By Mr. ROE:

H.R. 12525. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12526. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMITZ:

H.R. 12527. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 12528. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 12529. A bill to amend title 10, United States Code, to authorize the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 12530. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 12531. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H.R. 12532. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 12533. A bill to amend the Agriculture Act of 1970 to authorize the Secretary of Agriculture to make, for purposes of farm production history, appropriate adjustments in the per-acre yield of farms on which production has increased substantially as the result of the introduction of irrigation on such farms; to the Committee on Agriculture.

H.R. 12534. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 12535. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in acton, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.J. Res. 1021. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 1022. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. BRADEMAS, Mr. COUGHLIN, Mr. ECKHARDT, Mr. EILBERG, Mr. HALPERN, Mr. KEITH, Mr. MCCLOSKEY, Mr. MORSE, Mr. MOSHER, Mr. MOSS, Mr. PODELL, Mr. REID of New York, Mr. REUSS, Mr. ROBISON of New York, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. SMITH of New York, and Mr. SYMINGTON):

H. Con. Res. 503. Concurrent resolution expressing the support of the Congress for the U.S. delegation to the United Nations Conference on the Human Environment; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 770. Resolution to amend the Rules of the House of Representatives with respect to the membership of the Committee on the District of Columbia; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 771. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant; to the Committee on House Administration.

By Mr. SCHMITZ:

H. Res. 772. Resolution expressing the sense of the House that the authority of the President to issue Executive orders should be investigated by appropriate committee or committees of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 12536. A bill for the relief of Jerry J. McCutcheon, of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 12537. A bill for the relief of Harold M. Toler; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 12538. A bill for the relief of Caterina and Guiseppe Furnari; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12539. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 12540. A bill to authorize the placement of Cary W. Stevenson on the retired list in the grade of commander, U.S. Naval Reserve; to the Committee on Armed Services.

SENATE—*Thursday, January 20, 1972*

The Senate met at 11:30 a.m. and was called to order by the Vice President.

PRAYER

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

O God, who has made and preserved us a nation, we thank Thee for Thy continued favor to the United States, for the improvement of the general welfare, for diminishing conflict at home and abroad, and for the promise of peace.

Grant to the President Thy higher wisdom and strength in the exercise of his office and in the leadership of the Nation. Give us ears to hear, hearts to receive, and minds to comprehend what he says. Enable us also to hear what is not said—the siren call of conscience to selfless service—the unuttered longings of the people for a life of meaning and fulfillment, the aspirations of the soul for truth and goodness, and the undying hope for Thy kingdom on earth.

Bind us together in common endeavor for the better world that is yet to be. And may goodness and mercy follow us all our days that we may abide in Thee forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 19, 1972, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. BILL BROCK, a Senator from the State of Tennessee, Hon. EDWARD W. BROOKE, a Senator from the State of Massachusetts, Hon. PETER H. DOMINICK, a Senator from the State of Colorado, Hon. JAMES O. EASTLAND, a Senator from the State of Mississippi, Hon. HIRAM L. FONG, a Senator from the State of Hawaii, Hon. HUBERT H. HUMPHREY, a Senator from the State of Minnesota, Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, Hon. RUSSELL B. LONG, a Senator from the State of Louisiana, Hon. JACK MILLER, a Senator from the State of Iowa, Hon. WALTER F. MONDALE, a Senator from the State of Minnesota, Hon. JAMES B. PEARSON, a Senator from the State of Kansas, and Hon. WILLIAM B. SAXBE, a Senator from the State of Ohio, attended the session of the Senate today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

COMMITTEE MEETINGS DURING SENATE SESSION

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

The VICE PRESIDENT. Without objection, it is so ordered.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR PACKWOOD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

order recognizing the distinguished Senator from Oregon (Mr. PACKWOOD) at this time be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:10 p.m., with a limitation of 3 minutes on each Senator being recognized.

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. TALMADGE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130 (a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that rules of the Committee on Agriculture and Forestry be inserted in the RECORD at this point.

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

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.[1]

3. Five members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving sworn testimony.[1]

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON LIABILITIES AND OTHER FINANCIAL COMMITMENTS OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a statement of liabilities and other financial commitments of the United States Government, as of June 30, 1971 (with an accompanying report); to the Committee on Finance.

REPORT OF THE NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 2034

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation to enable more comprehensive and effective inspection and enforcement of hygienic standards in the preparation and processing of food products

"Whereas recent fatal events resulting from the distribution and consumption of botulism-tainted canned soup processed at a plant in this State have provided evidence that neither State nor Federal inspection procedures are adequate to guarantee the safety of consumers against such occurrences, inasmuch as it was disclosed that the plant involved in this incident had received no Federal inspection for 4 years and no State inspection for 5 years; and

"Whereas it is urgently necessary that appropriate steps, including fuller cooperation between State and Federal authorities and more frequent and energetic exercise of the inspection function and authority by both levels of government, be taken to prevent recurrences of similar fatal incidents; and

'Whereas the Commissioner of Health of this State has suggested that a comprehensive food inspection operation, consolidating and coordinating the operations of the several State and Federal agencies now exercising various segments of this vital governmental function, would do much to fill in gaps in the existing inspection system and to safeguard the public health; and

"Whereas Federal legislation is necessary to make possible the setting up of such a consolidated inspection system operating uniformly in all sections of the nation; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Congress of the United States is hereby respectfully memorialized to enact appropriate legislation to enable the setting up of a nationwide system for the more comprehensive and effective inspection and enforcement of hygienic standards for the preparation and processing of food products.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives and the several members of Congress elected from this State."

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 2027

"A concurrent resolution memorializing the Federal Aviation Administration and Congress to adopt a retrofit rule for turbofan aircraft at the earliest possible date

"Whereas, Aircraft noise in the vicinity of airports, especially airports located in densely populated areas of the State of New Jersey, has become a serious environmental problem; and

"Whereas, Reduction of aircraft noise at its source is the only meaningful solution to the aircraft noise problem in developed areas and such noise reduction can only be accomplished by Federal regulation and action; and

"Whereas, The Congress of the United States has recognized the gravity of the situation by enacting Public Law 90-411 which not only directs the Federal Aviation Administration to set noise standards for new aircraft but also, if practicable, to extend such standards to existing aircraft; and

"Whereas, Studies made by major manufacturers for the National Aeronautics and Space Administration clearly demonstrate that it is technologically feasible to modify existing turbofan aircraft to achieve significant noise reduction; and

"Whereas, The Federal Aviation Administration has issued an Advanced Notice of Proposed Rule Making soliciting comments on a proposed retrofit rule to carry out the intent of Congress as expressed in Public Law 90-411; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Federal Aviation Administration be and hereby is memorialized to adopt a retrofit rule with respect to turbofan aircraft at the earliest possible date to develop and to implement ways and means of facilitating the financing of the cost of retrofitting the entire United States fleet of turbofan aircraft.

"2. The Congress of the United States be and hereby is memorialized to adopt legislation requiring the Federal Aviation Administration to promulgate a retrofit rule no later than January 1, 1972.

"3. Copies of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, to each member of the Congress of the United States from the State of New Jersey and to the Administrator of the Federal Aviation Administration."

A resolution adopted by the Common Council of the city of Buffalo, N.Y., praying for the enactment of legislation relating to the issuance of a commemorative stamp on the 500th Anniversary of the birth of Nicholas Copernicus; to the Committee on Post Office and Civil Service.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 3039. A bill for the relief of Fernando Giovannelli. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 3040. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be unlawful; and

S. 3041. A bill for the relief of Shirley Ramkissoon. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3042. A bill for the relief of Jozef Szymanski; and

S. 3043. A bill for the relief of Mrs. Shiu-

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see section 133(d) of the Legislative Reorganization Act of 1946.

Ing Chien. Referred to the Committee on the Judiciary.

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

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 3047. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section. Referred to the Committee on Finance.

By Mr. CASE:

S. 3048. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and para-professional personnel particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

TO PROTECT THE CIVIL RIGHTS OF THE HANDICAPPED

Mr. HUMPHREY. Mr. President, I introduce on behalf of myself and the senior Senator from Illinois (Mr. PERCY) a bill to amend the Civil Rights Act of 1964 to insure equal opportunities for the handicapped by prohibiting needless discrimination in programs receiving Federal financial assistance.

No longer dare we live with the hypocrisy that the promise of America should have one major exception: Millions of children, youth, and adults with mental or physical handicaps. We must now firmly establish their right to share that promise, so well described by Thomas Wolfe:

> To every man his chance; to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America.

The time has come when we can no longer tolerate the invisibility of the handicapped in America. I am talking about over 1 million American children who are excluded from school. I am speaking of our poverty-stricken neighborhoods, where 75 percent of all the mental retardation in this Nation is found. I am calling for public attention to three-fourths of the Nation's institutionalized mentally retarded, who live in public and private residential facilities which are more than 50 years old, functionally inadequate, and designed simply to isolate these persons from society.

I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress—our several million disabled war veterans, the 22 million people with a severe physically disabling condition, the one in every 10 Americans who has a mental condition requiring psychiatric treatment, the 6 million persons who are mentally retarded, the hundreds of thousands crippled by accidents and the destructive forces of poverty, and the 100,000 babies born with defects each year.

These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled. But too often we keep children, whom we regard as "different" or a "disturbing influence," out of our schools and community activities altogether, rather than help them develop their abilities in special classes and programs. Millions of young persons and adults who want to learn a trade, work like other people, and establish their self-worth through a paycheck, are barred from our vocational training programs and from countless jobs they could perform well. And yet we have sufficient statistics clearly demonstrating the benefits to the national economy and the investment return of income tax revenues resulting from vocational rehabilitation and job placement for these citizens. Where is the cost-effectiveness in consigning them to public assistance or "terminal" care in an institution?

These are people who can and must be helped to help themselves. That this is their constitutional right, is clearly affirmed in a number of recent decisions in various judicial jurisdictions. Every child—gifted, normal, and handicapped—has a fundamental right to educational opportunity and the right to health. And we know, for example, that more than one-third of the 6 million persons who are actually retarded today are capable of earning a living and being self-supporting, productive members of the community if adequate training and residential facilities are provided for them.

Let me cite certain examples documenting the need for this legislation—cases where people with a mental or physical handicap are excluded from participation in, are denied the benefits of, or are subjected to discrimination under programs or activities receiving Federal assistance.

The U.S. Office of Education has reported that less than 40 percent of the 7 million handicapped children get the special educational assistance they need—yet this Nation has made a fundamental commitment to the right of all children to education. Many of these children are classified as educable mentally retarded. But more than 1 million children are denied entry into public schools, even to participate in special classes. The National Association for Retarded Children reports, for example, that only 48 percent of the 94,000 educable mentally retarded school age children and youth in Ohio are provided for in the public school system, with the rest being in private schools or not in any school program.

We do not even have adequate statistical information on the great number of physically handicapped children who have the mental ability to attend school but are denied that right. The variety of explanations for this denial include problems of transportation and architectural barriers. But the injustice of exclusion remains. A recent report by a Task Force on Children Out of School, under the auspices of the Easter Seal Society for Crippled Children of Massachusetts, states flatly that "in general, crippled children in Boston are not allowed to attend school." And the report documents a serious nationwide problem, in commenting further that "no person, no agency, knows how many—crippled children—there are, where they are, or what happens to them once they are rejected by the Boston public school system."

Another group of handicapped children, the emotionally disturbed, are also being brought to public attention in the Boston area. As reported in the Boston Herald of December 23, 1971, a class action suit has been brought before a U.S. district court on behalf of 1,300 emotionally disturbed children, alleging that an 8-year-old girl had never received any education in or from the Boston public schools even though application had been made on her behalf for admission to speical classes or for residential placement in a State-approved school.

I have focused my attention on the handicapped child. But injustices confronted by the hidden population of millions of handicapped persons across America are being increasingly brought to light, with challenges being raised where a handicapped person cannot travel alone on an airline flight, or is denied mortgage life insurance protection or a fair wage for his work, or experi-

ences the discriminatory effect of job qualification questionnaires or employment procedures.

Justice delayed is justice denied. The Federal Government must now take firm leadership to guarantee the rights of the handicapped, through making needless discrimination illegal in programs receiving Federal financial aid.

Mr. President, I ask unanimous consent that the text of my bill, which has been introduced jointly in the other body by Representative CHARLES A. VANIK of Ohio as H.R. 12154, be printed in the RECORD, together with a statement prepared by Senator PERCY.

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

S. 3044

A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Civil Rights Act of 1964 is amended by inserting "physical or mental handicap," immediately after "color," and by inserting ", unless lack of such physical or mental handicap is a bona fide qualification reasonably necessary to the normal operation of such program or activity" immediately after "Federal financial assistance".

SEC. 2. The Civil Rights Act of 1964 is amended by inserting immediately after section 605 the following new section.

"SEC. 606. For the purposes of this title, the term 'physical or mental handicap' includes mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, serious emotional disturbance, being crippled, or any other health impairment which requires special education and related services."

STATEMENT BY SENATOR PERCY

Mr. President, I take great pleasure in joining Senator Humphrey in introducing this amendment to the Civil Rights Act of 1964. This landmark legislation, introduced by Congressman Vanik in the House, would prohibit discrimination against the mentally and physically handicapped in programs which receive federal aid.

In November, I introduced with Senator Cook a Concurrent Resolution calling for a declaration of rights for the mentally and physically handicapped. My action today represents a further effort to ensure that the handicapped will receive the basic rights to which every human being is entitled.

I will forego a statistical verification of the prejudices suffered by the handicapped, as this was well documented in the RECORD when the Concurrent Resolution was introduced. It had been my hope that the Concurrent Resolution would begin a national commitment to eliminate the glaring neglect of our handicapped citizens. The amendment we are introducing today would realize this commitment, guaranteeing the handicapped equal opportunity to education, job training, productive work, due process of law, a decent standard of living, and protection from exploitation, abuse and degradation.

In essence, our amendment will give the handicapped their rightful place in so[illegible]

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

Mr. BELLMON. Mr. President, over the years American farmers and farm product exporters have invested huge sums of money in the development of foreign markets for products which American agriculture produces more efficiently and more abundantly than any other agricultural enterprise on earth. As a result of these efforts, the huge agriculture carryovers which once burdened our Federal Treasury and dampened our national economy are no longer so great a problem. Also, as a result of these efforts, many densely populated countries which do not possess the land base to feed their own population have become heavily dependent upon the United States as a source of food for their people and feed for their livestock and poultry.

Again, in 1971, American farmers proved their ability to meet the food and feed demands of this country, as well as our overseas customers. Unfortunately, during the latter part of 1971, the export of American farm products was greatly impaired by a dock strike brought on by a disagreement between the longshoremen and the shipping companies.

While I strongly support the right of labor to strike and strongly believe in labor-management negotiations to work out differences, I have reluctantly come to the conclusion that this Nation is paying far too high a price by allowing our docks to be tied up for long periods while labor and management negotiations proceed. Also, I believe it is too much to ask American agriculture to lose the customers it has won because of a disagreement in which it has no part. At the same time we cannot expect our foreign customers to allow their people to go without food because of a labor-management disagreement in this country. If America is to continue to enlarge its role as a major supplier of food for hungry parts of the world, we must take steps now to assure reliable delivery of feed and foodstuffs which others come to depend upon.

On November 5, 1971, the Senate Agricultural Exports Subcommittee held hearings under the chairmanship of Senator LAWTON CHILES, the distinguished junior Senator from Florida. Many witnesses appeared and gave convincing testimony relating to the need for finding a means to assure dependable delivery of American agriculture products. I ask unanimous consent that the following selected portions of the proceedings be printed in the RECORD.

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

PORTIONS OF THE PROCEEDINGS

Kenneth E. Frick, Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture:

Farmers have long known that they must compete. And they know how to compete, as indicated by the fact that we are the world's largest exporter of farm products. But farmers have made a large investment of both effort and money, and this investment is eroded by a few over whom they have no control.

Agricultural exports reached a new high of $7.8 billion last year, and farm exports contributed more than $6 billion to the Nation's commercial trade balance last year. Without the favorable ratio of farm exports to imports, our balance of trade—payments—would have reached the crisis stage long ago.

But farmers are aware that their competitive position is in jeopardy, through no fault of theirs, if they cannot depend on our transportation industries to move their farm products. In world markets our crops have to compete directly with commodities from other countries and if buyers cannot depend upon getting a dependable quality and quantity of U.S. products they will buy what they need from others.

Raymond L. Davis, Vice President, National Association of Wheat Growers, Potter, Nebraska:

Strikes have caused great frustration and confusion in the farm community. Wheat producers have contributed millions of dollars and thousands of hours of their time to develop and maintain foreign markets for U.S. wheat. Likewise, producers have worked with the Department of Agriculture and the grain trade to build a reputation for the United States as a reliable source for quality wheats. Strikes cancel out much of the work and money that has gone into establishing and servicing overseas markets. These losses cannot be recovered.

John Rockwell, President, Kansas City Board of Trade, Kansas City, Missouri:

The grain trade at Kansas City faced certain difficulties and distortions of normal marketing procedures through the months of the dock strike on the West Coast. But the real impact came from the threat or the actual stoppages at the gulf October 1. The biggest loss in business to date has been in grain sorghum exports. Our trade with Japan offers the best example because Japan is the biggest single buyer of U.S. grain sorghums and this country normally is Japan's major supplier of this feed grain, a majority of which is fed to poultry in Japan.

