. MANSFIELD. And the other proposal.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator will be recognized at 2:30 o'clock, to make that motion.

Mr. MANSFIELD. And the amendment will be offered by the distinguished Senator from Colorado when it is laid down, there being a time limitation of 2 hours, one-half of the time to be under the control of the sponsor of the amendment and the other half to be under the control of the manager of the bill whomever he may designate.

The PRESIDING OFFICER. And 10 minutes on amendments thereto.

Mr. MANSFIELD. Yes.

Mr. JAVITS. Five minutes on a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I shall be brief. Others may debate this issue but, as I said before and repeat now, I have the greatest respect for what the amendment of the Senator from Connecticut (Mr. RIBICOFF) is trying to accomplish. I pointed out that in the agreement which was entered into by us, which resulted in this bill, we took account of that and provided $125 million for exactly the kind of planning and demonstration proposals which are encompassed within the Ribicoff proposal. This is found in section 8(a)(2). So his stamp is very much upon the bill.

But, Mr. President, I feel, with all respect, that if we tried now to legislate for 12 years hence—and that is what it comes down to, the period of 1973 to 1985, which is the period encompassed—with an expenditure of over $20 billion for this purpose, when we have no administration commitment whatever and have not yet had any hearings remotely apposite in this kind of enormous commitment, we will be drowned in a much bigger sea than the one we are already in.

Thus, with the greatest respect for what the Senator is trying to do, and having pointed out that our own agreement which is the basis for this bill, experimented with his own ideas, I feel that it would only result in our getting mired rather than providing for a monumental achievement on the road to an infinitely better educational system for the country.

I find, most regretfully—and, as I say, with the greatest of respect—that I will have to support the motion to table.

Mr. RIBICOFF. Mr. President, I must confess a deep disappointment in the statement just made by the Senator from New York. The Senator from New York is one of the leading advocates of civil rights in this Nation. Year in and year out, during his tenure in the Senate, he has pointed his finger at the South, at their derelictions in the field of segregated education.

The Senator from New York makes the statement that there have been no hearings on this particular issue. A year ago, the Select Committee on Equal Educational Opportunity was appointed and received an appropriation of $500,000, and it spent a year on this very issue. My understanding is that the committee went up and down the country, north, south, east, and west, holding hearings on this issue. Now I find that the distinguished chairman of that committee, the distinguished Senator from Minnesota (Mr. MONDALE), supports my position. The Senator from New York was the ranking minority member of that select committee and I am assuming, therefore, that he participated in the hearings on the Mondale committee.

Fourteen months ago, on the floor of the Senate, when I supported the Stennis amendment, I was opposed by the Senator from New York and the Senator from Minnesota. I was seeking, 14 months ago, approval of the proposition that the time had come in the United States of America to treat the North and South the same.

Mr. President, what have we found in the past 14 months? The 1970 census indicates that what I was warning this country about 14 months ago is the case. We are becoming a divided country.

I should like to point out a few northern segregation techniques. It is all very well and good for us Senators in the North to point our finger at a situation 2,000 miles from where we live. But if we are honest with ourselves in the Northern States, we will acknowledge that these are the techniques we use to segregate the races:

We draw school boundary lines to make sure that we separate white students from black students. We select sites for new schools to make sure that we separate white students from black students. We have zoning ordinances for housing and buildings which segregate whites and blacks. We make decisions on building permits which segregate whites and blacks. We locate sewer and water facilities granted by municipal authorities to make sure that we prevent black students of low income families from integrating with white students. We have building inspection standards which discriminate against blacks. We have land use requirements to make sure that we do not contaminate white students with black students. We use the power of eminent domain. We have FHA mortgage insurance programs and Federal highway and urban renewal programs all employed to separate the races.

These techniques, however, are not considered part of de jure segregation. Instead they lead to de facto segregation. But if there is anything as vicious as these practices, which are the equivalent of de jure, I do not know what they are.

The basic school statistics resulting from these practices in the North should make every northern Senator bow his head in shame.

We find today, in the North, only 27.6 percent of black students attend majority white schools, while in the South, the figure is nearly half again as high—38.1 percent.

So here we are in the North, the great civil libertarians that we are, telling the South what to do, when the South has exceeded integration in the North.

Let us take some other figures. Consider the percentage of blacks in 80 to 100 percent minority schools. The percentage of blacks attending such schools stayed at 57.4 percent in the North from 1968 to 1970. In the South, the percentage dropped from 78.8 percent to 41.7 percent.

So, Mr. President, who is doing the job in desegregation, the North or the South?

Let us take the case of blacks in 100 percent minority schools. The percentage of blacks in such schools dropped from 12.3 percent to 11.9 percent in the North from 1968 to 1970, from and 68 percent to 18.4 percent in the South during the same period.

Mr. President, I want to say to my distinguished northern colleagues that if this motion to table carries, you will be painting yourselves into a corner. I do not see how you can ever point your fingers at a southern Senator or a southern school district and tell them that they are discriminating against black children when you are unwilling to desegregate schools in your own cities.

Let me say to my distinguished northern colleagues that the reason you are unwilling to do it, and let me say it frankly, is fear of political reprisal. The question is whether northern Senators have the guts to face their liberal white constituents who have fled to the suburbs for the sole purpose of avoiding having their sons and daughters go to school with blacks.

Mr. President, let me give you some more figures, these on population changes. The population changes in this country have been dramatic. All across the country, from 1960 to 1970, the central cities have become blacker while the suburbs continue to remain lily white.

Let me give you some examples, Mr. President.

In the North, in Detroit, the central city went from 28.9 percent black in 1960 to 43.7 percent black in 1970. Yet the suburbs remained 96 percent white.

In Chicago, the central city went from 22.9 percent black to 32.7 percent black. Yet the suburbs remained 96 percent white.

In Baltimore, the central city is now 46.4 percent black, and Washington it is 71.1 percent black. In both cities, the suburbs are over 90 percent white.

The irony of this is that now the same thing is happening in the South. The South is learning from the North and they are resegregating. I suppose, what is good or bad enough for the North, is good or bad enough for the South.

Now, Mr. President, in the South, the South is rapidly urbanizing along Northern lines. Southern suburbs will soon be just as white as their Northern counterparts, while the central cities will be just as black. Atlanta's central city population went from 38.3 percent black in 1960 to 51.3 percent black in 1970, while its suburbs went from 91.3 percent white to 93.6 percent white during the same period.

The Houston suburbs are now 90 percent white.

The New Orleans suburbs are 87 percent white.

We compound the problem that we have. When the whites move to the suburbs, they take the jobs with them. In the past 2 decades, 80 percent of the jobs created in America have been created in the suburbs. That means that the blacks get pushed back into the poor sections of their own cities where there are no jobs and no places for them to turn.

If we read the papers—read the New York Times of today—we find that in the State of the Senator from New York, the Mayor and the Governor are fighting over the financial situation in New York City. The Mayor of New York City says that he has to lay off 90,000 city employees because there are insufficient funds to take care of the needs of New York City.

The reason that New York City is in the mess it is in is because the blacks are moving into New York City and the middle class whites are moving out of New York City and into the suburbs of New York. When they move out, they take their jobs and their tax base with them and leave New York as a hollow shell with an increasing welfare load and health and educational problems.

I think the time has come for those of us in the Senate to have the courage of our convictions and to say that if the practice of segregation is evil in Mississippi or in Alabama, it is just as evil in New York City or elsewhere. I cannot understand how any Senator can refuse to stand up for what is right and can advocate double standards. If we continue to do this we are hypocrites and our hypocrisy will be shown in the vote in a half an hour.

Mr. JAVITS. Mr. President, the Senator from Connecticut is my friend and has been for years and will continue to be after today.

I heard exactly the same words uttered with respect to the Stennis amendment, which was also supposed to be the end-all with regard to the desegregation of schools and educational excellence. Ultimately the Senate held with me and not with him. So did the other body, and so did the conferees.

But I have lived long enough, Mr. President, to believe that the people of my State or the people of the country will not take the word of the Senator from Connecticut (Mr. RIBICOFF) for the fact that I turned against desegregation in the public schools and against the civil rights of Americans. That will be the day. That does not worry me. The Senator is not panicking me. I do not think that he will panic anyone else into a position that should not be taken.

The long and short of the matter is that this is the idea of the Senator from Connecticut. It may be good and it may be bad. However, I know that it would sink this bill.

I have been sent here by the people of the State of New York to produce action and not be panicked by what a colleague thinks of me. We will try that out in New York in 1974, as we have tried it out on three occasions before.

The essence of the situation is that I support the educational process. The fact is that whatever the select committee chaired by the Senator from Minnesota will do, the committee has not acted on the matter as yet. I am a member of the committee. It has another year to run. The committee has not made its final report. It may end up with the Ribicoff plan. However, if that plan is adopted now, we will lose $1.5 billion for that very purpose, desegregation and integration of our schools.

I was not sent here to do that. I will not do it, and I will not be panicked into doing it.

Mr. RIBICOFF. Mr. President, our problem is that time is running out. This country is on its way to total apartheid. It is not a question of why the Senator from New York was sent here by his people or why the Senator from Connecticut was sent here by his people.

One of the reasons that, I assume, we are here is to exercise leadership. Another reason we are here is to look into the problems of our Nation and to be willing to take a position that may be unpopular in our States.

One of the reasons we are sent here is to study the problems that bedevil our country and come to a decision concerning them.

Is there any question that there is a race toward apartheid in our country today? We have blacks and whites existing with distrust between both. We have reached a state in America where ambassadors will soon have to be sent across the lines dividing the blacks and the whites. We should be here today trying to arrest the trend toward total racial isolation in this Nation.

The committee bill is a southern oriented bill. I do not think there is any local politician or school board member in the North who has the guts to initiate a pilot program on his own and, therefore, the money provided for the pilot program will be for naught.

Let us take the opportunity to attack segregation in the North now and not delay it for 2 or 3 years. We cannot delay it for 2 or 3 years the way the whites are galloping to the suburbs and the way the blacks are left in charge of hollow cities.

Look at the city of New York. Look at the city of Cleveland. Look at the problems of Mr. Hatcher in Gary. Then we can realize the problems that America faces.

The distinguished Senator from Mississippi a year and a half ago brought up the Stennis amendment by which he said, "let us treat everyone, North and South, alike." I supported the amendment, and the Senate went along with the Stennis amendment. However, the Stennis amendment merely laid down a statement of hope and said there shall be a general policy of treating the North and South exactly the same. Now, after a general policy, they came up with no implementation of that policy.

I thought it was incumbent upon me, having supported the Senator from Mississippi before, to try to come up with a solution. We worked, my staff and myself, for 1 year. We did not have $500,000 given us by the Senate to come up with a solution.