This year, because of the threat of the October 1 strike at the gulf, Japan did not buy any grain sorghums for October, November, or December shipment prior to October 1. Normally, this country ships Japan around 200,000 to 250,000 tons of grain sorghum a month. This grain normally comes out of the Kansas City trade area, Texas, Kansas, Nebraska, Missouri, and a little out of Oklahoma.

Japan turned to other sources this fall for feed grains, thus Texas, Kansas, Missouri, and Nebraska farmers have lost this business for this year, a year in which record production called for maximum exports.

Matt Triggs, Assistant Legislative Director, and Dale Sherwin, Assistant Legislative Director, American Farm Bureau Federation:

The disruptive impact of transportation strikes and particularly dock and maritime strikes on the marketing of farm products is obvious. This disruptive effect reaches much further than the loss of current sales. Foreign buyers, who find the United States to be an undependable source of supplies because delivery is uncertain, are provided an incentive to look to suppliers in other countries to meet their needs on a permanent and dependable basis.

The impact of the loss of exports on farm prices is equally obvious. Inability to maintain export markets clogs domestic channels and reduces domestic farm prices.

There clearly is a need for more effective legislation not only to supplement the temporary remedies that have been applied in the current situation, but also to provide more adequate remedies for dealing with any similar problems that may arise in the future.

Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives:

The widespread dockwork stoppages throughout the U.S. shipping areas have caused commodity damage, reduced farm income, greatly restricted exports and hurt long

term export markets of many farmer cooperatives in the country. This action has not only contributed to already depressed farm income but has impaired the ability of the United States to recover from the foreign trade and international monetary crisis which it is now suffering.

Mr. BELLMON. Mr. President, I am today introducing a bill to protect American export markets for wheat, feed grain, and soybeans. The bill is brief, and I ask unanimous consent that the full text be printed in the RECORD.

Mr. President, I send the bill to the desk and ask unanimous consent that it be referred first to the Committee on Agriculture and Forestry and then to the Armed Services Committee for a period of not to exceed 30 days so that the military aspects of the bill can be considered.

The PRESIDING OFFICER. The Senator means after it has been reported by the Committee on Agriculture and Forestry?

Mr. BELLMON. That is correct.

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

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

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, at any time that the shipment of wheat, feed grains, soybeans or other farm commodities from United States ports is impeded by strike or other cause and has been so impeded for 30 or more of the preceding 120 days, the Secretary of Agriculture and the Secretary of Defense shall, through the use of military personnel and other means available to them, arrange for the shipment through military installations of such quantities of wheat, feed grains, soybeans or other farm commodities from Government or private stocks as may be necessary to supply customary markets of the United States for such commodities or to preserve such markets for American agriculture.

Mr. BELLMON. Mr. President, the passage of this bill will guarantee that any customer who comes to the United States to purchase food or feed grains can be assured that these products will be delivered on schedule. The passage of this bill will not interfere with the right of longshoremen to strike, but it will assure that innocent third parties will not unfairly be hurt by an interruption of shipping services.

Clearly, neither the longshoremen nor the shipping companies benefit when American agriculture loses markets because of a dock strike. Also, neither side benefits when citizens of other countries are forced to go hungry because the food they have purchased from this country is rotting on the docks or is piled up on the ground at inland points awaiting shipment.

The passage of this legislation will in no way interfere with the right of workmen to strike. It will have the beneficial effect of assuring the maintenance of markets for American products and in this way assure the retention of cargo handling jobs for dockworkers once the strike is over.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEART, LUNG, AND BLOOD ACT

Mr. MONDALE. Mr. President, it is my privilege today to introduce the proposed National Heart, Lung, and Blood Act of 1972. This bill should stimulate an intensive national effort to combat cardiovascular and pulmonary diseases and other heart and blood disorders. It will provide authority for a comprehensive research, educational, and preventive program in these disease areas through the National Heart and Lung Institute and other public and private agencies.

With the recent enactment of legislation to expand cancer research we have demonstrated our belief that high program visibility and the creation of a national goal, coupled with greater funds, will result in an acceleration of research and of clinical applications toward reducing deaths from a major killer disease. We now must take the opportunity to extend this commitment to saving lives by providing the legislation necessary to accelerate research and its applications in cardiovascular and pulmonary diseases and the other important programs of the National Heart and Lung Institute and of related organizations.

The major emphasis of the National Heart and Lung Institute—NHLI—include programs in arteriosclerosis and other cardiac, pulmonary, and blood disorders, as well as professional and public education and biomedical engineering. Each of these programs contributes to our struggle to reduce premature death and disability from diseases of the heart and lungs. All of them show promise of breakthroughs in understanding causation, prevention, diagnosis and treatment.

Cardiovascular disease is the No. 1 killer disease in the developed world, and in the United States alone it accounts for more than half of all deaths. As shown by the following figures, it is by no means confined to the elderly. In 1968, 1,081,391 men and women died of cardiovascular disease in the United States, nearly 300,000 of them under the age of 65. It strikes many people. especially men, in the prime years of their lives.

Together, cardiovascular and pulmonary diseases annually leave disabled over a million men and women under the age of 65, individuals whose capacity to work and care for their families is hereby restricted. And they confine to bed another two-thirds of a million men and women, half of whom are under 65.

Cardiovascular disease is regarded today as being in an epidemic stage in all of the highly developed nations. In the United States, for example, the mortality rate for this class of diseases, in 1900 was approximately 250 per 100,000 population. By 1960 this figure had risen to approximately 480 per 100,000. Part of this is due to the increase in average life span and the high rate of cardiovascular disease among older persons, but the very significant number of younger men afflicted indicates that age is not the only explanation.

It is significant that until about 1930 the heart disease mortality rates for men and women were about the same. Today, the mortality rate of women of all age groups is falling—yet that of men is increasing from the age of 40 onward, primarily from cardiovascular disease and lung cancer. This excess mortality of men has significant implications for society. It increases the number of widows and fatherless children, and society is losing large numbers of its most productive people.

Strong preventive measures are needed, calling for further and definitive studies, and requiring the cooperation of public and private agencies in bringing the results to the attention of health professionals and the public. Some of the causal factors have already been found: For example, high blood cholesterol levels, lack of exercise, and cigarette smoking have all been linked to a high fatality rate in cardiovascular disease.

An interesting paper concerning the effects of cholesterol on arteriosclerotic deposits among rhesus monkeys was recently presented at the meeting of the American Heart Association in California and reported in the New York Times on November 13, 1971. This and other studies show that individual programs of increased activity, abstention from smoking, and decreased cholesterol levels would help cut the death rate from cardiovascular disease.

Epidemiological studies must be greatly expanded and strengthened so that more can be learned about the geographical, national, cultural, dietary, occupational, racial, and environmental factors which contribute to the wide variations in death rates for various cardiovascular diseases among people in America and around the world. For example, a study in Evans County, Ga., covering more than 10 years, has revealed a wealth of data with great significance for understanding and preventing coronary heart disease. This was reported in the September 17, 1971, issue of Medical World News.

Methods of treatment of these disorders must also be improved and made available to more people through more and better equipped diagnostic and treatment facilities. In particular, the regional medical program facilities must be strengthened and enlarged. Techniques of cardiovascular surgery must be further developed and applied but they must also be adequately tested and evaluated. Rehabilitation of physically and psychologically disabled individuals must be expanded and refined to enable them to return to a more normal and useful life.

However, much further research is also required. For example, little is known about the specific development of arteriosclerosis and other forms of cardiovascular disease. A recent report prepared by the NHLI task force on arteriosclerosis presents a summary of the magnitude of the problem and recommendations for programs of action to control and prevent this disease. The report proposes:

First. A major health goal of the 1970's should be prevention and control of arteriosclerosis as well as its fatal and disabling consequences. Leadership in fulfilling this national commitment should be assumed by the Federal Government.

Second. To achieve this goal, the National Heart and Lung Institute should

be directed to develop, promote and support a national, coordinated, comprehensive program for the prevention and control of arteriosclerosis.

As indicated in a summary in the Wall Street Journal on December 10, 1971, this report calls for "a new national program to combat heart disease." The article also cites the fact that nearly 36 million adult Americans are afflicted by cardiovascular diseases.

Other cardiac diseases in which research gives hope of substantial progress include cardiac arrythmias, heart failure and shock, and congenital and rheumatic heart disease. The Myocardial Infarction Branch of NHLI is especially concerned with the reduction of deaths and disability from heart attacks, which kill almost 700,000 Americans each year.

High blood pressure is another major problem and affects approximately 22 million Americans. An estimated 10 to 15 million people suffer from this disease and do not know it. Current research in this area at the NHLI revolves around forms of therapy, study of the causative agents, and better methods of diagnosis. A major effort is needed to determine the value of reduced blood pressure in preventing cardiac episodes.

This bill would launch a major effort to improve the control of heart and blood vessel diseases. Work on cardiovascular diseases, including atherosclerosis and hypertension, will necessarily encompass an attack on the problem of stroke, which accounts for about 200,000 deaths per year. In this connection, the National Heart and Lung Institute will have to work jointly with the National Institute of Neurological Diseases and Stroke, following established lines of specialization: the former involved with the problem before the stroke occurs and the latter concerned principally with the neurological problems resulting.

The bill will permit the full implementation of the report of the task force on arteriosclerosis, including a variety of special clinical trials. It will also make possible an increase in the number of lipid research clinics to conduct other clinical trials; substantial increase in epidemiological studies, including multifactor preventive trials; and efforts to gain control of hypertension either through mass screening or through regional centers.

Pulmonary diseases are also a serious cause of death and a major cause of disability in the United States and seem to be increasing in frequency. Emphysema and bronchitis are among the most common of these diseases. Studies continue on their specific causes, and on preventive and therapeutic measures related to the already demonstrated involvement of environmental factors, heredity, and infection. Lung transplantation, now under study at the National Heart and Lung Institute, may be the only solution for a number of advanced cases of pulmonary disease.

Since the assignment of lung and heart diseases to the same Institute in 1969, a start has been made in accelerating efforts to control lung disease. This bill should greatly augment those efforts to deal with an increasingly important health problem.

Various blood disorders programs are contributing to our understanding of their cause and cure. Thromboembolisms are an important area of study at present. Sickle cell anemia is also under investigation at the NHLI. This disease has received far too little attention until recently and should be the target of intensive effort as a result of legislation passed by the Senate and now pending in the House.

In the field of blood studies, there is a current crisis in the provision of an adequate supply of blood for individuals who require it for surgery and other purposes. Included in the program to deal with this crisis are studies in the improvement of transfusion methods, blood storage and preservation, and blood fractionation into its component parts for various special uses. Hepatitis, a disease which may be acquired from blood transfusions, is receiving special attention, with studies of testing methods for the presence of the virus in blood and of antigens for control of the disease. Additional research is needed on these problems, as well as on anticoagulation, hemodilution and plasma substitutes. An educational program is urgently needed to attract blood donors from the healthiest elements of the population. All of this would be authorized under the bill.

The medical devices program of NHLI seeks to tap the potential of the new field of bioengineering. It has a mandate to aid in the development of mechanical devices to assist and monitor patients with chronic heart or lung disease. There may be great promise in the development of an artificial heart and an artificial lung to take over the function of the failing organs.

This program is coordinating the activities of the academic community, medical centers, and industry to achieve reliable and efficient mechanical devices to aid pulmonary and cardiac disease patients. I believe that a wide variety of scientific, engineering and technical manpower, much of it unemployed or underemployed, can and should be put to work on these life-saving projects which require work on materials development, control systems, miniaturization and reliable power supplies.

Specialized centers of research—SCOR—are now being developed, and must be expanded, to concentrate on high-priority programs in arteriosclerosis, hypertension, thrombosis, and pulmonary diseases.

Each center will be concerned with one particular disease area to develop new knowledge in prevention, diagnosis, and treatment, and to facilitate the clinical applications of such new knowledge.

Finally, public, professional and paraprofessional information and education programs are of the utmost importance in the dissemination of the knowledge acquired through the many programs of research and development of the National Heart and Lung Institute, the American Heart Association, the National Tuberculosis and Respiratory Disease Association and other voluntary agencies. Both the general public and health personnel need to be aware of the most recent information on the prevention, diagnosis, and treatment of heart and lung diseases. We can, in this way, best use the knowledge being gained about these diseases to promote and maintain the health of the American people.

Legislative action is required to assure that there will be no delay whatsoever in improving the means to fight cardiovascular, blood and pulmonary diseases and to provide the resources necessary to exploit the numerous leads and clues of premature disease processes in these sytems. The proposed National Heart, Lung and Blood Act of 1972 will strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to launch a comprehensive attack on heart, lung and blood diseases, in cooperation with other Federal agencies and voluntary organizations.

All together, the bill authorizes $2.5 billion for a 5-year program. For fiscal year 1973, it authorizes $270 million for cardiovascular disease, $50 million for blood diseases and blood banking, $40 million for pulmonary disease, $40 million for information, public education and professional training, and $45 million for bioengineering of devices to assist, replace or monitor the heart and lungs. These 1973 authorizations, totaling $445 million, are almost double the $232 million appropriated by the Congress for the current year.

Mr. President, the potential exists to make dramatic progress in dealing with the number one cause of death—cardiovascular disease—as well as in pulmonary and blood diseases. Now is the time to make a national commitment to do so. It is with confidence that we are ready that I introduce the National Heart, Lung and Blood Act of 1972. I ask unanimous consent that the text of the bill and of the three articles I referred to be printed in the RECORD.

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

S. 3046

A bill to provide for accelerated research, development training and public education in the field of heart, lung, and blood disease

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act shall be known as the "National Heart, Lung, and Blood Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) cardiovascular disease accounts for more than one-half of all deaths in the United States;

(2) pulmonary disease is increasing in incidence and severity and is a leading cause of disability;

(3) blood disease affects millions of Americans and a supply of wholesome blood for transfusions is essential to a healthy society;

(4) existing knowledge of preventive measures and techniques for care in cardiovascular, lung, and blood diseases is inadequately disseminated to and used by professionals and the public, thus preventing the rapid reduction in the incidence and severity of these diseases which is, or may be, possible;

(5) a great potential for improving management of these diseases is offered through the development and refinement of technological devices to assist, replace, or monitor vital organs and a substantial unused capacity exists in our engineering and scientific pools to work on such problems;

(6) there is a need to involve all appropriate elements of the Department of Health, Education, and Welfare as well as other Federal agencies and voluntary associations in order to carry out a comprehensive public health program in the field of heart, lung, and blood diseases.

(b) It is therefore the purpose of this Act to strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to permit a comprehensive attack on heart, lung, and blood diseases.

PROGRAM COORDINATION AND MANAGEMENT

SEC. 3. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is directed to develop and implement a comprehensive program dealing with heart, lung, and blood diseases utilizing the National Heart and Lung Institute and all other appropriate elements of the Department of Health, Education, and Welfare as well as providing for cooperative efforts with other Federal agencies and voluntary associations.

ANNUAL REPORT

SEC. 4. The Secretary shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Department during the preceding calendar year with regard to this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. The Secretary, in carrying out his functions under this Act, is authorized—

(1) to the extent that he deems such action to be necessary to the discharge of his functions under this Act, to appoint not more than 25 of the scientific, professional, and administrative personnel of the Department without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, and he may fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, at rates not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of such title;

(2) to the extent that he deems necessary to recruit specially qualified scientific or other professional personnel on a temporary basis without regard to the provisions concerning competitive service he may establish the entrance grade therefore at not to exceed two grades above the grade otherwise established for such personnel under such provisions and appoint not more than 50 such persons for periods of time which he deems appropriate;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. (a) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of cardiovascular disease (including clinical trials, demonstrations, and administrative expenses) $270,000,000 for the fiscal year ending June 30, 1973, $275,000,000 for the fiscal year ending June 30, 1974, $285,000,000 for the fiscal year ending June 30, 1975, $295,000,000 for the fiscal year ending June 30, 1976, and $320,000,000 for the fiscal year ending June 30, 1977.

(b) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of lung diseases (including clinical trials, demonstrations, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $60,000,000 for the fiscal year ending June 30, 1976, and $70,000,000 for the fiscal year ending June 30, 1977.

(c) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of blood disease (including clinical trials, demonstrations, and administrative expenses) and for improvement of blood banking programs, $50,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $45,000,000 for the fiscal year ending June 30, 1977.

(d) There are hereby authorized to be appropriated for information, public education, and professional training (including training grants, fellowships, continuing education, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977.

(e) There are hereby authorized to be appropriated for research, development, and testing (including administrative expenses) of technological devices to assist, replace, and monitor the performance of the heart and lung, $45,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, $70,000,000 for the fiscal year ending June 30, 1976, and $85,000,000 for the fiscal year ending June 30, 1977.

TRANSFER AUTHORITY

SEC. 7. Notwithstanding any limitation on appropriations for any program of activity under section 6 of this Act or any Act authorizing appropriations for such program or activity, not to exceed 15 per centum of the amount appropriated or allocated for each fiscal year from any appropriation for the purpose of allowing the Secretary to carry out any such program or activity under section 6 of this Act may be transferred and used by the Secretary for the purpose of carrying out any other such program or activity under this Act.

OTHER AUTHORITY WITH RESPECT TO HEART, LUNG, AND BLOOD DISEASES

SEC. 8. This Act shall not be construed as superseding or limiting the functions or authority of the Secretary, or of any other officer, agency, or advisory council of the United States, relating to the study of the causes, prevention, diagnosis and treatment of heart, lung, and blood diseases.