The Senator from New York has had over a year of study. What is the solution of the Senator from New York? If the Senator from New York has a better plan, he should advance it. The Senator from New York has worked in the field of education. Why does he not come up with an amendment or a substitute? He is the ranking minority member of this committee. He has a knowledge concerning the field. He has the help of his committee and special committee. If the Senator thinks he has a better plan, he should gve it to the Senate or vote for my proposal.

I do not know what the Members of the Senate will do. However, we northern Senators who have been trying to push desegregation down the reluctant throats of the Senators from the Southern States have an obligation to have the situation corrected in our own States and to do in the North what we seek to have those Senators do who come from below the Mason-Dixon line.

Mr. DOMINICK. Mr. President, I will not be very long on this matter. I want to make a few points to indicate why I think the amendment should be tabled. I will offer that motion in 10 or 15 minutes.

First of all, as the Senator from New York has aptly pointed out, we are talking here in a relatively short time, without a specific bill having been worked out on this matter in the subcommittee or in the special committee, of an amount which is in excess of $20 billion, even though the original Administration emergency school aid bill was for $1.5 billion or $1.75 billion.

Furthermore, I think it is important to note that by the Ribicoff amendment we are not really accelerating in any way whatsoever the so-called desegregation of schools which many of us would like to see.

We would not really accomplish very much by adding it to the bill and we would run the real risk of losing the entire bill, a bill I think is of real importance.

There are other things which I think are worthy of comment. It is my understanding that the Supreme Court today has ruled that the Constitution does not require that the schools within a school district reflect a minority population of that school district. That ruling was in the case of Charlottesville-Mecklenburg. This is very interesting because it is the first time a ruling has been made of this kind, and it was the unanimous opinion of the Supreme Court.

In our part of the country there have grown up areas of culture, areas of minority groups, areas of race and of creed; there are people living in a certain particular area because that is where they want to live and not because it is the only place to go.

To require in each area of 50,000 or more that children must attend the school in that area under a statistical quota system for each school seems to me to be going far beyond either the mandate of the Court as given today or the mandate of the American people on a very explosive and emotional issue.

For example, I refer to the State of Wisconsin and simply point to the Milwaukee area, as I have before in public hearings, where a very large number of

Polish citizens, very fine citizens, have settled, not because that is the only place in the city of Milwaukee in which they could settle, but they settled there because of their culture, their desire to be near each other, similar types of work, and to be able to exchange greetings with friends. To have those people removed, under the terms of the Ribicoff proposal, to other schools would create chaos.

I shall cite some examples from the Ribicoff amendment as now proposed. Despite the fact that the opinion states that no metropolitan area shall cross State boundaries, that is not considered true under section 407(a) of the Ribicoff amendment. It states it includes Montgomery and Prince Georges Counties in Maryland, Arlington, Fairfax, and Prince William Counties in Virginia, and the cities of Falls Church and Alexandria in Virginia, notwithstanding the provisions of section 301(f). So the statistical area would encompass not only the District of Columbia but suburban areas in other jurisdictions and one State in which the Supreme Court just ruled today.

It seems to me if we try to get an emergency school aid bill through, it would be the height of folly at this point to put into effect, through the Senate, a bill which would have the effect in certain areas of Virginia of overriding the very thing the Supreme Court said. It strikes me this does not make sense at all.

Now, we come to the question of the evidence we had before the Select Committee on Equal Educational Opportunity. I serve on that committee along with the Senator from Minnesota and the Senator from New York, and others who have done very excellent work there. There have been widely divergent opinions as to what constitutes "quality" in education. For example, Dr. Coleman, and he is a well-known man in this field and issued the Coleman report, stated specifically that in his opinion there are certain areas of the country in which, for economic reasons, there is no reason in the world why the children of one minority group should be bused and that educationally they could do just as well in another type school.

We have had black educators come before us and tell us there were certain areas of the country in which it is physically impossible to create a situation in which there would be total integration or quota integration, as proposed.

I take the position I do with all of those factors in mind, and with all due deference to the Senator from Connecticut, whom I admire and respect, and I have for a long time, and with full knowledge that I have been one of the very strong supporters in the field of civil rights ever since I have held office. I have advocated much stronger fair housing laws than we have because I consider this one of the answers to the problem we have with minority groups. I think the right to acquire property is as much a right as to dispose of it. I think we should have a very strong housing law which would solve many of these problems automatically and thereby employment opportunities would increase. This will come about with the manpower training bills and the opportunity to upgrade their skills.

For all those reasons and because I think the Ribicoff amendment would be the tail wagging the dog, I oppose the amendment. I do not oppose the amendment because I am anticivil rights or because I do not want to see quality in our schools. I think it is a bad thing. It is a case of the tail wagging the dog and it is in contradiction of the opinion of the Supreme Court which was released today.

It is for that reason I will shortly offer a motion to table the pending amendment, keeping in mind that we will consider the proposal in committee and have full hearings I am sure on similar legislation—whether it is this proposal or another—and we will be able at that point to bring it to the floor for consideration.

Mr. ALLEN. Mr. President, the junior Senator from Alabama feels he would be remiss in his duty if he sat silent and did not pay tribute to the distinguished Senator from Connecticut for his most eloquent and stirring speech, for in the judgment of the junior Senator from Alabama it is the greatest speech that has been made on this subject since he has been in the Senate.

The junior Senator from Alabama applauds the statesmanship and the leadership of the distinguished Senator from Connecticut. He feels he has taken a lofty position in this matter, one that only a true leader and a true statesman would take.

Irrespective of the outcome of the motion to table, the junior Senator from Alabama feels that the great and distinguished Senator from Connecticut added luster to his distinguished career by his stand and his position in this matter, that of seeking to find some way to provide for a uniform national desegregation policy as to public schools.

The junior Senator from Alabama pays tribute to this great statesman for his contribution and he states further that he will vote against the motion to table in order that this amendment may be considered on its merits. He feels the distinguished Senator from Connecticut has a right to have his amendment voted on on its merits and not to have the shortcut taken of having the amendment laid on the table.

Mr. DOMINICK. Mr. President, under the unanimous-consent request, as I understand it, a motion to table is now in order. I make such motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to table the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL (when his name was called). On this vote I have a pair with the senior Senator from Michigan (Mr. HART). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Florida (Mr. CHILES), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 35, nays 43, as follows:

[No. 42 Leg.]

YEAS—35

Aiken	Dominick	Miller
Allott	Fannin	Pastore
Anderson	Fong	Prouty
Baker	Goldwater	Roth
Beall	Griffin	Saxbe
Bennett	Gurney	Schweiker
Boggs	Hansen	Scott
Buckley	Hruska	Smith
Cook	Javits	Taft
Cooper	Jordan, Idaho	Weicker
Cotton	Mathias	Young
Curtis	McGee	

NAYS—43

Allen	Ervin	Pearson
Bellmon	Fulbright	Percy
Bentsen	Hartke	Proxmire
Bible	Hatfield	Ribicoff
Brooke	Hughes	Spong
Burdick	Inouye	Stennis
Byrd, Va.	Jackson	Stevenson
Byrd, W. Va.	Jordan, N.C.	Symington
Cannon	Mansfield	Talmadge
Case	McClellan	Thurmond
Church	McIntyre	Tower
Cranston	Metcalf	Tunney
Dole	Mondale	Williams
Eastland	Montoya	
Ellender	Packwood	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Pell, for.

NOT VOTING—21

Bayh	Hart	Moss
Brock	Hollings	Mundt
Chiles	Humphrey	Muskie
Eagleton	Kennedy	Nelson
Gambrell	Long	Randolph
Gravel	Magnuson	Sparkman
Harris	McGovern	Stevens

So Mr. DOMINICK's motion to lay Mr. RIBICOFF's amendment on the table was rejected.

LEAVE OF ABSENCE

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate when I will be absent on official business during Wednesday, Thursday, and Friday of this week.

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

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate, so that the majority leader can be heard?

The PRESIDING OFFICER. The Senate will be in order.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Ribicoff amendment there be a time limitation of 4 hours, the time to be equally divided between the distinguished Senator from Connecticut (Mr. RIBICOFF) and the manager of the bill or whomever he may designate.

Mr. COTTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Mr. President, the Senate has expressed its will with respect to this measure, that it wishes to consider and debate it. Nobody would be happier than I if, instead of spending $1.5 billion for the purpose of raising educational excellence in our country and desegregating the schools, we spent many times that amount and even had a long-range program.

I should like to point out that there are many ways to kill a bill and that this bill was put together with great effort as a bill which could be passed with the administration's support and the support of a majority of Senators.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. And would the Chair ask Senators to take their seats?

The PRESIDING OFFICER. Senators will please take their seats.

Mr. JAVITS. We are now on an uncharted sea. I hope we find the port. But I should like all of us to bear in mind the heavy responsibility we bear. We had $1.5 billion which the administration and everyone else had agreed to for a 2-year term which occurred long before the incidents into which this amendment will come into play, and hence the bill we had in no way interfered with an ultimate plan, which would be Senator Ribicoff's plan.

But I do think it very important that all Senators, as we consider this amendment on its merits, which is the will of the Senate, bear in mind the possibility—I think it is not only a possibility but a probability as well—that what we are doing is putting weights of lead around this measure which will sink it.

I intend, as a Senator's responsibility, in good faith, to go ahead with the debate and to vote my judgment upon this measure.

Normally, we are all very unhappy with tabling measures. I suppose I offer as many amendments as any other Senator, and I do not like to have the "sudden death" motion pulled on me. But in this case—and in other cases where it is pertinent—I thought it was proper, because the Ribicoff proposal was entitled to deliberate judgment, really intensive committee consideration, on a long-range basis and not to be judged on the merits summarily, which is what we are going to do now.

So, Mr. President, I simply wish to pledge that I will, in good faith, do my utmost as a Senator to find our way to a safe port across this uncharted sea. But I wish to make it very clear to all friends of desegregation of the public schools and of raising the standard of excellence in the public schools that this is a 2-year bill, Senator Ribicoff's plan is a 12-year plan. It takes up where this bill leaves off. I have a very deep feeling that however we act finally on the merits, we should act bearing in mind that we do not stand alone. There is a President; there is another body. I hope we will not play games with the President in respect of this bill just to put him on the spot in a sterile exercise which will only be costly to the children of the United States and to nobody else.

I have the deep disquiet that, as I have said, we may be hanging weights of lead around this bill which will sink it in a sea of $20 billion for 12 or 14 years, instead of $1.5 billion for 2 years.

Mr. RIBICOFF. Mr. President, I am not willing to admit that the only Member of this body who has a sense of responsibility to the country and the Senate is the senior Senator from New York. When he stands and talks about sinking this bill, it is my judgment that the $2 billion we will spend beginning 4 years from now under my proposal, will do more for desegregation and more for education than the $1.5 billion that came out of this committee.

Year in and year out, Congress has been spending billions of dollars for education. It was started under President Kennedy, when I was Secretary of Health, Education, and Welfare, and continued under President Johnson. President Nixon was absolutely right when he pointed out recently that something must be done to consolidate these education programs.