STUDY LINKS DIET TO HEART ATTACKS: TESTS ON MONKEYS SUPPORT THEORIES ON CHOLESTEROL

(By Jane E. Brody)

ANAHEIM, CALIF., Nov. 12—University of Chicago researchers have produced what is perhaps the best experimental evidence to date that the typical American diet fosters the development of severe hardening of the arteries, the main cause of heart attacks.

The study also indicated that a "prudent" modification of the American diet—with a reduction in saturated fats, cholesterol and refined sugar—could avoid the development of the artery-clogging disease known as arteriosclerosis, which accounts for more than a third of the deaths of American men between the ages of 40 and 45.

The study was done with rhesus monkeys, which are very like humans in the way their body metabolism handles various foodstuffs. When middle-aged male rhesus monkeys consumed the content of the American table diet for two years, they suffered three times as much arteriosclerotic disease in the aorta, the body's main artery, as did monkeys eating the prudent diet.

In addition, in the animals on the average American diet, the arteriosclerotic deposits were four times more severe than those found in the monkeys who ate "sensibly," Dr. Robert Wissler reported at the annual meeting of the American Heart Association here.

Dr. Wissler said that his findings supported what studies in human populations "have already strongly suggested—that diet is extremely important to the development of arteriosclerosis."

Numerous previous studies in animals have similarly indicted the American diet as one of the causes of early deaths from heart disease. But most of these studies involved such distant relatives of man as the rabbit, rat, chicken and dog.

Other studies, on closer relatives, including the rhesus monkey, have been criticized because the suspected artery-damaging ingredients were fed to the animals in abnormal ways, such as in intravenous feedings.

In the Chicago study, the monkeys ate the way they usually do, except that in place of a stock monkey diet, they received such foods as milk, eggs, roast beef and pork, chicken, cheese, butter, sugar, potatoes, carrots, cereal, fruit, cake and juice.

The "prudent" diet contained many of the same ingredients, but less or none of the foods heavily laden with cholesterol and saturated fats. These include eggs, cheese, butter and fatty beef and pork. The prudent diet also contained less than the amount of refined sugar and one-third less calories than the monkey's average American diet.

Dr. Wissler said in an interview that the monkeys "loved" both diets and consumed them with such delight that both groups gained a fair amount of weight.

Dr. Wissler, who is chairman of the department of pathology at the University of Chicago, said that the "excess calories" in the average American diet probably accelerated the arterial effects of cholesterol and saturated fats.

He noted that monkeys who eat a stock monkey diet hardly ever get arteriosclerotic lesions.

REPORT FROM THE GEORGIA HEARTLAND—WHERE BEING WHITE AND AFFLUENT HAS ITS RISKS

That blacks are generally less prone to coronary heart disease than whites has been acknowledged for several years. Nobody knows why, although both genetic and environmental factors are thought to be involved. However, the pattern is emerging more clearly as new details become available from an epidemiologic investigation begun more than a decade ago in Evans County, Ga.

This study—the only total-community, biracial study in the U.S.—was conceived and subsequently nurtured by Dr. Curtis G. Hames, a general practitioner in Claxton, the Evans County seat. Starting with a census of the population, he and outside investigators undertook a prevalence survey in the years 1960 to 1962 (MWN, Nov. 8, '63). At that time nearly all persons 40 and over were examined plus half the number of those between 15 and 39 years of age—a total of 3,102 county residents; these were then divided into ten subsamples to offset any examiner variations. Now a follow-up study (1967 to 1969) has provided not only a check on the earlier work but has explored a number of new avenues, turning up some surprises among the confirmations.

A group of papers detailing these results, some of which are still being evaluated, is scheduled for publication within the next few months in the *Archives of Internal Medicine*. They will show, among other things, that if you want to escape heart attacks, it helps to be lean, black, poor, nonsmoking, and physically active. With these qualifica-

tions, one apparently can eat animal fat, have elevated serum cholesterol levels, endure high blood pressure, and demonstrate ECG abnormalities without the high risks such factors ordinarily entail.

Checking back over statistics for the years between the original survey and the follow-up, the investigators found a total of 143 new cases of ischemic heart disease, 56 of them fatal. The incidence among white men was approximately 3½ times that among black men, confirming the prevalence survey data. This contrasts with figures for the country as a whole, which show more equality—3.8% against 3.2%. The difference is perhaps explained by the fact that few bi-racial prevalence studies and no incidence studies that include adequate numbers of blacks have been conducted outside Evans County.

One surprise finding in the incidence study was that differences noted earlier in the heart disease rates between affluent and poor whites had disappeared in the intervening years. The 1960–1962 data, applied to a social status yardstick that takes into account most modern symbols of affluence, showed a coronary heart disease rate of 99 per thousand for the more affluent portion of the white population, compared with just 40 per thousand for the less affluent. In the 1967–1969 incidence survey, though, this gap had narrowed to 84/1000 against 81/1000.

Another striking finding in the new study confirms a relationship noted in the earlier survey between coronary heart disease and physical activity—but with a twist. Not only do the highest rates of coronary heart disease occur, as might be expected, in the most sedentary segments of the population, but in the lowest-incidence group—sharecroppers and farm laborers—whites turn out to be no more coronary-prone than blacks. It appears, therefore, that physical activity rather than race may be the main protection against coronary disease. But Dr. Hames warns that there is reason to believe from some other findings that exercise may be an effective shield only above some as yet undefined threshold of exertion.

Among the black-white differences that have emerged in the study:

Hematocrit levels correlate with disease risk in white males, confirming certain of the Framingham, Mass., findings. Evans County data show that a white man with a hematocrit reading of 50 or above runs 2.3 times as much risk of coronary heart disease as one with a hematocrit of 40 or less. But no such relationship was found in blacks.

ECG abnormalities are approximately twice as common in blacks as in whites. Some 45% of black men and 54% of black women in the county show at least one ECG abnormality, compared with only 25% of white men and 22% of white women. But, oddly, the higher incidence of ECG anomalies in blacks carries no higher risk, at least not in males. The study shows that black men with "any of the specified abnormalities" had no greater CHD incidence than those with none. And no abnormality except left axis deviation carried any risk for black women. In contrast, four types of ECG findings correlate with higher rates of heart disease in white women, and any one of the specified abnormalities is enough to increase the risk in white men. The relationship of ECG abnormalities to coronary heart disease rates in white males is similar to what has been observed elsewhere in the country, but the pattern found in black men resembles more what has been found in Jamaica and South Africa.

Blood pressure was found to be higher in black men (154.0/96.5 average in ages 15 through 74) than in white men (140./87.7), and higher in black women (161.6/98.1) than white (143.6/87.3).

Cardiac enlargement and left ventricular hypertrophy both occur with greatest frequency in black females, with black males coming second in CE but white females second in LVH.

Cholesterol levels tend to be lower, on average, among blacks than whites, despite a higher consumption of animal fats by blacks. But in those blacks who do have serum cholesterol levels in the high range, the risk of CHD is less than in whites.

Beta lipoprotein are higher in white men than in black.

Triglycerides are consistently higher in whites, but gamma globulins are consistently higher in blacks in each class of immunoglobulin; this difference is significant at the 5% level in the gamma-G fraction only.

The Evans County studies have approached the relationship between smoking and coronary heart disease in several different ways. When studying the incidence of CHD among occupational groups, the investigators made one analysis showing that farmers who were smokers at the time of the survey, or had been smokers, had an age-adjusted CHD rate of 93.7 per thousand, compared with 59.6 for nonsmoking farmers, 158.2 for smoking nonfarmers, and 98.3 for nonsmoking nonfarmers. A racial comparison based on the whole of the country's adult population indicated that white nonsmokers had a CHD rate of 52.7 per thousand, black nonsmokers just 9.8, white smokers 101, and black smokers only 32.5. In other words, a black smoker seems to run a considerably smaller risk of coronary heart disease than does a white nonsmoker.

Still another study, based on questionnaires sent to a sampling of white men in the relatively affluent and therefore relatively high-risk category, turned up the following CHD incidence per thousand:

Never smoked	70
Had smoked but stopped	48
Smoke fewer than 10/day	105
Smoke 10 to 20 per day	138
Smoke more than 20 per day	160

"The interesting thing about this," notes Dr. Hames, "is that the ones who had smoked but gave it up actually had lower rates of coronary heart disease than those who had never smoked at all. We discussed this in a bull session up at the University of Vermont, and the consensus was that people who had the guts to quit probably had a little bit extra going for them."

"We saw the same thing," comments Dr. William Kannel, director of the Framingham heart project. "There wasn't a significant difference statistically, but the risk among former smokers was lower than among nonsmokers. Why? Perhaps long-time smokers who quit have passed the test; those with compromised cardiovascular systems have already fallen by the wayside. Perhaps, too, the ex-smokers are very health-conscious. But remember that health can affect smoking habits. Prospective studies might show that those who gave up smoking because a doctor told them to are still at risk and may be worse off than before."

The Evans County studies may have also resolved a question millions of smokers ask themselves every year. If I give up smoking but then put on weight, won't my risk of heart disease be just as great? The answer appears to be no. A study of white men to determine the combined effects of smoking and body weight in the seven years since the 1960–1962 survey showed that those who smoked subsequently developed coronary heart disease at the rate of 150 per thousand if they were heavy and 80 per thousand if they were lean. Heavy nonsmokers had a rate of only 64, and lean nonsmokers 51.

During the 87 months between the prevalence survey and the follow-up examination, cerebrovascular disease developed in 94 persons in Evans County, 53 of whom were still alive. The incidence of stroke among white men (4.7 per thousand per year) was almost four times that found in white women and more than twice that reported for white men in other parts of the country. The rates in black men and women were approximately equal (5.8/thousand/year), but there were too few patients of either sex to ensure statistical validity. Hypertension seemed to increase stroke risk in all groups, but not cholesterol levels.

In studying the relationship of weight to cerebrovascular disease—a somewhat controversial subject because of conflicting reports from other sources—the Evans County investigators focused on weight gain after age 30 on the theory that this might be the biologically important process in the development of this disease. They found, in effect, that both weight at age 20 and degree of subsequent weight gain exert an independent effect on the incidence of stroke in the white male population studied. Men who were comparatively lean at age 20 (less than 150 pounds) and gained less than 30 pounds in subsequent years had a stroke rate of 38 per thousand; the rate for heavy men who gained less than 30 pounds was 52. Lean men who gained more than 30 pounds had a rate of 59, heavies who gained as much, 90.

No correlation was found between weight at age 30 and subsequent weight gain, on the one hand, and ischemic heart disease.

Many of the research projects carried out with the Evans County epidemiologic data have been only peripherally related or totally unrelated to cardiovascular disease. For example, a search through the more than 20,000 blood samples collected in the county turned up one patient with Au antigens and severe hepatitis, and played a role in documenting an association between the two. And there have been ecological investigations and studies of viral-antibody prevalence. In one of the latter, blood samples are being used in an effort to link herpes virus Type II to cervical cancer.

But the primary business of the study is still cardiovascular disease, and the investigators have recently been concentrating on some heretofore insufficiently explored fields that Dr. Hames hopes will lead to a better understanding of ischemic heart disease. Interlocking studies of exercise, stress, catecholamines, and platelet aggregation are being run.

Part of the "fight-or-flight" mechanism developed in man during the process of evolution is the release of epinephrine and norepinephrine under stress—a catecholamine release accompanied by an increase in platelet stickiness, a precursor to thrombus formation. This, of course, must have been nature's way of helping prehistoric man to survive, lessening his risk of bleeding to death in combat.

Tests done in Evans County with 24-hour urine samples from a sizable segment of the population have shown that the more-affluent, coronary-prone group passes about 50% more norepinephrine than do poorer, lower-risk individuals. The theory now is that the affluent, "high-achiever" types not only lead a more stressful life but react differently to stress than do low achievers.

Recognizing that degrees of psychological stress vary widely among individuals, Dr. Hames and his collaborators have used physical stress—treadmill exercise to just below maximum cardiac output—in studying catecholamine release. Here they found that affluent whites pour out about twice as much norepinephrine as do poor blacks.

These results have led logically to studies of blood coagulation. Using the Born-O'Brien optical density method, which measures light transmitted through platelet-rich plasma, the Evans County investigators have charted the clumping of platelets in the blood of stressed individuals. Dr. Hames will be reporting on these studies later this year, but one preliminary conclusion he draws from the work is that chronic exercise appears to decrease the platelet-aggregation response to stress and is thereby protective. The sedentary person, on the other hand,

responds to a surge of unaccustomed activity with acute release of catecholamines and excessive platelet aggregation.

Also under investigation is the prevalence of the five known lipid transport systems, and the degree of morbidity and mortality associated with each. The various lipoprotein fractions are being separated out from the Evans County blood samples at Center for Disease Control laboratories in Atlanta.

Other aliquots of blood are sent regularly to Oslo, Norway, and Florence, Italy, where they are subjected to genetic marker tests that may, hopefully, isolate one or more factors involved in the genetic determination of the various lipoprotein fractions. "If we can learn more about the genetics of lipidemias," says Dr. Hames, "some time in the future, when we get to the point where we can manipulate genes, it may be possible to intervene to modify, say a genetic tendency to hypercholesteremia."

The word "intervention" is heard with increasing frequency in conversations among Evans County researchers. They have now embarked on preventive intervention studies of hypertension. With more than 1,000 cases of hypertension identified in the community, Dr. Hames believes these studies can develop data and refine methods that could serve as models for work in other parts of the country. Furthermore, the introduction of this kind of preventive medicine in Evans County adds a new wrinkle to the health care available to many of his patients. Dr. Hames, for all this research, still considers that care to be his main responsibility.

[From the Wall Street Journal, Dec. 10, 1971]

PROGRAM TO COMBAT HEART DISEASE URGED BY PANEL, CITING ARTERIOSCLEROSIS EPIDEMIC

WASHINGTON.—A National Institutes of Health advisory committee, warning that death and disease from arteriosclerosis "have reached epidemic proportions in the U.S.," called for a new national program to combat heart disease.

The committee, composed of non-government experts, urged that the President appoint a commission to plan such a program and that a major expansion in spending be undertaken by NIH's National Heart and Lung Institute for research, education and prevention.

The group, chaired by Dr. Elliot V. Newman of Vanderbilt University, estimated the first-year costs of such an undertaking at $120 million and second-year outlays at $175 million. The National Heart and Lung Institute's budget for the current year is $232 million and total NIH spending for medical research is currently $1.4 billion.

Arteriosclerosis is the thickening or "hardening" of the blood-vessel walls sometimes caused by deposits of cholesterol and other fatty substances. The condition leads to a variety of circulatory problems, producing heart attacks, strokes and other types of vascular, or blood vessel disease.

The advisory group said an estimated 845,000 Americans are hospitalized each year for heart disease, 370,000 for strokes, 288,000 for hypertension, or high blood pressure, and 104,000 for other problems produced by arteriosclerosis. The group maintained that nearly 36 million American adults are afflicted by cardiovascular diseases that produce more than one million deaths each year. Cardiovascular disease is by far the leading medical cause of death in the U.S.

AT LEAST AN INITIAL STEP

The National Heart and Lung Institute, which called for the study by the advisory group, is eager to proceed with certain recommendations as at least an initial step. Dr. Theodore Cooper, institute director, estimates that running a series of four clinical trials designed to obtain essential answers to proper prevention and treatment of heart disease would cost from $112 million to $125 million over a seven-to-10-year period.

The Institute has benefited from major increases in its budget in previous years and is obviously seeking another increase in the coming fiscal year to cover the costs of some of these activities. The Nixon administration's new cancer program, on its way to being enacted by Congress, has produced an increased and fierce competition for research funds among the components of the National Institutes of Health. The National Heart and Lung Institute and heart researchers outside the government have been fearful that the emphasis on cancer will detract from the needs they foresee in the fight against heart disease.

The report on arteriosclerosis, they believe, is likely to serve as a significant document in future struggles within the administration and on Capitol Hill for allocation of medical research funds.

EFFECT OF REDUCING "RISK" FACTORS

The four clinical trials Dr. Cooper hopes to undertake would attempt to determine the effect of reducing three major "risk" factors believed to play the predominant role in producing heart disease. These factors are elevated levels of cholesterol and other fatty substances in blood serum, hypertension and cigarette smoking.

The trials would include:

A small test involving about 250 people at the National Institutes of Health's Clinical Center to determine the effect of lowering fat levels by diet and drugs.

A larger trial involving about 3,600 people conducted elsewhere for the same purpose.

A trial involving 10,000 to 11,000 people to determine the impact on heart disease of lowering high blood pressure and to find out why so many people appear to be reluctant to undergo drug treatment for this condition.

Another "multi-factor" risk trial involving 10,000 to 11,000 people to determine the effect of treating all three risk factors, fat levels, high blood pressure and cigarette smoking.

By Mr. CASE:

S. 3408. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

Mr. CASE. Mr. President, today I am introducing legislation that will pave the way for the development of a medical school and veterans hospital in southern New Jersey. The legislation will authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations, and residency training. Appropriated funds can be used to pay a medical school for the cost of training during the time the intern or resident serves in the Veterans' Administration hospital.

Construction of a medical school and hospital is very important and I have urged the Office of Management and Budget to set aside funds for this program. However, unless the Veterans' Administration has legislative authorization to enter into formal agreements with a medical school, the program cannot get underway. At this time the Veterans' Administration does not have the authority to do this.