I have heard time and time again in this Chamber that we must vote billions of dollars for categorical grant programs because they were going to improve education. Is there any question in the mind of any Senator or anyone else in this country that the education in our country has never been in as low a state as it is at present time? The billions of dollars we have spent have not brought us better education. I do not know at this time what will bring us better education. But I know that the billions of dollars we have spent have not brought excellent education, and have not brought good education, but are bringing us bad education.

One of the reasons for this is that increasing amounts of the education of this country is segregated education. One of the greatest problems we have in this country is the problem of segregation and the education of all our children in our cities and in our suburbs. What I am trying to do here is to develop a national policy. The members of the Education Committee have been wrestling with this problem, and have not, in all the years, come up with a bill to desegregate education in the North. They know what to do in the South. They know they can get court orders and do it in the South and they call it de jure, while hiding behind the words de facto for educational segregation in the North.

And yet, educational segregation is greater and more virulent in the North than in the South today.

If my amendment is a bad proposal, I am still waiting for a better one or for a substitute proposal. The Mondale committee was given $500,000 by the Senate to look into this problem. After 14 months and hearings across the Nation, the Senator from Minnesota (Mr. MONDALE), the chairman, has come to the conclusion that the best proposal that has come forth is the Ribicoff proposal. I am honored and appreciative to have the support of the Senator from Minnesota (Mr. MONDALE).

Again, I hesitate to keep repeating this, but the fact remains that we in the North cannot continue hypocritically to tell the South what they must do in the field of desegregation, when we in the North are unwilling to desegregate our education.

We must have a uniform and national policy in this country. What we are trying to achieve by the Ribicoff proposal is establish a national and uniform policy.

It is said that my proposal will take 12 years. That is true. But I ask every Member of this body to think back to the Brown against Board of Education decision of 1954. It is now 1971 and 17 years later we are still wrestling with this problem.

It was said, after 1954, to those who proposed, "Let us desegregate one grade at a time," that it would take too long and the proposal was stricken down. Ironically, we all would have been delighted 12 years later, in 1966, to have complete integration.

Instead, we have fought with this problem constantly. All of us have been on the floor when Northern Senators have stood on this floor and accused the South of dragging its feet, for being unwilling to "bite the bullet" or to abide by the Constitution. Yet we in the North have ducked our responsibilities as legislators in this field as well.

The time has come for the entire Nation to have a uniform policy. But we will never have a uniform policy unless it is

a national policy founded on a metropolitan basis. If we refuse to adopt this national policy by refusing to pass such a measure as this, we will never achieve integration.

If this Senate is willing to say that they are against desegregated education, that they are against integration, then, by all means, defeat this bill. But if you are for integration and you feel that every area in this country and every school district and every region in every State should be treated alike, then I think that you have no alternative but to support the Ribicoff proposal.

To me, this is a test of the bona fides of we northern liberals. This is a test of whether we believe that all the regions in this country should be treated alike, or whether we believe that there should be one rule for the North and another rule for the South. It is a question whether we believe that the time has finally come in the United States of America to face up to this problem.

I will vote for the bill that the committee has brought to us. It is better than nothing, but it is not much better than nothing. It will accomplish very little toward integration and we will be coming back here, 2 years from now, for another billion and a half dollars or two billion dollars for education, bemoaning the fact that education is declining in the United States all across the land.

Mr. President, I want to thank the Members of the Senate for voting against tabling and allowing my proposal to be voted up or down.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

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

SENATOR DOLE SPEAKS ON FARM ISSUES AND THE NIXON ADMINISTRATION

Mr. CURTIS. Mr. President, on Monday, April 19, 1971, the distinguished Senator from Kansas (Mr. DOLE) addressed the annual banquet of the Newspaper Farm Editors of America at the National Press Club in Washington, D.C.

The distinguished Senator from Kansas comes from an important agricultural State. He is a member of the Committee on Agriculture and Forestry. He spoke out on all phases of the field of agriculture and I believe his remarks merit placing in the CONGRESSIONAL RECORD.

I therefore ask unanimous consent to have his address printed in the RECORD.

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

REMARKS OF SENATOR BOB DOLE

I wish to thank the Newspaper Farm Editors of America for the invitation to speak this evening about farm issues and the Nixon Administration.

It seemed significant to me that when your vice president and my good friend Don Kendall wrote me about the banquet, he addressed the letter to the Republican National Chairman. I have to assume from this that he expects me to be at least partially partisan in my remarks.

The fact that President Nixon chose for the top GOP post a man from a Western Kansas wheat town with ten years in Congress and membership on both the Senate Committee on Agriculture and Forestry and the select Committee on nutrition and Human Needs, is a strong indication of his interest in American agriculture.

It has been many years since the Chairman of either the Republican or Democrat party has had such clear agricultural credentials. It should be obvious that the Republican Party and President Nixon care about the farmer—and not just at election time.

And just as Secretary of Agriculture Clifford Hardin represents our farmers in the councils of government, this GOP Chairman is prepared to fight for farming interest both on the Senate floor and in the political arena.

AGRICULTURE'S CONSUMER STORY

On several occasions you have been exhorted by Secretaries of Agriculture that food is a good buy—thanks to the productive genius of the American farmer wedded to a superlative processing and distributive system. You have been told that Americans pay a smaller share of their income for food than anyone else: about 16.5 per cent of disposable income is used for food. (In Canada, the figure is about 20 per cent; Western Europe and Japan, about 37 per cent; Russia up to 50 per cent, and not to mention the developing countries.)