The bill I am introducing today has already passed the House of Representatives and requires only Senate action. It is similar to a draft proposal submitted by the administration to the 91st Congress.

I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

S. 3048

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administration agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident of the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he

is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities whose personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

THREE-PART CRIME PACKAGE

Mr. JAVITS. Mr. President, the violence and disorder within our Nation's prisons seems only recently to have exploded in the public consciousness. Yet it has always been there—inherent to our corrections system, forever simmering beneath the surface.

Violence within the prison walls—at Attica, San Quentin, and in scores of other prisons—is the sure consequence of a criminal justice system which hardens, retards, and dehumanizes in the name of corrections. Despite the indisputable crime and human wreckage that grow out of the American penal complex, we have been unwilling as a people to act for genuine reform.

I am today introducing the remainder of a package of four anticrime bills which I believe are designed effectively to begin to cope with critical aspects of this issue. These measures deal with the problems of prisoners' rights and criminal recidivism; the shortage or qualified custodial and rehabilitative corrections personnel; and, emergency funding for local criminal justice reform. The bills are:

The National Correctional Standards Act.

The Emergency Urban Crime Reduction Act.

The Criminal Justice Professions Development Act.

The "snake pit" conditions to which we have routinely consigned incarcerated criminal offenders in a number of major prison institutions are incompatible with the fundamental ethic of any civilized society and can no longer be tolerated.

I believe it is time to recognize that our punishment of the incarcerated has sometimes been vicious and almost always unproductive. We have been content with self-deception and half truths concerning the fate of those ever-increasing streams of men who pour into our prisons, and out, and then back again in a mindless and tragic cycle of psychic and physical violence.

Three years ago, the Congress set a priority for national crime control, a priority for making our streets safe, and our homes secure. The Nixon administration and many State and local criminal justice agencies have made some real progress toward that goal.

But there can be no real safety or security, or any lasting solution to the problem of increasing rates of crime until we deal effectively with the problem of the repeat offender. And we cannot begin to deal with recidivism as long as we fail to recognize that a basic respect for the humanity of every man must be the hallmark of any humane system of justice.

The corrections component of our criminal justice system still suffers from a plethora of ills: a lack of public support and understanding, piecemeal programing and understaffing, overcrowded, and unsanitary conditions, universal treatment of the prisoner as having few rights, a lack of facilities for job training and education, and totally inadequate funding.

The Congress must finally give immediate and careful attention to this issue in all of its aspects. This includes corrections manpower development, corrections rehabilitation services, including job training and job placement—and only last week I introduced with Senator HART "the Comprehensive Correctional Training and Employment Act"—corrections education services, construction, and renovation of correctional facilities, decentralized community corrections programs, and in my view, the critically important and traditionally neglected issue of prisoners' rights.

I have no illusions about the size of the problems attendant to effective correctional rehabilitation. And, there are hardened criminal offenders who are beyond any hope of peaceful reintegration into our society, and who will stubbornly resist our best efforts. And our people have a right to insist that they be protected from such offenders.

But there are many who can be rehabilitated and yet inhuman prison conditions inconsistent with our sense of justice and with any commonsense approach to the problem only lead to recidivism. The failure to recognize this, and to make it a fundamental operating principle within every jail, prison, correction, and detention facility in the Nation makes no sense from a moral, legal, or pragmatic view.

Morally, there is no basis for the proposition that the commission of a crime against society allows society to destroy the personal integrity of human beings by stripping away all of their legal and human rights. The idea that we should use prisons to sweep away what some might consider "human garbage" is repugnant to the very ethics upon which our Nation was founded.

Legally, the Federal courts have held that proportionality in punishment is a constitutional requisite and that inmates are protected from unreasonable action by corrections authorities by the due process and equal-protection provisions of the 14th amendment. The view that conditions in a jail alone can be so bad as to violate the eighth amendment ban against cruel and unusual punishment has gained new support in State and Federal courts in recent years.

Pragmatically, too, inmates should be treated as human beings. It violates commonsense to expect a man who has been brutalized and hardened to be kindly disposed to a society which has not only imprisoned him—and in some instances "caged" would be the more apt word—but which has tormented him as well.

Our corrections system cannot hope to do its job under the kind of conditions which are common in many prisons and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food, heat, and medical attention to the despair of men without hope debases and degrades our society as a whole in their eyes. Unless our corrections system can impart to inmates a sense of ethical values—which is to say, some genuine belief in the humaneness of society, and its willingness to accept them as members if they will abide by its rules—no amount of new funding will reform the system and rehabilitate those who are within it.

Mr. President, we must therefore alter the structure of the prison system itself. The overall philosophy and policy that governs that system and the attitudes of the public, of corrections administrators and custodial personnel, and of inmates themselves are central to this issue. The relationship between staff and inmates, and a reexamination and sharpening of goals and fundamental objectives are matters which are really at the core of our problem with the American prison system. The Nation's corrections administrators, and those who have been committed to criminal justice reform must take a primary leadership role in this effort.

The first bill I introduce today, the National Correctional Standards Act, would establish national minimum standards of policy for the treatment of inmates and improved institution-inmate relationships.

The standards would be developed—consistent with 13 general objectives set out in the bill—following public hearings, by an independent Commission appointed by the President, with the advice and consent of the Senate. Its members would be broadly representative of experience in fields related to corrections and criminal justice at the Federal, State, and local level.

Following presentation to the Attorney General, the standards could not be changed, except by majority vote of the Commission. It is important to emphasize that the standards would not be developed, legislated and mandated by Congress, but rather by those who have been closest to the problem.

The standards would then be applicable to LEAA which would administer all of its corrections grant programs under the act in accordance with the standards. They would also be applicable to the Federal prison system. The Commission would be required to complete its work within 1 year from the time of its appointment.

The bill provides that all State and local correctional departments must promulgate and implement within a reasonable time the minimum standards so established, or face a cutoff of Federal funds from the Law Enforcement Assistance Administration.

The standards will deal not only with "legal rights," but also with the administrative policy standards that govern significant aspects of the daily existence of the inmate. The 13 general objectives that the bill sets out for consideration by the Commission can be summarized in four categories:

First, minimum standards to promote respect for the human rights of inmates. Here we are dealing with the basic needs of the prisoner for adequate food and medical care, sanitary living conditions, recreation facilitations, hygienic needs and freedom from sexual attacks and abuse. They will also cover regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscation of correspondence, the right to communicate with the outside world, at least with family and friends, access to legal assistance, the right to vote, and visting privileges.

Second, here standards will apply to the establishment of mechanisms to raise issues relating to the basic conditions under which inmates live, the improvement of such conditions and the resolution of grievances of all kinds. There is a critical lack of communication between prisons. Some prison systems are now experimenting with a citizen ombuds- the inmates and the policymakers in the man who fulfills this function. They will also deal with the publication and notice to inmates of rules governing their conduct and the conduct of correctional personnel, and procedures to be followed in adjudicating charges for violations, minimum and maximum penalties, and forms of punishment.

Third, here standards will relate to the utilization and employment of professional and paraprofessional minority group personnel and to the provision of bilingual minimum education services. Race is clearly an extremely dangerous problem. Nearly all of the guards and prison officials in many prisons are white. Increasing numbers of inmates are black, Puerto Rican, and Mexican-American. Racial antagonism is thereby reinforced and frequently sparks the flash point of prisoner unrest.

Fourth, here standards will relate to special rules applicable to the incarceration or detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex. In many local corrections systems, including New York City's thousands of persons detained prior to trial—all presumed to be innocent until proven guilty—live under more serious deprivation than those who have been convicted. We must begin to address this situation and provide realistically for the rights of such persons.

Mr. President, at the Federal level, President Nixon has moved to establish corrections reform as an important priority of his administration. The expenditures of the Law Enforcement Assistance Administration for this purpose have increased from 6 percent of its total spending in fiscal 1969 to more than 32 percent in fiscal year 1971. In its first year of operations, 1969 LEAA spent $2.5 million on corrections. In fiscal 1971 it allocated $59 million, and in fiscal 1971 that figure rose to $178 million. In the current fiscal year, LEAA corrections spending is expected to reach $250,000,000.

In 1971, the Amendments to the Omnibus Crime Control and Safe Streets Act, while providing substantial new program and funding authority under part E, required that States and localities give particular attention to developing and operating community-based facilities, including diagnostic services, halfway houses, probation, and work release programs. I believe that rehabilitation programs of this nature have the greatest chance of succeeding. I applaud this significant progress, but am gravely concerned about other aspects of this problem.

I have been advised that LEAA's first national jail census revealed that more than one-half of the inmates of these institutions had not been convicted of a crime, but were either awaiting trial or were being held for other authorities. These jails held more than 160,000 prisoners, almost 8,000 of whom were juveniles.

Of the 3,300 jails in cities and counties of more than 25,000 population, 85 percent had no recreational or education facilities, 50 percent had no medical facilities, and 25 percent had no visiting facilities. More than 25 percent of the cells were in buildings more than 50 years old, and 6 percent of the cells were in buildings more than 100 years old.

In my own city of New York, inferior medical care in our overcrowded jails has been identified as a key factor in several of the 25 deaths—including eight suicides—that have occurred in New York jails so far this year. Six of the eight inmates who committed suicide were heroin addicts, seven were less than 23 years old, and seven had not been convicted, but were awaiting trial. The New York City jail system operates at 161 percent capacity. Seventy percent of the inmates there are awaiting trial, 50 percent of them are heroin addicts, and there are only 171 hospital beds available for the more than 400 inmates who require psychiatric care.

Beyond the questions of minimal medical care and overcrowded facilities, lie the even more basic issues of adequate food, heat, and sanitary conditions, uniform disciplinary rules, recreation, visiting privileges, procedures for the mediation of grievances and the establishment of rights for inmates. These are the same issues which have bred a deep and resentful disrespect for the social order, and have caused the explosions and disorders at Attica, Rahway State Prison, San Quentin, and so many other prisons and detention facilities throughout the Nation.

In many such facilities there is no systematic plan for inmate recreation, indoor or out, and no education or job training program of any kind. Inmates remain locked in their cell blocks virtually all day; many of the toilet and shower facilities are unusable or unsanitary, and discipline is enforced and punishment awarded without regard to any uniformly applied criteria and system of rational procedures. Meaningful communication and understanding between inmates and correctional officials is lacking.

The New York City Department of Corrections is addressing this latter problem, and has recently submited to LEAA a proposal for a program to train and hire some 200 correction assistants, who would provide a communications link between inmates and officers, and provide assistance to both in seeking better relations, and more meaningful and frequent contact for the inmate with his family and community. The New York City Legal Aid Society is also seeking solutions to these problems. Working with a $163,000 grant from the New York State Office of Crime Control Planning, it has established a special prisoners' rights litigation unit to represent inmates in city and State prisons in disputes concerning treatment and living conditions. These are innovative and promising programs and deserve our maximum support.

The National Correctional Standards Act, if it becomes law, will assist and facilitate the transformation of our corrections system in a most substantial way. Many of the reforms which would be the subject of the Commission's attention have already been initiated in various ways in local correctional departments.

New York City, for example, has published and issues to all inmates coming into the Manhattan House of Detention a compilation of its rules and regulations, in the English and Spanish languages. But, there is a great deal more that most be done. I urge every Member of the Senate to consider this bill carefully.

Mr. President, my second bill is the Criminal Justice Professions Development Act of 1971. I believe it to be an indispensable part of any comprehensive strategy to improve our performance in correctional rehabilitation. It is a necessary complement to the National Correctional Standards Act, which I have just introduced.

We cannot continue to ask our correctional departments and agencies at the State and local level to accept the kinds of responsibility we have long given to them without providing adequate resources for recruitment, training, and employment of their professional personnel.

We cannot ask them to raise their standards of performance and to take on more ambitious goals and profoundly difficult objectives without a commitment to respond on their issue.

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by creating a new part J, "Criminal Justice Professions Development." It would establish and support a national network of regional crime and delin-

quency centers which would serve as training institutions for students and practitioners of criminal justice, centralized channels for recruitment of criminal justice personnel, consultation centers for criminal justice agencies and relevant professional schools, and research centers for basic and applied studies of criminal justice.

The professional staff of such centers would be composed of personnel drawn both from the academic community, primarily in the fields of law, clinicial psychology, psychiatry, social work, and public administration, as well as, from the practicing agencies of criminal justice.

The bill would also provide increased academic assistance for corrections systems professional personnel, including probation and parole officers. A 3-year $35,000,000 authorization is recommended to provide such assistance for study and training in academic subjects related to correctional administration and rehabilitative services.

The bill would also provide for the establishment of a Presidential Advisory Council on Criminal Justice Professions Development, an annual assessment of criminal justice manpower needs by the Attorney General, and authorize a national criminal justice professions recruitment program.

Recognizing that recruitment and compensation of new personnel is an absolute necessity, the bill would also authorize LEAA to make grants to State and local corrections departments and agencies to assist them in the recruitment, employment, and compensation of professional and paraprofessional personnel.

This would apply to administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by LEAA. In any event, not more than one-third of any grant could be expended for the compensation of custodial personnel.

Also, any grantee would have to provide adequate assurances that—

First, Federal funds would not be used to supplant State and local funds;

Second, personnel standards and programs reflect the most advanced and enlightened practices and objectives; and

Third, the applicant is making progress in improving the recruiting, organization training, and education of personnel engaged in correctional activities.

In 1971 LEAA will expend in bloc grants and discretionary funding a total of $18,144,000 for personnel, recruitment, and training throughout the national criminal justice system. Under part E, providing exclusively for corrections improvements, the total expenditure is only $3,350,000. While there is some additional spending for corrections under part C of the act, the largest share of funds in this area has gone to the law enforcement component of criminal justice.

My bill would authorize an additional $40,000,000 for corrections during the next 3 years.

Mr. President, my third bill, the Emergency Urban Crime Reduction Act of 1971, seeks two basic objectives which I think are essential to any new grant-in-aid legislation in the criminal justice area:

First. Specific priority uses to which the funds must, in part, be put which are reasonably calculated to produce short-term results in reducing crime rates in urban areas.

Second. The initiation of some genuine long-term reform in each of the three component parts of the local criminal justice system—police, courts, and corrections.

The measure would concentrate a proposed authorization of $300 million for each of the next 3 years in the central cities having the highest crime rates in the country. The President would designate as many as 25 cities as "emergency crime areas."

This designation would be based upon the number of crimes per 1,000 inhabitants committed in each particular city. The figures used would be taken from the uniform crime reports published each year by the FBI. During each year, the selected cities would receive a direct grant based upon two factors: first, population; and second, rank in the crime index. Particular allocations would be based on both of these factors.

On the city level the funds will be administered by a commission to be appointed by the mayor of each designated city. The commission shall consist of a representative from the police force, a representative from the judiciary, a representative from the corrections department, and selected community representatives to reflect a cross section of the city on the commission. The commission will have flexibility within the three stated areas to determine the specific projects and the specific ways in which the city's grant funds will be spent. The cities will be encouraged to develop innovative programs in the three target areas and to make every effort drastically to reduce the crime rate on an emergency basis.

The basic purpose of this legislation is to sharpen the focus of the fight against crime and to direct the necessary funds into areas where they are most needed. The overall administration of the program will be in the hands of the Justice Department and each year the designated cities will be required to file a report detailing what has been done in the three critical areas.

The only restriction on the use of the money allocated to the cities is that it must be used in three areas, for upgrading the police force, improving the court system, and revamping the correctional system.

The bill establishes priorities for specific anticrime programs, with one-third of each city's total allotment going for police, one-third for courts and one-third for corrections. In each of these three areas priority projects may include, but are not limited to programs designed to:

First, strengthen the police component of the criminal justice system by utilizing civilian, unarmed, surveillance, and patrol teams in local areas, working under the direct supervision of police authorities, new police narcotics enforcement programs in city school systems, and administrative machinery of law enforcement agencies;

Second, improving the courts component by increasing the efficiency of criminal court procedures, providing alternatives to the bail bond system and establishing, on a trial basis, pretrial services agencies; and

Third, improving the corrections component by facilitating the recruitment and training of custodial and rehabilitative correctional personnel, as well as parole and probation officers, providing separate detention facilities for juveniles, including authorization to renovate existing correctional facilities and leasing additional facilities for such purposes.

Mr. President, these three bills or any other legislation are not the whole answer. The issue of crime in our society is the outgrowth of dramatic change in our society which must be confronted, in a larger sense, by the Congress, the States, our local communities, and the people themselves.

But so long as the misguided maiming of human beings remains institutionalized in our criminal justice system, so will the cycle of crime and punishment, and more crime, accelerate and trap us all.

The roots of the chaos in our penal system are in a misconception of what that system and our society should and must do for those who are consigned to exist with it. While the requirements of both human dignity and order within our prisons must be met, the lesson of the prison tragedies must be that human dignity and mutual respect cannot become the casualties of our emotions. For those on both sides of the issue who would use terror, fear, accusations, and polarizations we must deny them their opportunity to dictate our policy.

We need, instead, to be a people who will sustain a strong effort to insure a system of justice which will respect and encourage the full humanity of each man and woman within the prison walls, as well as kin and friends outside, and raise the moral health of the community—while recognizing the frustration and difficulties of those who are charged with the responsibility of true rehabilitation.

Mr. President, I send the three bills to the desk for introduction and ask unanimous consent that they be printed in the RECORD. I further ask unanimous consent that the bills be held at the desk without being referred or printed until the close of business on Monday.

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

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

S. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Correctional Standards Act."

DECLARATION OF POLICY

SEC. 2(a) The Congress finds and declares that the problems symptomized by riots and disorder in federal, state and local correctional institutions, spring in part, from a failure of the corrections system to cope ef-

fectively with the dehumanizing causes of discontent within our prisons. Our corrections system cannot hope to do its job under the kind of conditions which are common in many prison and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food and medical attention to the despair of men without hope debase and degrade our society as a whole. Unless our corrections system can impart to a larger proportion of inmates a sense of ethical values—combined with effective rehabilitative services, including job training and placement—no amount of new funding will reform the system, rehabilitate inmates, and reduce the escalating rates of recidivism and violent crime in our society.

(b) It is the purpose of the Act to require the formulation and application of a more explicit and responsive set of national standards to guide the federal role in the reform of the corrections component of federal, state and local criminal justice systems.

SEC. 3. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454 (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a national Advisory Commission on Correctional Standards.

(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the federal, state and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any federal, state or local governmental department or agency.

(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pre-trial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pre-trial detention facilities receiving federal financial assistance, or in which programs receiving federal financial assistance are operated pursuant to this Act.

(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant (a) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and (b) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Administrator.

(2) The Attorney General shall take whatever action is necessary to assure that all federal correctional institutions meet the standards established by the Commission under this section.

(d) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b)(1) of this section shall relate to—

(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counselling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating of correspondence, and the transmitting of written material for publication;

(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of state and local law;

(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

(12) the employment and utilization of custodial, administrative and rehabilitative professional and para-professional personnel who are representative of minority groups, and

(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

(e)(1) Members of the Commission who are full time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus remibursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(2) The Commission shall have the power to appoint and fix the compensation of such mission, plus reimbursement for travel, subgard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and Subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including travel time. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this Act.

S. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Urban Crime Reduction Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the security, economic stability, peace and tranquility of many of the cities of the Nation are threatened by an alarming rise in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(2) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitate a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(3) experience has shown that the development, administration, and delivery of effective programs designed to bring about

reform of the entire criminal justice system pose extremely difficult, complex and long term problems for the offender, the state, and the local community. These difficulties require a comprehensive approach, and the wholesale cooperation of law enforcement, correctional and judicial authorities at the local, state and national level, the mass media, the professions, civic action groups, employers, employees, and other public and private agencies, individuals, and organizations;

(4) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime.

(b) It is the purpose of this Act to authorize the Attorney General to make grants and provide technical assistance to cities in the United States where the need to combat crime is greatest, in order to permit those cities to strengthen police protection, to improve the administration of the local courts, and to reform and rehabilitate the local correctional system, thereby effecting a demonstrable reduction in the level of serious crime in such areas within a reasonable period of time.

AUTHORIZATION

SEC. 3. (a) There is authorized to be appropriated to carry out the purposes of this Act $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

(b) The Attorney General is authorized to make grants to eligible cities that have applications approved under section 5 to pay the Federal share of the costs of carrying out the projects described in such applications.

ALLOTMENTS TO ELIGIBLE CITIES

SEC. 4. (a) Funds appropriated to carry out this Act shall be allotted by the Attorney General to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

(b) For the purpose of this Act—

(1) the term "eligible city" means any city determined by the Attorney General to be among the first twenty-five cities in the United States on a crime index prepared by him for the purposes of this Act;

(2) the term "crime index" means a listing of designated cities in the United States, having a population of at least 250,000 persons, which shall be determined by the Attorney General after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnappings, auto thefts and other felonies accompanied by the use or threatened use of force or violence per 100,000 inhabitants of each such city.

(c) The crime index and the population of each eligible city shall be determined by the Attorney General in accordance with the provisions of this Act on the basis of the most satisfactory data available to him for each fiscal year.

(d) If the Attorney General determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the Attorney General may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the Attorney General estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this Act, and the total of such reductions shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION

SEC. 5. (a) An eligible city desiring to receive its allotment of federal funds under this Act shall submit an application, consistent with the provisions of this section and other requirements as the Attorney General may establish under section 6. Each such application shall—

(1) provide for the administration of the programs and projects to a Criminal Justice Coordinating Council consisting of fifteen persons appointed by the chief executive of such city from among persons who are broadly representative of and experienced in the fields of law enforcement, courts, probation and parole, correctional institutions, education, law, the social sciences, the behavioral sciences, and the general public;

(2) set forth a program for—

(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

(i) facilitate the recruitment and training of new law enforcement personnel;

(ii) improve the organizational systems and administrative machinery of law entraining and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

(iii) establish, organize and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patrolling, surveillance and other crime prevention activities, under the direct supervision of law enforcement authorities; and

(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning.

(B) reforming the courts components of the criminal justice systems within such city, including but not limited to projects designed to—

(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

(iii) refine and apply uniformly criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by non-profit, private corporations, and community release programs, and

(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

(ii) facilitate the recruitment and training of such professional correctional officers;

(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected or run-away children; and

(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

(3) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph.

(4) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Attorney General shall approve any application and any notification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Attorney General shall by regulations prescribe basic criteria for the full range of projects for which funds may be used under clauses (A), (B), and (C) of section 5(a)(2).

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulations as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) to appoint one or more advisory committees composed of such private citizens and officials of state and local governments as he deems desirable;

(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(6) to accept voluntary and uncompensated services, notwithstanding the provi-

sions of section 665(b) of title 31, United States Code; and

(7) to request such information, data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Attorney General in the performance of his functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

(d) In carrying out the provisions of this Act, the Attorney General may establish within the Department of Justice such additional offices as may be necessary, except that the Law Enforcement Administration may not be used to carry out the provisions of this Act.

DISAPPROVAL OF CITY PLANS

SEC. 8. (a) The Attorney General shall not finally disapprove any city plan submitted under this Act, or any modification thereof without first affording the City Coordinating Council submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Attorney General after reasonable notice and opportunity for hearing to the Council administering a plan of an eligible city approved under section 5, finds that—

(1) the plan has been so changed that it no longer complies with the provisions of such action, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Attorney General shall notify the Council that the city will not be eligible to participate in the program under this Act and no payments may be made to such city by the Attorney General until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 9. (a) If any city is dissatisfied with the Attorney General's final action with respect to the approval of its plan submitted under section 5 or with his final action under section 8, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such city is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General. The Attorney General 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.

(b) The findings of fact by the Attorney General if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence, and the Attorney General may thereupon make new or modified findings of fact and may notify 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 Attorney General or to set it aside, in whole or in part. The judgment 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.

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from an eligible city's allotment to any such city which administers an application approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to an eligible city 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 an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

SAVINGS PROVISION

SEC. 11. Nothing contained in this Act shall be construed to prevent or impair the administration or the enforcement of any other provision of Federal law.

S. 3051

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 at the "Criminal Justice Professions Development Act of 1971."

THE CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT ACT OF 1971—FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there is an urgent need to alleviate the critical shortage in qualified manpower for criminal justice systems at all levels of government, and most critically, in the corrections component of such systems; (2) personnel recruitment, training and employment standards and programs within such systems must reflect the most advanced and enlightened practices, and objectives; (3) immediate steps are required to devise new institutional means to accomplish this goal; (4) the need for trained criminal justice personnel is apt to increase as the population expands, and crime rates remain at unacceptable levels; and (5) regional crime and delinquency centers, providing broad based services to the entire criminal justice system, can reduce such shortages and promote the solution of critical problems that confront the various components of criminal justice.

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter referred to as "the Act") is amended by inserting immediately after Part I the following:

"PART J—CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT

"SEC. 671. The Administration is authorized to make grants to State and local governmental agencies and to institutions of higher education and private nonprofit organizations for the purpose of paying not more than 85 per centum of the cost of establishing, staffing, and operating regional crime and delinquency centers in various areas of the country. As used in this section, the term 'crime and delinquency center' means a public or private nonprofit agency, institution, or organization which serves as—

"(A) a training institution for students and practitioners of criminal justice;

"(B) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

"(C) a consultation center for criminal justice agencies and relevant professional schools; and

"(D) a research center for basic and applied studies of criminal justice."

No payment shall be made to any State, local governmental agency, institution of higher learning or private, nonprofit organization pursuant to this section, unless and until (1) the eligible grantee submits an appropriate proposal providing for the purposes, objectives, administration, staffing, organization, and curriculums of the proposed crime and delinquency center, consistent with criteria established by the Administration; *Provided,* That the professional staff of such centers shall be composed of persons drawn both from practicing agencies of criminal justice, and from persons who have broad experience primarily in the fields of law, psychiatry, clinical psychology, social work, and public administration, and (2) the Administration finds that the eligible grantee will have available for expenditure an amount equal to not less than the non-Federal share of the costs with respect to which payment is sought." No part of any grant made pursuant to this section may be used for the acquisition of land or for capital construction.

ACADEMIC ASSISTANCE FOR CORRECTIONS SYSTEMS PROFESSIONAL PERSONNEL

SEC. 672(a) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations, including regional crime and delinquency centers to assist them in planning, developing, strengthening or carrying out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration and rehabilitative services.

(b) There is authorized to be appropriated to carry out the provisions of this section, $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for the fiscal year ending June 30, 1974.

SEC. 673. (a) The President shall, within ninety days after the enactment of this title, appoint a National Advisory Council on Criminal Justice Professions Development (hereinafter in this section referred to as the "Council") for the purpose of reviewing the operation of this part, and of other Federal programs for the training and development of criminal justice professional personnel, evaluating their effectiveness in meeting the purposes of the part and in achieving improved quality in such training programs, and personnel recruitment, training and performance standards generally. The Council shall, in addition advise the Attorney General, with respect to policy matters arising in the administration of this part and any other matters, relating to the purposes of the part, on which its advice may be requested.

(b) The Council shall be appointed by the President, without regard to the civil service and classification laws, and shall consist of fifteen persons. The members, one of whom shall be designated by the President as Chairman, shall include persons broadly representative of any experience in the fields of law enforcement, courts, probation and parole, correctional administration, education, law, the social sciences, and the behavioral sciences.

(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to criminal justice personnel training) to the

President and the Congress not later than January 31 of each calendar year beginning after the enactment of the section. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

(d) Members of the Council who are not in the regular full-time employ of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate per day specified at the time of such service for GS–18 under section 5332 of title 5, United States Code, including travel time, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) There is authorized to be appropriated to carry out the purposes of this section the sum of $150,000 for the fiscal year ending June 30, 1972, and the sum of $250,000 for each of the two succeeding fiscal years.

APPRAISING CRIMINAL JUSTICE PERSONNEL NEEDS

SEC. 674 (a) The Attorney General shall, from time to time, appraise existing and future personnel needs of the Nation in the field of criminal justice, and the adequacy of the Nation's efforts to meet those needs. In carrying out the provisions of this section, the Attorney General shall consult with, and make maximum use of statistical and other related information of, the Department of Labor, the Department of Health, Education, and Welfare, Federal and State and local criminal justice agencies, and other appropriate public and private agencies.

(b) The Attorney General shall prepare and publish annually a report on the criminal justice professions, in which he shall present in detail his views on the state of the criminal justice professions, the trends and the future complexion of programs in the field of criminal justice, and the need for highly trained and qualified personnel to staff such programs.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF CRIMINAL JUSTICE

SEC. 675 (a) The Law Enforcement Assistance Administration of the Department of Justice is authorized to make grants to, or contracts with, State or local criminal justice agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, whenever the Administration, after consultation with the National Advisory Council on Criminal Justice Professions Development, considers that such contract will make an especially significant contribution to attaining the objectives of this section, for the purpose of—

(1) identifying capable persons in secondary schools and institutions of higher learning who may be interested in careers in criminal justice particularly in correctional administration and rehabilitation, and encouraging them to pursue postsecondary education in preparation for such careers;

(2) publicizing available opportunities for careers in the field of criminal justice; and

(3) encouraging qualified persons to enter the field of criminal justice.

The Administration is authorized to enter into contracts with private agencies, institutions, or organizations to carry out the purposes of this section.

(b) There is authorized to be appropriated to carry out the purposes of this section the sum of $2,500,000 for the fiscal year ending June 30, 1972, and the sum of $5,000,000 for each of the two succeeding fiscal years.

RECRUITMENT, EMPLOYMENT AND COMPENSATION OF CORRECTIONS SYSTEMS PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL

SEC. 676(a) The Administration is authorized to make grants to state and local corrections departments and agencies, including probation and parole agencies, to assist them in the recruitment, employment and compensation of professional and paraprofessional administrative, custodial, rehabilitative, medical and other personnel, consistent with criteria established by the Administration.

(b) Not more than one-third of any grant made under this section may be expended for the compensation of custodial personnel.

(c) No grant shall be made to any prospective grantee, unless and until such applicant—

(1) provides satisfactory assurances that Federal funds made available pursuant to this section will be used so as not to supplant state or local funds, but to supplement and to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this section;

(2) provides satisfactory assurances that the personnel standards and programs of the applicant reflect the most advanced and enlightened practices and objectives, and

(3) provides satisfactory assurances that such applicant is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including probation, parole and rehabilitation.

(d) There is authorized to be appropriated to carry out the purpose of this section, $15,000,000 for the fiscal year ending June 30, 1972 and $20,000,000 in each of the two succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1592

At the request of Mr. MCGEE, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of 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.

S. 2465

At the request of Mr. CHILES, the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2738

At the request of Mr. HUGHES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2738, a bill to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2943

At the request of Mr. HUMPHREY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2943, a bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building."

S. 2956

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. 2981

Mr. AIKEN. Mr. President, at the end of the last session, I introduced, on behalf of Senator TALMADGE and myself, S. 2981, a bill to amend the Bankhead-Jones Farm Tenant Act and the Watershed Protection and Flood Prevention Act, and at that time announced that others who wanted to become cosponsors could submit their names.

I ask unanimous consent that, at the next printing, the names of Senators MCGOVERN, RIBICOFF, THURMOND, ELLENDER, GAMBRELL, BURDICK, HUMPHREY, PROXMIRE, and ANDERSON be added to the list of cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Oklahoma (Mr. HARRIS), the Senator from Arizona (Mr. FANNIN), the Senator from Vermont (Mr. STAFFORD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation, to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 4, relating to School Bus Safety Week.

SENATE JOINT RESOLUTION 8

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 150

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 150, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 226—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 226

Resolved, That the Committee on Agriculture and Forestry is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 227

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $150,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

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

SENATE RESOLUTION 228—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. EAGLETON, from the Committee on the District of Columbia, reported the following resolution:

S. RES. 228

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $155,850, of which amount not to exceed $4,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

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

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 798

(Ordered to be printed and referred to the Committee on Finance.)

Mr. AIKEN. Mr. President, today I offer an amendment to the social security law which would extend coverage to some of our most unfortunate citizens.

Fortunately, the condition my amendment would correct is to be found in relatively few persons, but those who are stricken with a serious illness, have to stop working and subsequently lose disability benefits, desperately need help.

It is for these persons that I speak today.

This inequity under the law, which was of course never intended, first came to my attention when one of my constituents, a victim of multiple sclerosis, told me how the law barred her from social security benefits she urgently needs.

Under present law, an individual is eligible for social security disability insurance benefits only if he is totally disabled and has worked in employment covered under social security for 5 of the 10 years before he became totally disabled.

It sometimes happens that an individual becomes disabled enough that he is unable to continue in his regular employment, even though he does not meet the strict test of disability under the social security program.

If the disabling condition is degenerative, it may happen that total disability does not occur until after the individual can no longer meet the test of 5 years of covered employment out of the 10 years preceding total disability. In this case, the individual is not eligible for social security benefits even though he worked regularly under social security and even though he is totally disabled due to a condition which began when he was currently insured for disability benefits.

The attached amendment would solve this problem by making an individual eligible for disability insurance benefits if he is totally disabled and if his disability is due to a condition which began at a time when he was currently insured for disability insurance benefits even though he no longer is currently insured.

I hope the Finance Committee will include my proposal in the Social Security Amendments of 1972.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 799

(Ordered to be printed and referred to the Committee on Finance.)

Mr. McCLELLAN submitted an amendment intended to be proposed by him to the bill (S. 2944) to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 800 AND 801

(Ordered to be printed and referred to the Committee on Finance.)

ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, I am today introducing, for the consideration of the Senate Finance Committee, two amendments to title III of H.R. 1.

Title III would abolish the existing Federal-State programs of public assistance to the aged, blind, and disabled, and would establish in their place a new federally financed, federally administered program of assistance with uniform benefit levels and eligibility standards.

Each person who has attained age 65, and each person who is blind or disabled as defined by the Social Security Act, would be eligible for supplemental assistance through the Social Security Administration if his or her social security benefit and other income totaled less than the income floor established by title III.

This legislation is of the greatest importance to the almost 5 million older Americans who now live in poverty. I believe title III should be enacted and the new program implemented at the earliest possible date.

However, I also believe that the Senate should improve title III in two important respects.

BENEFIT LEVELS

First, as passed by the House of Representatives, the floor of income in the adult assistance program, to be phased in over a 3-year period, would never reach official poverty levels.

For an individual, the benefit level would be $130 in the first year, $140 in the second year, and $150 in the third and succeeding years. For a couple, the benefit would be $195 in the first year, and $200 in the second and succeeding years. By the third year, benefits would approximate only 1970 poverty levels.

My first amendment would set the initial benefit levels at $150 for an individual and $200 for a couple, and would provide for annual cost-of-living adjustments in those benefit levels.