Speaking in terms of per capita incomes, between 1960 and 1970, per capita disposable incomes increased from $1,937 to $3,333, while per capita food expenditures rose only from $388 to $558. In other words, per capita food expenditures increased only about one-eighth as much as per capita income, and notably, during a decade when meat consumption showed a marked increase.

This is truly a remarkable record of production, especially considering the shrinking number of farm men and women—a story that I hope the press will help to make clear to all Americans.

We know that in terms of income, working time and in comparison with other countries, food in America is a great buy, but not all of the 95 percent of the American people who do not live on farms know agriculture's consumer story. Perhaps you and I, and your editors, need to do a better job of conveying both sides of the farm picture to the general public.

I hope my remarks this evening tell a little of both the consumer and producer stories of agriculture.

PAST AND NET FARM INCOME

First, I will review briefly the past.

From 1961 to 1968 (during Democrat Administrations), American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969 to 1970, however, during the Nixon-Hardin period, farm income averaged $16.0 billion—up 16 percent (for a cumulative total increase of $4.4 billion.)

Farmers must get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Hardin has told President Nixon he will do everything economically feasible to meet this need. We intend to do even better with the new farm programs. Last year farmers received only 78 per cent as much per capita income as the non-farm people. That was an increase compared with the 55 per cent level in 1960, but far from our plans for further increase by 1976.

The Republican party knows that in 1972 it will have to run on its record. We will have a successful story to tell about this Administration's work for American agriculture. I know that you good people will tell it like it is—both its strengths and weaknesses.

NEW FARM PROGRAM

Never before in history has a new departure in farm programs been developed with such a truly bipartisan approach. You are familiar with the night sessions that Secretary Hardin and his staff spent with Chairman Poage trying to hammer out an acceptable program. I think it can be honestly stated that a true spirit of compromise carried this matter to legislative victory.

The Agricultural Act of 1970 is a break with the past by enabling farmers to employ their land and capital resources in planting the crops they can best produce. At the same time, the Act continues the protection of farm income through payments and loans. The 1971 programs give farmers a much wider choice in using their acreages without losing program benefits.

The new provisions place greater emphasis on market needs as the guide for producers' planting decisions. *The acreage provisions are designed primarily to keep the overall excess of productive capacity in check to prevent surpluses.*

The Act is encouraging shifts in crop acreages from farm to farm that will make each a more successful financial operation.

The basic factor in the new approach is that it enables farmers to devote a much larger portion of their acreage to the market as they determine and continue to participate. As a result, the interplay of market needs and farmers' plans will play a much greater role in price determination than for some time.

Now there are still a few—albeit a few—snipers at this program. But, let none of the political carpers overlook the fact that this program is more popular than any program in years—as demonstrated by the number of grain farmers enrolling in the program during the current signup period.

AGRICULTURE EXPORTS

We are on the threshold of a "triple" record for U.S. agricultural exports in the current fiscal year.

First: The value of total shipments will approximate $7.5 billion—an all-time high record by a margin of $700 million.

Second: Sales for dollars will be a record $6.5 billion. This means that agriculture, on the dollar account, could earn a favorable balance of about $800 million. That's the amount by which sales for dollars should exceed the value of agricultural imports.

Third: The volume of these exports will be about 6 per cent above the volume of the previous record export year.

In the 1970 crop year, almost one cropland acre out of every four is produced for the export market. In soybeans, we are exporting well over one-half the 1970 crop. We are exporting well over one-half of our wheat crop, two-thirds of the rice crop, and one-third of the cotton crop.

The growth in farm exports this year came because the market is working. An unfettered market can move farm products from the people who produce to the people who consume. That is the real underlying meaning of this year's trade figures: The international market—while not obstacle free—is working. It is working to the benefit of our farmers.

American producers of grains and other feedstuffs are returning as a part of the world economy—where the market works to favor the efficient producer and reward the holder of comparative economic advantage.

The Republican Administration is alert to defend agriculture's trading rights. We have been concerned about the growth of restrictionist thinking in many countries in recent years. We have been particularly uneasy about the growth of trade-restrictive policies of the European Community—and concerned that these policies might be extended at such times as the Community may be enlarged.

Assistant Secretary Palmby said recently:

"We have made it plain both to the United Kingdom and the Community that we are determined to use all appropriate means to safeguard our trade rights and interests in grains, soybeans, and other agricultural commodities. With this in mind, we intend to exercise fully our rights under the General Agreement on Tariffs and Trade (GATT), including retaliatory trade measures should that be necessary. This applies both during and after the period of U.K. negotiation with the Community, whether or not the United Kingdom becomes a member of the Community."

Our programs look to overseas markets, and we intend to compete for maximum utilization of our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world markets. It will be our policy to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. We know now that in that round agriculture was treated as a poor relative.

For example, the International Grains Arrangement was an international economic disaster especially to U.S. wheat growers. It is regrettable that the then President Johnson in the signing on behalf of the United States, should state:

"The new arrangement thus will prove new price insurance to U.S. wheat farmers."

It proved to be low-price insurance and losing market insurance. Other countries undersold us and we were left "holding the bag" full of unexported wheat.

Australian Minister for Primary Industry, the Honorable J. D. Anthony expressed it perfectly when he said:

"What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices."

A new agreement has been negotiated which enables U.S. wheat growers to prosper from expanding markets. The machinery of the International Wheat Council for consultation and the collection of detailed information about prices, commercial and concessional sales and freight rates will be maintained. During the life of the new agreement, wheat trading prices are determined by the ordinary play of market forces.