In addition, this amendment would direct the Secretary of Health, Education, and Welfare, to conduct a study to determine the amounts of income required to provide for the basic needs of the aged, and to submit to Congress his recommendations for appropriate adjustments in the benefit levels under the adult assistance program.

PROTECTION OF CURRENT RECIPIENTS

Second, as we make the transition from the many diverse State programs to one uniform Federal program, I believe it is imperative that we guarantee

absolutely that no current recipient of assistance will be adversely affected. The transitional provisions and fiscal incentives now in the bill cannot provide that guarantee.

In 17 States, all recipients would receive more assistance under title III than they now do. A majority of recipients in as many as 12 other States would also benefit from the new program.

But all or some of the recipients in at least 30 States would receive less assistance under the new Federal program than they now receive unless the Federal benefit were supplemented by the State.

Under title III, as now written, such supplementation is optional. No Federal matching funds are provided for supplemental payments. A State would only be guaranteed that its supplemental benefits would cost it no more than its expenditures for the same purpose in calendar 1971.

An additional provision, designed to prevent any automatic reduction in assistance at the time of the transition to the Federal program, was added to the bill on the House floor. Section 509 provides for maintenance of assistance levels until a State takes affirmative action to reduce or stop its supplemental payments.

Given the fiscal pressures on many State governments and the lack of real fiscal relief in H.R. 1, I do not believe we should assume that, with those options, no State will act to reduce or discontinue its supplemental payments.

An additional concern has been brought to my attention by the American Council of the Blind and the Missouri Federation of the Blind. In certain States, the blind have traditionally been permitted income and resources in excess of what will be allowable under the new program. Apparently, a blind couple in Missouri with savings totaling $3,000 would have to dispose of half of their savings in order to be eligible for the Federal benefit and/or State supplementation.

Mr. President, I believe it is untenable that any aged, blind, or disabled person who now relies upon public assistance should be subjected to uncertainties and anxieties about what will happen to that assistance either at the time of the transition to the new program or at some time in the future when a State government may change its policy.

My second amendment would guarantee the continued eligibility for assistance, and maintenance of assistance levels, for all those receiving aid to the aged, blind, and disabled under an approved State plan at the time of the transition to the new Federal program. It would in effect "grandfather" all such persons into the new program. The States would be required to provide the supplemental payments necessary to maintain the level of assistance these people had been receiving. The supplemental payments would be administered by the Federal Government, and the Federal Government would bear 30 percent of their cost.

Mr. President, I am hopeful that these two amendments—to make the income floor for the aged, blind, and disabled immediately effective, and to protect current recipients in the transition to the new program—will have the support of other Senators, and will be adopted by the Senate Finance Committee.

Mr. President, I ask unanimous consent that the two amendments be printed at this point in the RECORD.

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

AMENDMENT No. 800

Beginning on page 282, line 23, strike out all through page 283, line 7, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $900; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $1,800, or (II) the amount determined for such year under subsection (h); and".

On page 283, strike out lines 14 through 23, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $1,200; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $2,400, or (II) the amount determined under subsection (h) for such year; and".

On page 284, strike out lines 8 through 17, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972, $900; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $1,800, or (ii) the amount determined under subsection (h) for such year;".

Beginning on page 284, line 22, strike out all through page 285, line 3, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $2,400, or (ii) the amount determined under subsection (h) for such year;".

On page 289, between lines 12 and 13, insert the following new subsections:

"Adjustments, to Reflect Increases in the Cost of Living, of Amounts Used to Determine Eligibility for and Amount of Benefits

"(h)(1) As soon after enactment of this Act as may be feasible, and thereafter between July 1 and September 30 of each year, the Secretary (A) shall adjust the amounts used to determine eligibility for and amount of benefits as set forth in subsection (a)(1)(A)(ii) and (2)(A)(ii) and subsection (b)(1)(B) and (2)(B) by increasing such amounts by the percentage by which the average level of the price index for the months in the most recent preceding calendar year exceeds the average level of the price index for the months in calendar year 1970, and (B) shall thereupon promulgate the amounts so adjusted as the amounts to be used to determine eligibility for and amount of benefits under this title for the fiscal year beginning July 1 next succeeding such promulgations.

"(2) As used in this subsection, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Study of Minimum Income Required by Aged

"(i) The Secretary of Health, Education, and Welfare shall conduct a study to establish the amounts of income required to provide for the basic needs of individuals and married couples who have attained age 65, and shall, on or before January 1, 1974, report to the Congress the results of such study, together with his findings and recommendations for adjustments in the amounts used to determine eligibility for and amount of benfits under this title."

AMENDMENT No. 801

On page 306, between lines 13 and 14, insert the following new section:

SPECIAL STATE SUPPLEMENTARY PAYMENTS TO ASSURE THAT INDIVIDUALS WHO WERE RECIPIENTS OF AID OR ASSISTANCE TO THE AGED, BLIND, OR DISABLED FOR JUNE 1972 WILL NOT SUFFER REDUCTIONS IN BENEFITS FOR FUTURE MONTHS

SEC. 2017. (a) In order to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter beginning after June 30, 1972, and for the purpose of assuring that individuals who, for the month of June 1972 were recipients of aid or assistance under State plans approved under title I, X, XIV, or XVI of the Social Security Act, will not suffer a reduction in their aid or assistance by reason of the enactment of this Act, each State shall enter into an agreement with the Secretary which provides that the Secretary will, on behalf of such State, make supplementary payments in accordance with such agreement to all individuals in the State who, for the month of June 1972, were recipients of aid or assistance under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act.

(b) Amounts payable to any individual pursuant to an agreement under this section shall be in addition to the amounts (if any) payable to such individual under title XX of the Social Security Act. Supplementary payments made pursuant to an agreement under this section shall be considered to be assistance which is excludable from income under section 2012(b)(4) of the Social Security Act.

(c)(1) The supplementary payments payable under any agreement with a State under this section shall be payable—

(A) for months after June 1972, and

(B) only to individuals who—

(i) are residents of such State; and

(ii) for the month of June 1972 were recipients of aid or assistance under a State plan, of such State, approved under title I, X, XIV, or XVI, of the Social Security Act.

(2) The amount of the supplementary benefits payable for any month to any individual under an agreement under this section shall be equal to the excess of—

(A) the aggregate of (i) the amount of the aid or assistance which would be payable to such individual under the appropriate plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, as in effect June 1, 1972 if such plan (as so in effect) had continued in effect for such month, and (ii) the bonus value of the food stamps which were provided (or were available) to such individual under the Food Stamp Act of 1964 for the month of June 1972, over

(B) the amount of the monthly benefits (if any) payable for such month under title XX of the Social Security Act.

(3) For purposes of paragraph (2)(A)(ii), the term "bonus value of food stamps" with respect to an individual means—

(A) the face value of the coupon allotment which wolud have been provided to such an individual for a month, reduced by

(B) the charge which such an individual would have paid for such coupon allotment. The total face value of food stamps and the cost thereof in June 1972 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month.

(d) Any State which has entered into an agreement with the Secretary under this section shall, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to 70 per centum of the expenditures made by the Secretary as supple-

mentary payments, on behalf of the State, under such agreement.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 802 AND 803

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. TOWER. Mr. President, I am introducing today two amendments to H.R. 1163, presently pending before the Committee on Agriculture and Forestry. The purpose of H.R. 1163 is to establish, maintain, and dispose of a separate strategic reserve of corn, grain sorghum, barley, oats, and wheat. The bill also provides for a 25-percent increase in loan levels on the 1971 and 1972 grain crops. I firmly believe that the two changes I propose would increase the value of this legislation immeasurably. One amendment directs the Secretary of Agriculture to store the grain purchased under the reserve program on the farms of the individuals from whom it is purchased, as far as practical. The other amendment would set the release price of the grain held in reserve at 100 percent of parity.

We have an opportunity here to go one step further in helping to increase farm income by $120 million over a 2-year period. Facilities for the storage of these commodities are already available on thousands of farms; however, where such facilities are not available, farmers may obtain Government loans to install on-farm storage facilities. I would like to point out that not only would this amendment provide increased income to producers, but it would also allow for wider distribution of the reserves, which would, in turn, facilitate their dispersal in case of emergency. In addition, there are many commercial grain elevators which are not set up to provide for extended storage periods, but rather operate on a short-term storage basis depending on a large turnover. In contrast, the most profitable usage of on-farm storage is when there is a constant use of the facilities to provide income to help offset the cost of the storage bins.

The prices received by the American farmer were 6 percent less in 1971 than the prices received in 1951. At the same time, the prices for nonagricultural products paid in 1971 were 45 percent more than in 1951, according to U.S. Department of Agriculture figures. For every six farms that go out of business, there is one nonfarm business that is forced to close its doors. Consequently, while experiencing the burden of a higher cost of living, the farmer still does not receive a higher price for his goods. The preceding 5-year average price—estimate—for corn in 1971 was $1.17 per bushel, or 71 cents below parity. Even though this is a 9-cent increase over 1964, the increased cost of goods is gaining more rapidly than the price received. There had been a sharp decline in the 5-year average price of wheat until the last 2 years, when it remained steady. It still remains at $1.29 below parity. Because these figures indicate a definite need to increase farm income, I feel that if there is to be a reserve of grain stored for emergency use, the farmer who produces it should be the one to profit from the storage.

I think it is important that we note here that not just a few farmers, but literally thousands can share in the income to be derived from on-farm storage. To provide the necessary storage for 900 million bushels of grain, it would take 900,000 1,000-bushel bins. There are thousands of farmers in the United States who presently have such bins or other storage which would be satisfactory. In order that the Nation's farmers should receive full benefit from the intent of this bill, I feel that passage of this amendment is imperative.

When reserves of any type are stored there comes a time when these reserves must be released; however, there is never a time when such a release will have a beneficial effect upon the price being received for these commodities by the farmers. A fair price for agricultural products is partially the intent of H.R. 1163, but unless the release price is high enough to prevent indiscriminate dumping, it could have the reverse effect.

To prevent the reserve from acting as a threat to farmers and causing a distinct drop in prices in a few years, there needs to be additional stipulations in the strategic grain reserve bill to better regulate the release time. To assure release at the best possible time, the amendment I propose, to allow for release at 100 percent of parity, is essential. The amendment will insure the farmer of a reasonable return for his product on the market before the strategic reserve, held by the Government, is released.

The estimated wheat figures for 1971 show the 120-percent release price now provided in the bill to be $1.64, while parity is $2.92. This is a difference of $1.29 which could be received by the farmers before the reserves are released on the market.

Parity for corn in 1971 was $1.88, while the preceding 5-year average was $1.40—a 48-cent difference. This marked difference in price received for commodities will result in a tremendous boost to the income of the American farmer. There needs to be an allowance for more than a 20-percent price increase before reserves are permitted to be released on the market. H.R. 1163 would provide a reserve should disaster strike this Nation; nevertheless, we must not provide this reserve at the expense of the farmer. He is the one who produces our food and needs to be protected.

I feel the adoption of these two amendments is imperative to the protection of the Nation's farmers. If the farmer is protected from a great market drop, and is in control of the storage by means of on-farm stored commodities, then he is assured of a fair price for his products. We must realize the far-reaching conditions established by this bill and take appropriate steps now to provide for the future protection and income of the farmer.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967—AMENDMENT

AMENDMENT NO. 804

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

SUBCOMMITTEE ON CHILDREN AND YOUTH ANNOUNCES HEARINGS ON SUDDEN INFANT DEATH SYNDROME

Mr. MONDALE. Mr. President, on Tuesday, January 25, 1972, at 9:30 a.m., in room 4200 of the New Senate Office Building, the Subcommittee on Children and Youth will hold a hearing on the sudden infant death syndrome.

The subcommittee wants to explore this mysterious disease—commonly called crib death or cot death—which kills at least 10,000 infants each year and is the leading cause of death for children between the ages of 1 month and 1 year of age.

An excellent article on this subject by Colman McCarthy appeared in the Washington Post recently. 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:

NEITHER PREDICTABLE NOR PREVENTABLE: THE SUDDEN INFANT DEATH MYSTERY

(By Colman McCarthy)

Perhaps no other death is more difficult for the survivors to bear or the community to understand than the death of an infant. The special kind of funeral—the white coffin the size of a toy box—the mother's grief on carrying a baby inside her for nine months only to lose the child after it is soon outside, the straining of religious faith that says the infant's death is somehow in "God's plan": little of this helps. Yet, about 10,000 to 15,000 babies die of what is called sudden infant death syndrome (SIDS) every year in the U.S. One infant in 350 is a victim. According to HEW figures, 77 infants died of SIDS in the District of Columbia in 1969; 220 died of it in Virginia and 169 in Maryland. Popularly called crib death, SIDS is a major American health problem. Excluding the first week of life when infants die from complications of prematurity, SIDS is the nation's largest cause of death in infants under one year and second only to accidents as the largest cause of death to children under age 15. A news story occasionally appears on the subject and magazine "health columns" refer to it periodically; but the ones who know it best are the parents of the victims. The subject is topical this week because the National Foundation for Sudden Infant Death in New York has announced that Dr. Abraham Bergman is its new president. Bergman is a Seattle pediatrician who for years was a leader in the fight to get flammable clothing off the market.

The mystery of crib death is that it always occurs in sleep. It is neither predictable nor preventable. Parents who give their infant its last feeding of the day—either by bottle or breast—never dream that death is about to strike. The child runs no fever, is not coughing and sounds no louder than usual in the final cry before falling off to sleep. Not many parents even know about SIDS, but, even if they did, obsessive worrying about it would be neurotic. Research groups at the University of Washington and Children's Orthopedic Hospital in Seattle, where Bergman teaches, believe that SIDS babies die from a sudden spasm of the vocal cords that close off the airway during sleep. This is often associated with a viral infection. Yet the viral infection does not cause the death, only causes the vocal cords to be more susceptible to a sudden spasm. Even more mysterious is why a viral infection in a 2- or 3-month baby is different than in a 3- or 4-year-old, or an adult. One researcher has reported that sudden unexplained infant deaths "tend to occur most frequently during cold weather in a sleeping 2- to 4-month-old infant born prematurely or of low birth weight, who at the time had an upper respiratory infection. However, one of the major problems that continues to require solution concerns the means by which these characteristics result or lead to SIDS."

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Although Bergman reports that some critics say the federal government is purposely doing nothing in the field, he believes the opposite is true. To date he says the National Institutes of Child Health and Human Development has never turned down a qualified research application on SIDS. "The problem," noted Dr. Gerald LaVeck, the Institute's director, "is mostly a lack of trained scientific investigators interested in conducting research into the problem."

While the physical mysteries of crib death are explored, there is no confusion about the emotional and social pains suffered by the surviving family. "There is a large amount of ignorance in the U.S. medical profession and the lay public about SIDS," says Bergman. "In the majority of communities, parents who lose children to SIDS are treated as criminals. In many places, they can't get autopsies or else must pay themselves. Usually, families must wait many monhs to hear the results of these autopsies from a medical examiner's or coroner's office. Many examiners and coroners still call the disease 'suffocation' or a variety of other wrong names. This only reinforces the natural guilt that parents feel anyway. Many are subjected to coroner's inquests and questioned by police. This is a national scandal and must cease."

The destructive emotional effects of crib death can last long after the regular mourning period. Tremendous after-guilt may be felt by fathers or mothers who did not "go in to check" when the baby cried during its last night; physically, though, it would have made no difference, because crying does not occur during the baby's agonal period. Other parents suffer excessive guilt at not having taken the infant to the pediatrician, especially if coughing or a fever was present. If they did just visit the doctor and the baby dies, parents wonder "what the doctor missed." Curiously, Bergman reports, "physicians themselves harbor the same doubts, often for many years. A discussion of SIDS at a medical meeting invariably turns into a confessional for physicians who feel the need to stand up and re-live their traumatic experience and be convinced of the known facts."

It is not that easy for parents. Occasionally, divorce follows a crib death, the father refusing to live with the mother who "let a baby die." If a babysitter or relative was home at the time, they may be blamed, with the parents always feeling guilty about going out for the evening. "In the weeks following the death," Bergman says, "there is often marked change of moods. The parents have difficulty concentrating and frequently express hostile feelings toward their closest friends and relatives. Denial of death is common; the mother may continue to draw the baby's bath or prepare his food. Dreams about the dead child are common, as is a fear of being left alone in the house . . . Other common reactions are anger, helplessness and loss of meaning of life. Parents are fearful, particularly about the safety of their surviving children. A fear of 'going insane' often occurs in the first few days and may last for several weeks. Guilt is universal and pervasive. Whether they say so or not, most if not all the parents feel responsible for the death of their babies."

The last point is the most crucial if the surviving parents are to lead normal lives. In medical fact, they are not responsible. Doctors, medical examiners, counselors and friends have the obligation to inform the parents that they did nothing wrong and could not have prevented the death. Guilt or anxiety may never be totally removed, but at least it can be lessened so that life can go on. If families can be consoled after a member dies of cancer, a car crash or other common causes of death, why not with SIDS? Perhaps if the disease is recognized as a disease, and not as a form of suffocation or pneumonia, more can be learned about it. Preventive medicine has conquered other diseases of mystery; it can conquer this one too.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on February 15, 16, and 17, 1972. The hearings will begin each day at 10 a.m., in room 2228, New Senate Office Building. Further information on the hearings can be obtained from the subcommittee staff in room 2204, extension 3281.