It is the intention of this Administration to obtain our fair share of the world wheat markets. Wheat growers deserve every consideration. And we intend to see that they get it.

RESPONSIVE TO FARMERS

Perfection is seldom seen in Government or any organization or individual. This Administration has on occasion demonstrated its human frailty, but more important, it has proved itself responsive to the citizens of this nation.

For instance, there was the ASCS regulation requiring production from all set-aside acreage in one of the past three years. It didn't take long to learn that while this might accomplish the ASC's desire to make historical yields more accurate, it was undesirable to require farmers to plow up land that has been out of production for 10 years or more, just to maintain the land's proven yield record. The years of good conservation practices would have been destroyed with the turning of the earth by the plow.

The Administration promptly rescinded the regulation.

Over the past few years, hog prices stabilized fairly well, and we saw the growth of sophisticated hog feeding operations. I use the word sophisticated to emphasize the change in well designed feedlots from what we knew as hog pens a few years back. The improvements and efficiencies gained by these new methods spread rapidly until last October when the USDA's hog population figures indicated an increase in hog population of 18 per cent over the year earlier. Hog prices plummeted. This was not the result of any USDA action, but the Department took positive steps to respond in behalf of the farmer by purchasing pork for the Department's food distribution and school lunch programs to help stabilize falling pork prices. So far this fiscal year USDA has purchased over 145 million pounds of pork . . . the highest level of pork purchases by the Department since 1956.

The Administration is responsive to the needs of the farmers. Farmers have responded also, by indicating a sharp downturn in their intended farrowings.

PROPOSED LEGISLATION

(a) *Farm Labor*

You have heard the rumors about the bill the Department of Labor plans to recommend to place agricultural workers under the National Labor Relations Act.

As far as I know, this legislation is not in final form, and I assure you this Administration will consider the need further before it recommends farm labor legislation.

As you know, under present labor law, agricultural workers are exempt from NLRB regulations. With this exemption, Cesar Chavez started the United Farm Workers Organizing Committee (UFWOC) in Southern California. The farmers who produced grapes in that area had no choice. If they wanted to sell their grapes, they had to sign the UFWOC contract. The farm workers did not even get to vote. The farmer just started deducting dues from their pay for UFWOC.

In this regard, I have written Secretary Hodgson urging that any farm labor legislation provides for:

(1) Secret Vote by the worker.

(2) Prohibition of Retail Boycott tactics.

(3) Prevention of strike at harvest time.

(4) A separate administrative entity established to arbitrate disputes and administer the program, completely separate of the National Labor Relations Board.

(b) *Pesticides*

Legislative hearings on the use of pesticides have been conducted by the Agriculture Committees of both Houses of Congress.

As a result of these hearings it becomes apparent:

(1) Some form of regulatory Agricultural chemical legislation will be passed by this Congress.

(2) Agricultural chemicals are basically very important and useful both to farmers and to city dwellers.

Reason—not emotion must become the means to compare and evaluate the risks and the benefits of using these chemicals.

Proposed legislation is too broad without some means to evaluate and compare different chemicals as to their toxicity and pollutive capacity. Some common standard must be established before such judgments can be made.

Without such a standard, it seems reasonable that regulations for these valuable "tools" can be written that would assure a clean healthy environment.

(c) *Farm credit*

The Federal Farm Credit Board has planned legislation that would extensively revise and expand the service of the Farm Credit Banks.

This agricultural credit system is over 50 years old. As you know, it was started to assist and maintain farm credit in a time when farmers could not obtain credit from other sources. The system has been so successful that the "seed" money from the Federal government has been repaid and the system operates independent of government supervision within the provisions of the Farm Credit legislation.

The proposed credit legislation has not been appraised by the Executive branch of government. It is generally believed, however, that the bill contains some provisions the Farm Credit system does not hope to attain, but were included to serve as "trading stock" when the bill is considered by Congress.

I can assure you this Administration is aware of the importance of credit to the operation of a farm in today's economy. As agriculture changes, its financial sources should also change, and this will be the basis on which this legislation will be considered.

(d) *Rural development*

Rural development legislation will be implemented in this session of Congress and in the next. The Rural Development Subcommittee of the Senate Agriculture and Forestry Committee, of which I am a member, will be conducting hearings throughout the nation. The first of these will be in Sioux City, Iowa on May 3 and 4. The Subcommittee plans to call in farmers and small businessmen from rural communities in the four-state area around Sioux City (Iowa, South Dakota, Minnesota and Nebraska) the first day. The second day will be devoted to field trips throughout the area talking with the people in their rural environment.

By these hearings we hope to get some new ideas from which to develop legislation to aid rural America. It may require revenue sharing, it may require government reorganization.

GOVERNMENT REORGANIZATION

I do not believe any of you would disagree that a drastic reform of our Federal government structure is long overdue. Your ideas of where the revamping should begin, however, probably differ greatly from those of your financial and managing editors, and with officials faced with excruciating problems in the cities. But, if we are to achieve progress, all of us must be willing to see the other guy's side, and give a little to gain a lot.

When the President assessed our present position in his State of the Union message I think he stated the case for all of us. He said, "Most Americans today are simply fed up with government at all levels." The President followed this with a further expansion of the idea in his message to the Congress March 25 when he recalled, "There was some surprise that such a sweeping indictment of government would come from within the government itself, yet it is precisely there, within the government itself that frustration with government is often most deeply experienced. A president and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law."

The President summed up succinctly a real problem of agriculture—that of frustration all the way from the farm level to the highest administrative offices.

It is necessary at this point in time that all of us acknowledge that government bureaucracy has become top heavy and far removed from the people.

I am not inferring that reorganization is the ultimate solution to all farm problems, but proper reorganization of the Federal government could go a long way in removing agriculture as a whipping boy of urban influences.

Past administrations have struggled under the existing maze of uncoordinated departments and agencies of government, each adding patch upon patch and providing only temporary or negligible regional achieve-

ment. This Administration has valiantly attempted to tighten up procedures; to coordinate departments and agencies.

Out of all this effort, I have reached but one conclusion: Future opportunity for America can and must be met with changes that will permit more rapid and flexible inter-agency action, plus more freedom for individual initiative. This can only be brought about by grouping areas of responsibility having common characteristics.

The time is here for a thorough evaluation of agricultural trends and practices, to attempt to project farm needs for the future. We have not always done this successfully in the past. The fact up to 100,000 farmers are dropping out of the family farm system each year ought to be proof enough of our present inadequacy in retaining the family farm system. What we all thought were good farm programs from time to time, provided only a precarious partial security for about 40 per cent of our agricultural people; and these programs have failed dismally to keep our farmers and their sons in the farming business. I know we agree on that point.

Congress and the Executive branch need to look in the future toward permanent solutions—ways to stablize a now declining farm population, and to improve the income for those remaining farmers. I am hopeful that Rural Development legislation will be passed this session and begin to alleviate these problems.

In some areas, farmers are making great strides in helping themselves. This is good. Farmers have found that they can often help themselves through bargaining and commodity groups. But, they cannot do it all alone.

We need your help in generating the kind of public support that is absolutely essential to obtain and implement the kinds of programs needed by farmers. In past years, we have not sold the true image of agriculture to city dwellers and their representatives in Congress. This particular failure is part of the reason unsatisfactory farm programs have been compromised in the past.

The farmer must be given the legislative means to help himself toward a better life. Such means would require equitable programs passed by an agriculturally-attuned Congress, encouraged and supported by informed constituencies. As agricultural writers, your role in assisting this nation's backbone industry is self-evident—and unquestionably, an important one—as communicating the needs of the farmer—is communicating the needs of the country.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, in somewhat different context, I renew my request. I ask unanimous consent that there be a period of not to exceed 4 hours on the pending amendment, the time to be equally divided between the sponsor of the amendment, the distinguished Senator from Connecticut (Mr. RIBICOFF), and the manager of the bill or whomever he may designate, and that there be 10 minutes on each amendment thereto, the time to be equally divided on the same basis, the vote to occur at 1 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, the Senate proceed to vote at 1 p.m. on Wednesday, April 21, on the Ribicoff amendment (No. 46) to S. 1557, a bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Ordered further, That the amendment be laid before the Senate for further consideration at 10:15 a.m., Wednesday, April 21, with debate on the amendment to be equally divided and controlled by the Senator from Rhode Island (Mr. Pell) and the Senator from Connecticut (Mr. Ribicoff). Should any amendment be offered to the Ribicoff amendment, the time will be limited to ten minutes and will be equally divided and controlled by the proponent of the amendment and the Senator from Connecticut (Mr. Ribicoff).

Provided further, That when the Senator from Colorado (Mr. Dominick) calls up his amendment (No. 43) time is to be limited to two hours thereon to be equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the Senator from Rhode Island (Mr. Pell) or his designee. Should an amendment be offered to the Dominick amendment, time will be limited to ten minutes to be equally divided between the proponent of the amendment and the Senator from Colorado (Mr. Dominick).

QUORUM CALL

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

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. The time can be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PELL. Mr. President, I yield 1 minute to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate this afternoon, it is my intention to ask that the Senate stand in adjournment, as already announced and agreed to, until the hour of 10 o'clock tomorrow morning; and that, beginning at the hour of 10:15 tomorrow morning, the time begin to run on the pending amendment.

PROGRAM FOR WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 10 a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to extend beyond 10:15 a.m., with a 3-minute limitation on speeches therein.

At 10:15 a.m., the unfinished business will be laid before the Senate and, effective immediately, debate will be resumed on the pending amendment, No. 46, proposed by Mr. RIBICOFF, the time to be equally divided and controlled, respectively, by Mr. RIBICOFF and by Mr. PELL or his designee.

There will be a limitation of debate of 10 minutes on any amendment to the amendment authored by Mr. RIBICOFF. the time to be equally divided and controlled by the mover of such amendment and by Mr. RIBICOFF.

I call particular attention to the fact that, by the agreement, the vote on the amendment by Mr. RIBICOFF is to occur at 1 p.m., tomorrow, but I hope that Senators will take special note that the majority leader is expected to move to modify the agreement early tomorrow morning to provide for the vote to occur at 1:30 p.m., tomorrow rather than at 1 p.m.

Debate will also be limited to 2 hours on amendment No. 43, intended to be proposed by Mr. DOMINICK, an amendment which relates to attorneys' fees, the time to be equally divided and controlled, respectively, by Mr. DOMINICK and Mr. PELL, or his designee. Any amendment to the amendment offered by Mr. DOMINICK will be under a time limitation of 10 minutes to be equally divided and controlled by the mover of any such amendment and by Mr. DOMINICK.

It will be the intention of the leadership to ask on tomorrow that the Pastore rule, paragraph 3 of rule VIII, run for 5 hours instead of the normal 3 hours.

Once again, Senators are reminded that rollcall votes are expected on tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, April 21, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate April 20, 1971:

William T. Pecora, of New Jersey, to be Under Secretary of the Interior, vice Fred J. Russell, resigned.