NOTICE OF HEARING ON SUPREME COURT JUSTICES SURVIVORS BENEFITS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 2854 and S. 1480, both of which propose to bring Justices of the Supreme Court under the provisions of the existing Judicial Survivors Annuity System (28 U.S.C. 376).

The hearing will be held on February 2, 1972, beginning at 10 a.m. in room 2228 of the New Senate Office Building.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building, extension 3618.

ANNOUNCEMENT OF HEARING ON PROGRAMS FOR WHEAT AND FEED GRAINS

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry will hold a hearing Monday, January 24, on H.R. 1163, the Strategic Storable Commodity Reserve Act, and Senate Joint Resolution 172, concerning the 1971 and 1972 programs for wheat and feed grains. The hearing will begin at 9:30 a.m., in room 324, Old Senate Office Building. In view of the urgency of this legislation, the committee is unable to give 1 week's notice as provided in section 133A of the Legislative Reorganization Act of 1946. Anyone wishing to testify should contact the committee clerk as soon as possible. Oral statements will be limited to 10 minutes, but witnesses may file written statements of any reasonable length. A synopsis of the statement, along with the statement, should be submitted to the committee by 10 a.m., Saturday, January 22.

ADDITIONAL STATEMENTS

TRIBUTE TO GOULD LINCOLN

Mr. THURMOND. Mr. President, I should like to pay tribute to the dean of American political reporters, Gould Lincoln.

His newspaper career has lasted almost 70 years, and at the age of 90, Mr. Lincoln is still writing a political column.

Gould Lincoln is a most outstanding man with an extraordinary talent for reporting the news.

He is respected among his colleagues for his ability and experience, and he has distinguished himself within the news media.

Mr. President, an article about Mr. Lincoln's career and achievements was published in the Washington Post of December 28, 1971. I ask unanimous consent that this newspaper account be printed in the RECORD.

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

GOULD LINCOLN AT 90, STILL GOING STRONG

(By Edward T. Folliard)

The extraordinary thing about miracles, Gilbert K. Chesterton once said, is that they happen. I suppose that when he said it, his mind was on the realm of the spiritual, the supernatural. But if we switch the idea to the mundane, it seems sort of miraculous to me that we have here in Washington a newspaperman who remembers the horse cars, who talked to President Theodore Roosevelt in the White House in the early 1900's and who is still banging away at a typewriter and turning out a political column at the age of 90.

Our nonagenarian is, of course, Gould Lincoln, dean of American political reporters. He has been a newspaperman for almost 70 years, 62 of them with the Evening Star, Washington's oldest newspaper. He is 5 feet, 11, has acquiline features, a bald head, and is skinny, which recalls the old saying: lean horse for a long race. He admits to having had his share of whiskey over the years, but says he never indulged to the point of falling down. He used to smoke, too, cigars and a pipe.

Gould was hit by a heart attack in 1957, but at that time he was only 77 and recovered nicely, and was soon back on the job at full speed. His political column now appears once a week, in the Saturday issue. He probably could write it at the Kennedy-Warren, where he lives with his daughter, Marjorie (Peggy) Lincoln; but he still has a lot of the old fire horse in him, and so he goes to the Star office several times a week, and also prowls around the Capitol and the White House in quest of material.

Lincoln is probably in a class by himself as a runner. As a 17-year-old student at Sidwell Friends School here he ran the 100-yard dash in 10.2 seconds, then a school record. He next distinguished himself as a sprinter on March 1, 1954, which was 57 years later.

It was a day of melodrama on Capitol Hill, the day that four Puerto Rican fanatics (three men and a woman) stood up in the gallery of the House of Representatives and opened fire on the lawmakers in the chamber below, wounding five of them.

President Nixon remembers the excitement very well, and he talked about it on the evening of April 22, 1970, when he awarded Gould Lincoln, along with seven other journalists, the Medal of Freedom in the East Room of the White House. He recalled that he was then Vice President, and that the Senate on that particular day confirmed Earl Warren of California as Chief Justice of the United States.

Mr. Nixon went on to say:

"Gould Lincoln was in the Senate (Press) Gallery covering the event. That was a rather easy assignment. Those were the good old days when the President advised and the Senate consented.

"But word flashed over from the House of Representatives that a radical group of Puerto Rican Nationalists were shooting up the House. Mr. Gould Lincoln, who was then 73 years old, beat all the reporters in the Senate Gallery over to the House Gallery in record time and held the fort until reinforcements had arrived."

President Nixon is sometimes given to blarney and hyperbole, but he was not guilty on this occasion. A newspaperman who was around at the time reported that Gould "hustled to the House side of the long Capitol Building and was interviewing doorkeepers before some of his younger associates reached the scene."

Gould Lincoln is a rarity in Washington journalism, a native. He was born here July 23, 1880, the son of Dr. Nathan Smith Lincoln and Jeanie Gould Lincoln. He lived as a boy at 1514 H st. nw., just around the corner from the old Cosmos Club. Lafayette Park, then enclosed by a high iron fence, was his playground.

This was before cable and trolley cars had arrived, and Gould remembers the horse-drawn car that used to pass his house, turn north on Connecticut Avenue and end up at Dupont Circle. Of course, there were no automobiles, and airlines, radio and television were far in the future.

Gould, as has been noted, attended Sidwell Friends School, graduating in 1898. Four years later he received his A.B. degree at Yale College. He rowed at Yale, and as a senior helped coach the freshmen crew.

Leaving Yale, and after a four-month prospecting expedition in the Canadian woods, he set out to find a job. This was in 1902, and he found the job at the old Washington Times. The editor who hired him was Count Maxmillian Gebhard Seckendorf, a former Washington correspondent for the New York Tribune. Gould recalls that Count Seckendorf had a long saber scar on his cheek, and the story was that he had fled Germany after killing a man in a duel.

Gould signed on with the Times for $8 a week, and did all the things expected of a cub. The paper, it should be said, was owned by Frank Munsey, whom William Allen White was later to describe in a celebrated obituary as the "undertaker of journalism"—this because of the newspapers Munsey wrecked and prepared for burial.

In 1906 Gould moved over to The Washington Post, then owned by John R. McLean and housed in a Gothic-Romanesque building at 1337 E St NW, where Newspaper Row and Rum Row converged. Gould must have shown promise because he was given a starting salary of $31.50 a week, respectable for the times.

It was while he was on The Post that Gould went to the White House and encountered President Theodore Roosevelt. The year was 1907. Gould had not been assigned to interview T.R., and he never claimed to have interviewed him. Reminiscing at the National Press Club several years ago, he recalled that The Post sent him to the White House to get some information from the Rough Rider's secretary.

Gould was descending a stairway of the West Wing, then new, when he saw a man looking up at him. The man was barrel-chested, bespectacled, wearing a sweater, and carrying a tennis racket. It was the President.

"What do you want?" T.R. asked. When Lincoln explained that he was looking for his secretary, he was told how to find him.

What amazes Lincoln in retrospect is not his encounter with Teddy Roosevelt but the security conditions—or lack of them—that he found at the White House that day. No guard was at the door of the West Wing, which T.R. had ordered built. Gould had no identification card, nor was one required. He just went in. There was no receptionist. He walked into the secretary's office, and it was empty. On through the Cabinet Room and the President's office he went, and then descending the stairway ran into the barrel-chested man with the tennis racket.

Gould was married to Hester Shepard in the spring of 1909, a time when he was covering the House of Representatives for The Post. He decided that his working hours—from noon or thereabouts until 1 a.m. or 3 a.m. the next day—were crazy hours for a newlywed. He didn't like the idea of taking the owl car to get home, sometimes arriving with the milk man. And so that November he went over to The Evening Star for what turned out to be "a life job which I have never regretted." Gould's assignment on The Star was not the House, but Police Court. He never complained, and he still likes to talk about an interview he had at the court with Carrie Nation, the little woman who went around wrecking saloons with her hatchet.

A year after Gould went to The Star—that is to say, in 1910 in the Taft Administration—two reporters came to town who were to achieve the peak of eminence in the newspaper world, Arthur Krock and David Lawrence. They too were awarded the Presidential Medal of Freedom the night their old friend Gould was honored. Both are junior to him, Krock being 85 and Lawrence 83.

Gould Lincoln agrees with what Krock says about certain newspapermen in his latest book, "Consent of the Governed," which followed his 1968 best-seller, "Memoirs—Sixty Years on the Firing Line." Krock says that the top men in the Washington corps of correspondents when he arrived were Frank R. Kent of the Baltimore Sun, Richard V. Oulihan, Krock's immediate predecessor as the Times correspondent here, and John Callan O'Laughlin of the Chicago Tribune.

Krock says that Oulihan, a native of Washington, had the presence of a born leader, and adds: "He was witty, handsome, charming and a great gentleman."

Gould Lincoln says that Oulihan was all of that and that he loved him for something else. He recalled hearing Oulihan say that a newspaperman ought to be proud of the title of "reporter"—that the reporter was as necessary to a newspaper as a rifleman to an army.

And so if you want to please the old guy, don't refer to him as a moulder of public opinion, a pundit, a commentator or even columnist. Just think of Gould Lincoln, Reporter.

APPRECIATION DINNER FOR SENATOR JOHN SPARKMAN

Mr. BYRD of West Virginia. Mr. President, last evening I spoke at an appreciation dinner for U.S. Senator JOHN SPARKMAN in Huntsville, Ala.

I ask unanimous consent that my speech on that occasion be printed in the RECORD.

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

SPEECH OF SENATOR BYRD OF WEST VIRGINIA

Mr. Chairman, Senator Sparkman, Ladies and Gentlemen:

It need hardly be said that I am delighted to be in the city of Huntsville for the purpose of being with my friend and your senior Senator from Alabama—John Sparkman.

I am also acutely aware of the difficulties inherent in finding anything to say about a native son that everyone present doesn't know already. Perhaps an intelligent way to start would be to offer my congratulations to all of you for having had the good judgment to elect to office for the first time, in 1936, the man who still so ably represents you in this year of grace 1972. I have no doubt that the good people of Alabama will continue that eminently sensible habit in the future. Senator John Stennis asked me to state that he joins in saying this.

John Sparkman was born on a farm and has always been proud of his heritage as a son of the soil. During his distinguished career in the United States Congress, he has been known by his colleagues as a man who ploughed a straight furrow. I feel sure that Alabamians are rightfully proud of that impeccable reputation. If a country boy from the hills of West Virginia can make so bold as to offer advice on agriculture to the people of a great farming state—remember—you can't plough a straight furrow with a blunt plough.

John Sparkman is one of those key Senators who have built their high reputations through long years of service, through membership and hard work on important Senate committees, through their legislative skills and tireless energy; and, above all, through the respect and co-operation given them by their colleagues in the Senate. These last—the respect and co-operation—are not accorded to every Senator. When a Senator has them, he has won them on his own merits. They are never given on demand. But John Sparkman has more. He has his colleagues' friendship and that—leaving aside for a moment legislative skills, hard work, experience and his invaluable seniority—is, when combined with character, the measure of the man as a human being. Both John and I have known Senators who could not be faulted as legislators, but who lacked that vital spark of humanness and integrity that inspires colleagues to infuse the orthodoxy of respect and co-operation with the mellow warmth of friendship.

The great contribution of John Sparkman during his service in Congress has been primarily in building the significant economic programs that strengthen Alabama and the nation. For John Sparkman knows that the backbone of national defense, the foundation of world leadership, and the source of a healthy, prosperous people is a productive economy. He has long been the

Senate's expert on housing and related financial matters. For the past five years he has been Chairman of the Senate Banking, Housing, and Urban Affairs Committee, with significant responsibility for the economic health of the nation, for housing, for deposit insurance and for federal lending programs which support and stimulate industrial growth. This Chairmanship coincides with his present responsibilities as Chairman of the Subcommittee on Financing and Investment of the Senate Small Business Committee, Vice Chairman of the Joint Committee on Defense Production and ranking majority member of the Joint Economic Committee. These are not just titles—they mean hard work, constant attendance at frequently lengthy meetings and a responsibility for keeping a watchful eye on all programs directed toward the maintenance of the country's economic well-being.

But John is not only a man of dollars and cents, of housing starts and insurance statistics. He is also ranking majority member of the Committee on Foreign Relations. In that capacity, his strong realistic voice has been heard many times over the last ten, difficult years in which we have been struggling with the highly controversial war in Vietnam. There have been times when John Sparkman has not seen eye-to-eye with others on his Committee regarding the conduct of the American struggle to combat the spread of Communism in Southeast Asia. His tough stands against some Committee opinions have sometimes separated him from the consensus of the Committee, but these differences have never lessened his colleagues' respect. They know that he is 100% against Communist aggression, and though their ideas about how to defeat it may be different from John Sparkman's, they value his wisdom and experience.

The senior Senator from Alabama is a man with multiple Senate duties and national responsibilities. He is also a man who, as Rudyard Kipling wrote: "Can walk with Kings—nor lose the common touch . . ." for John still lives a plain-spoken, farm-bred son of Alabama. And Alabama today is a living monument to his dedicated service to the people of his State.

An Alabama newspaper once said: "Stand on any street in an Alabama city, ride along any Alabama highway and one sees on every side the handiwork of John Sparkman in building a greater, healthier and more prosperous State.

"Every Alabamian stands in his debt."

John, you should feel very proud of these words. They omit nothing—except perhaps that you are a man of unswerving loyalties to your country, to your State, and to your Party. As a matter of fact, I am informed by Congressman Bob Jones, an old and tried friend of yours, that there is only one area in which you ever show the slightest sign of wavering between two loves. Despite your pride in being a distinguished alumnus of the University of Alabama, I am told that you stay curiously silent and almost free of demonstrative partisanship when your alma mater plays Auburn on the football field. And this has been true long before Pat Sullivan won the Heisman Trophy. However, it must be a pleasant quandary to be in—to have not one, but two superb teams going for you. I have only one and much as I admire the Mountaineers of West Virginia University, perhaps I'd better get to work for another school for the State so we can be upsides with the Crimson Tide and the Tigers.

I mentioned a moment ago how much the people of Alabama owed John Sparkman. But however great the temptation might be, he is not a man to rest and point with pride at his past accomplishments. He works for the future. For example, he is currently much involved in plans to create a capital bank for small businesses, to provide a separate division of the U.S. Tax Court for the nation's smaller taxpayers—so that they can have their claims settled rapidly—and plans to stimulate the flow of mortgage credit for financing F.H.A. and V.A. home construction. Senator Sparkman is also sponsoring constitutional amendments to permit prayer in our public schools and to revise the way in which we elect our President and Vice President. One might think that a man who has been through the mill of public service for as long as John Sparkman has, would be content to rest on his many laurels and coast along on his well-recognized list of achievements. Exactly the opposite is the case with this fine Southern gentleman we honor tonight. He is still looking for fresh fields to tread and fresh tasks to perform. And talking about Southern gentlemen—just in case you good folks think we West Virginians don't know the important things in life—I take this opportunity to salute the memory of another great Southern gentleman whose birthday this happens to be. I refer, of course, to General Robert E. Lee.

Since John Sparkman's first years in the House of Representatives as Congressman from the 8th District—which, I understand, has been unchanged for 90 years—he has worked diligently for the things that build Alabama industry and strengthen her agriculture. He knows that only through thriving, businesses, productive factories and prosperous farming can the people of Alabama maintain a rising standard of living and the income levels which give them and their families the benefits of modern life. Senator Sparkman saw Alabama's economic growth as a fundamental cycle; he saw the wisdom of resource development to attract industry to the State which in its turn helps support a profitable agriculture. His first objective—and a wise one—was the development of Alabama's natural potential. John Sparkman was an early champion of the Tennessee Valley Authority, with its low-cost power, and of R.E.A. which took this power into the rural sections of the nation. He fought valiantly for the funds to develop Alabama's waterways and fully utilize the port of Mobile, now sixth in shipping volume in the entire United States. He has been a leading architect of the industrial revolution that has revitalized the South. The growth of manufacturing in the Tennessee Valley has been over twice the national rate of growth. The growth of a diversified agriculture has kept pace with the growth of industry, and it is due in no small measure to the programs authored and supported by your senior Senator. The list is so long—T.V.A., rural electrification, rural telephones, the Cotton Labeling Act, soil conservation, support prices, crop loan insurance, farm housing, the Rural Library Act, vocational education, the National Defense Education Act—I could go on for an hour detailing all the legislation that owes its existence to the dedication and hard work of a farm-boy from Hartselle, Alabama.

In this connection, I would be remiss in failing to point out the significance of some research I did before coming down to Huntsville. The total congressional seniority of the Alabama delegation in Washington—both House and Senate—represents 95 years of service. John Sparkman's seniority alone represents almost 40% of all of the seniority Alabama has in Washington! My friends, make no mistake about the importance of this fact: above all else, it gets things done in Washington.

Now, you know that I spend a great deal of time on the Senate floor—perhaps more than any other Senator, because my job as Majority Whip demands it, and I have had an opportunity over the years to watch John Sparkman put his seniority on the line to work for Alabama and the Nation. He is a master at legislation. In fact, to my knowledge, he has never lost a bill on the floor of the Senate. John Sparkman bats 1000!

It is a measure of John Sparkman's stature as a human being that while he walks daily in the company of the mighty, he has never forgotten the tenant farm where he was born. He has always believed that growth, prosperity and contentment in living depend on the purchasing power of all consumers—among them the working men and women of Alabama. He knows that the benefits of rising productivity must be shared by the working people who produce the goods and services. He has said: "The Alabama worker is entitled to everything he needs as a first-class citizen—a good income and security in his job; to own his home, to look forward to security after retirement and to have the chance to give his children a good education. It is my job to see that he gets these things and keeps them." Those are John Sparkman's words, and there is no doubt that John Sparkman has his job.

But lest we think that this son of the soil has no wider interests and influence, let us also remember his important contributions to a wider world than that bordered by Mississippi, Georgia, Louisiana, and the Gulf. Let us not forget that he has always acted in the firm conviction that the United States can best contribute to the peace of the world by maintaining military strength—for the language of strength is the language the Communist world best understands.

Take a look at the George C. Marshall Space Flight Center and Redstone Arsenal right here in Huntsville; the Air University at Maxwell Field; the helicopter training fields at Fort Rucker, Gunter Field, Craig Field, and Fort McClellan. These installations play key roles in the nation's military security and are a significant reminder of the foresight and conscientiousness of the Sparkman defense policy. Fort Rucker was the pioneer base in developing the use of the helicopter in modern limited warfare. The training first given there in the use of the chopper for rapid troop movement and close air combat has been invaluable in saving American lives in Vietnam. Without John Sparkman, I have my serious doubts that any of these strategically vital installations would have found their home in Alabama. They might even have been located in West Virginia.

And military installations mean people; and jobs; and people mean houses. As the acknowledged leader in the housing field in the Senate, Senator Sparkman has been personally responsible for housing programs over the past 19 years that have assured modern homes, not only for thousands of Alabamians, but also for millions of other Americans. These programs have meant better financing and stable loan plans benefiting the home buyer, the home builder and the lending institution.

But lest we think that John Sparkman lives only in a world of figures and dull statistics, let us always remember his work in the field of health and education. He has not forgotten the days when he sent himself through the University of Alabama by selling his own cotton crop. He knows the inestimable value of a good education, and the necessity of good health to enable the young people of today to make use of it. He strongly supported the National Defense Education Act of 1958. Perhaps no other Act since the Land-Grant College Act of a century ago, has contributed so much to education in the United States. Senator Sparkman was also an early sponsor of the "impacted areas" law which provides for financial aid to local school systems where defense and other installations have increased the load in pupil enrollments. The teachers have also benefited from his championing of their cause for better sal-

aries and improved status and working conditions.

For many years, until the retirement of Senator Lister Hill, John Sparkman was half of one of the greatest "one-two punches" ever enjoyed by any State in the Union. With Lister Hill, the former Chairman of the Senate Committee on Labor and Public Welfare—himself a most distinguished Senator—as his colleague and friend, the gentleman we honor tonight helped bring countless health programs to Alabama. Today, your State is a leader in making use of the Hospital Construction program. Nearly all Alabama counties have benefited in the legislation, with more than 500 hospitals, health centers, nursing homes and dormitories having been built. In this connection, I would be amiss if I did not say that in Lister Hill's successor, Senator Jim Allen, the State of Alabama has once again come up with an outstanding man whose abilities and dedication to his duties on the Senate floor and in committee promise a very bright future in the Senate of the United States. Alabama has a blue ribbon team in the U.S. Senate.

When I think of all that John Sparkman and others have done over the years to improve education and educational facilities for all Americans, I view with extreme regret the retrogressive attitudes and actions of our courts and certain Federal officials that are going a long way toward undoing these constructive beginnings. The myopia which characterizes those who place forced integration in schools ahead of improving education for all pupils of both races is something that appalls me, as I am sure it does you.

This mania for forced integration by mass busing is the most recent gem of social engineering. The federal courts have become so infatuated with busing as an educational end-in-all that it probably would surprise no one if they just did away with traditional concepts of schools altogether and ordered classrooms on wheels. They could have mathematics buses, chemistry buses, study hall buses, activity period buses and so on. It would make about as much sense as some of the half-baked social experimenting to which the nation's children are now being subjected.

John Sparkman is a veteran and he has never forgotten the needs and the problems of veterans. He has fought wholeheartedly for the rights of veterans and their families. He was a sponsor of the original G.I. Bill of Rights and the Korean Veterans' Act, and in 1965 sponsored the "Cold War G.I. Bill"—which extends the same benefits to the servicemen from the Vietnam war. He is the author of the law—the Soldiers and Sailors Civil Relief Act—which protects servicemens' insurance, automobiles, appliances and other property while they are in the service. As befits his status as a retired Colonel in the Army Reserve and a member of the American Legion, John has also been active in obtaining passage of the National Guard and Reserve Officers Retirement Act.

To those of you who may not be familiar with the everyday workings of the United States Senate, I can assure you that it is a constant source of amazement to me how a Senator who combines the endless duties of a Committee Chairman with the hours he must spend in other Committees and on the Senate floor manages to find time to eat and sleep. To most of us mere mortals, the Good Lord granted only twenty-four hours in a day. Perhaps he made special dispensation for a few extra hours every day to those lucky enough to be born in Hartselle, Alabama.

Perhaps, as Majority Whip of the United States Senate, I feel a special kinship for John. For he, too, had that sometimes thankless job during his last term in the House of Representatives. As many of you know, John Sparkman is the only man in United States history to be elected simultaneously to both Houses of Congress. I have frequently thought that if it were allowed under the Constitution, John Sparkman could well have had the energy and dedication to have held both seats and handled both with the success he has always shown in the one.

Of necessity, I have dwelt mostly on John Sparkman's outstanding accomplishments as a Senator and as a legislator. When a man's life has been dedicated to the making of laws and the representation of the people who elected him, it is always too easy to think of him only in these two mantles. But John Sparkman is much more. He is a warm, friendly human being; and his successes and the admiration of his peers have not changed him. Whatever distinctions he may have gained during his years in Washington—and they are many—he still remains a man of the people and in the true sense of the words, a Southern gentleman. It is my earnest hope that the friendship and affection I feel for him will be further cemented in the United States Senate in the years to come. The Senate, the State of Alabama, and the Nation need John Sparkman. I have never asked him whether he has ever chosen words to live by, though most of us have our favorites. But perhaps I may be allowed to suggest for him the words of William Shakespeare in his play "King John"—

"The day shall not be up as soon as I, To try the fair adventure of Tomorrow. . . ."

THE USE OF SECRET INFORMATION

Mr. FULBRIGHT. Mr. President, two recent television commentaries, one by Joseph McCaffrey, WMAL–TV, Washington, and another by David Brinkley, of NBC News, are, I believe, worthy of our thought and attention.

Mr. McCaffrey, in a commentary broadcast on January 4, offered some strong, but appropriate comments on the increased bombing by the United States in Vietnam during the Christmas season.

On the NBC nightly news of that same date, Mr. Brinkley made some discerning comments about a rather ironical situation in regard to the use of so-called secret information.

In view of the fact that these commentaries were broadcast during the adjournment, a number of Senators may have missed them. I, therefore, ask unanimous consent that they be printed in the RECORD.

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

COMMENTARY BY JOSEPH MCCAFFREY

As if to show that we might be as pagan as they are, the United States—with great irony—picked the week of Christmas to drop more and more and more bombs on the heathen North Vietnamese. This seemed to be our way to signal the men in Peking for the upcoming visit of President Nixon, saying, "See, we are just as pagan as you are."

We choose the time of year when we talk about Peace on Earth, good will to men, as the time to really saturate North Vietnam with our bombing. And then we become indignant that the North Vietnamese have the nerve, the gall to send up fighter pilots in an effort to head us off.

Why are we doing this?

To help get our prisoners of war back from Hanoi?

To protect the remaining troops we have in South Vietnam?

To buy more time for the Saigon government?

Yet, over the years since 1969 we have bombed, and bombed and bombed . . . and now it is 1972, and the North Vietnamese still have our prisoners; North Vietnam is still determined to keep fighting.

Will the fact that we picked Christmas week, the time of peace on earth, as the time for our bombing have any more influence on Hanoi?

Or is the situation in Vietnam—perhaps—a little worse than we have been led to believe?

We really aren't sure—all we know is that, wind it up or wind it down, whatever one wants to call the present situation, the war still goes on . . . still goes on.

NBC NIGHTLY NEWS BY DAVID BRINKLEY

Daniel Ellsberg was arraigned today under his second indictment for passing out material from the Pentagon papers to the newspapers. And he could wind up in prison.

On sale now in bookstores in Washington and elsewhere is a book by Lyndon Johnson called The Vantage Point . . selling for 15 dollars. It also makes public material from the Pentagon Papers.

A Roman Senator . . in the year 575 BC . . said, "Laws like cobwebs, entangle the weak but are broken by the strong."

What Ellsberg made available to the American people was theirs already . . since they paid for the writing of the Pentagon papers—the salaries of the writers, as well as buying even the typewriters and the paper.

As for damaging the country by giving out secrets, the Federal Government's lawyers have been able to show no damage whatever.

As for their being stamped secret in the first place, one of the Pentagon's experts told Congress that 99 and ½ per cent of what is classified secret should not be.

President Nixon himself, years ago when he was a Senator, said a lot of what was stamped secret . . ostensibly to protect the national security . . was actually stamped secret to protect the bureaucrats' own security.

So . . what we have is this:

Papers in the Pentagon stamped secret, probably wrongly . . owned by the American people, who paid for them.

Ellsberg passed them out free.

Johnson took some of the same material already owned by the American people and put it into his book to be sold back to the American people for 15 dollars a copy.

Ellsberg is threatened with prison. Johnson is relaxing on his ranch, collecting royalties.

PEACE CORPS SCHOOL PARTNERSHIP PROGRAM

Mr. BOGGS. Mr. President, I shall address myself for a moment to the recent cutbacks in funding for the Peace Corps. For 7 months of the current fiscal year the Peace Corps operated on a budget based on the administration's request of $82 million. Late last year the House voted an appropriation of only $60 million which the Senate then raised to $72 million. The result is that the Peace Corps, at a point more than halfway through the fiscal year, finds that it must operate for the remainder of that year with $10 million less than it had expected. Action Director Joseph Blatchford estimates that this cut will cause the Peace Corps to recall 4,000, or roughly half, of its volunteers from their overseas posts.

I sincerely hope, Mr. President, that this reduction does not signify a permanent downgrading of the Peace Corps in terms of our foreign aid priorities. Popular support for this program has not diminished nor, do I believe, has its original appeal to the young people of this country. I offer as evidence of their con-

tinuing support the Peace Corps school partnership program which has been quietly lending voluntary financial support to Peace Corps projects since 1965.

Under this program schools, civic organizations and youth groups make contact with needy communities in developing countries which are planning to build schools and hospitals with the assistance of Peace Corps volunteers. So far, over 1,700 organizations have aided communities in 49 Latin American, Asian, and African countries.

In my own State of Delaware six schools have contributed over $4,000 to Peace Corps projects. Middletown High School in Middletown has contributed $882 for a project in Varjota, Brazil, and $118 for one in Dhulkot Tahli, India. The John Dickinson High School, in Wilmington, has given $300 to assist the community of Manoluk on the island of Truk in Micronesia. Brandywine High School, in Wilmington, has contributed $500 for a project in Kyark, India, and Concord High School, also of Wilmington, has donated $1,000 to Cardona, Uruguay.

In addition, Laurel High School, in Laurel, has given $200 for a project in Santo Nino, Philippines. Warner Junior High School, in Wilmington, has contributed $78.60 to La Nueva, Guatemala, and $70 to El Toro, Guatemala. The Wilmer Shue School, in Newark, has raised $870.44 for a project in Pitucancha, Peru, and $129.56 for one in Logonono, Botswana. Without the Peace Corps and the Peace Corps school partnership program, none of these projects would have been undertaken.

I salute the efforts of our young people who have worked hard to raise this money. Their faith in the Peace Corps speaks eloquently of the ideals to which it gives life, and is one of the strongest recommendations I can think of that this program receive the full support of Congress. During the coming session I urge Senators to restore funds for the Peace Corps to an adequate level.

SENATOR RANDOLPH SUPPORTS IMPROVED PUBLIC TRANSPORTATION FINANCING

Mr. RANDOLPH. Mr. President, yesterday, I sent the following letter to Senator Weicker:

U.S. SENATE,
Washington, D.C., January 19, 1972.

Hon. LOWELL P. WEICKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR LOWELL: Thanks for your letter of January 13 requesting that I cosponsor legislation which you introduced today relative to changing the purposes for which Highway Trust Fund revenues can be expended.

While I did not co-sponsor your bill, please know of my continued, genuine concern for the relationship between public transportation and the highway program. As you know, on December 22, 1969, I introduced S. 3293, a proposal to allow the use of highway funds to support public transportation operations under certain conditions. This proposal was considered for inclusion in the Federal-aid Highway Act of 1970 but was not made a part of the bill reported at that time.

I am strongly convinced that action must be taken to significantly improve financing for public transportation. This effort is especially needed as to highway-oriented public transportation since an estimated 75 percent of the country's transit requirements will have to be met by buses. The need for strengthening public transportation throughout the United States becomes urgent when we realize that approximately 260 cities have lost their transit systems in the past 18 years.

Be assured of my desire to work closely with you this year, both in the Committee on Public Works and elsewhere, to develop legislation that will help assure continued and improved public transportation services for the American people.

With personal regards and official esteem, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

CLEARCUTTING

Mr. McGEE. Mr. President, in rapid succession lately, the public learned of the impending issue of an Executive order aimed at insuring a high level of environmental integrity in all timber harvesting operations on the public lands of the United States; then of the proposed order's early demise.

In this instance, the news reports were entirely accurate. There was a proposed Executive order, drawn up by the President's Council on Environmental Quality following a study conducted with the help of five distinguished heads of forestry schools in various parts of the country. The order did at last face up to the complexity of the clearcutting issue, and it did move toward the imposition of entirely reasonable restraints on this practice of leveling all the growth within a forest tract marked for timber harvest.

For more than 2 years, I have concerned myself with this practice, at first because of the concern expressed to me by many citizens of my own State and others, and more recently because my on-the-spot investigation of conditions in our national forests have clearly revealed the utter ugliness and destruction wrought in the recent past by clearcutting.

In an attempt to cut through the conflicting points of view held by sincere and competent authorities, I have advocated the creation of an independent interdisciplinary study commission to thoroughly investigate the entire clearcutting issue so that we can proceed with forest management policies that will afford us reasonable assurance that the long-term benefits of our invaluable forest resources will not be wantonly diminished. I have never argued that clearcutting should be forever banned from all our national forests. Indeed, different soil conditions, different climatic conditions, different species of trees, different elevations, and a host of other factors will affect the choice of any harvesting method to be used. But we do need more assurance that the methods used make sense—not just economic sense but environmental sense as well. Thus, my bill would temporarily halt clearcutting, pending completion of the study.

The Executive order prepared for the President by his Council on Environmental Quality would not have banned clearcutting either. Its purpose was to provide some measure of leadership in the development and application of environmentally sound forestry practices and assure that environmental considerations were given full weight by those charged with the responsibility of administering our forest resources.

Without exception, the criteria in the Executive order were sensible and reasonable. Let me state them:

First. Clearcutting for the particular tree species and specific area in question must have a silvicultural justification.

Second. There will be no clearcutting in areas of outstanding scenic beauty, nor in areas where clearcutting would adversely affect existing or projected intensive recreation use or critical wildlife habitat.

Third. Clearcutting will not be used on sites where slope, elevation, and soil type, considered together, indicate severe erosion may result.

Fourth. No area will be clearcut unless there is assurance that the area can be regenerated promptly.

When those conditions were met, clearcutting was to be further constrained by the following:

First. The area to be clearcut will be kept to a size that will minimize harm to the biota, including diversity of species, and will maximize total resource management benefits.

Second. To minimize aesthetic impact, clearcut areas will where possible be shaped to blend with the landscape.

Third. Adequate precautions will be taken to assure protection of water quality and biological productivity in neighboring streams and lakes.

Fourth. Adequate attention will be given to the impact of road construction which would be necessitated by the timber harvest.

The proposed Executive order also would have directed the Secretaries of Agriculture and Interior to issue revised regulations so that timber sale contracts in the future would reflect these environmental goals. Further, it would have provided a spur to the improvement of management plans and procedures, the administration of timber sales, and the development and use of more advanced and less harmful technology. Finally, it would have directed the particularly fragile areas unable to withstand such intensive uses as timber harvesting to be identified and protected, at least until the technology was available to permit their exploitation without harm to the resource base.

All that, Mr. President, seems perfectly reasonable and sensible. Yet, following a high level meeting between representatives of the timber industry and the departments involved, which I understand took place in the office of Agriculture Secretary Earl L. Butz, the decision was made to kill the Executive order. Business as usual, in other words, was what the industry wanted and apparently what it is going to get unless Congress intervenes to protect the future of forest resources.

All of this activity, which occurred in the week prior to the reconvening of Congress, indicated to me that the need is greater than ever for a thorough and independent assessment of this complex environmental issue. That reassessment can be had with the passage of S. 1592,

which I introduced last year and which has the cosponsorship of 16 Senators.

CELEBRATION ON VETERANS DAY

Mr. THURMOND. Mr. President, the Veterans Affairs Organization of Lexington County, S.C., recently passed a resolution concerning the celebration of Veterans Day.

Veterans Day was set aside to mark the end of World War I on November 11, 1918. This is a date which has great meaning to all veterans and Americans alike. Because of the Monday holiday bill, the holiday was changed to the fourth Monday in October. The date, November 11, is deep in the heart of our Nation as many patriotic Americans gave their lives to achieve the event this date denotes. The resolution deserves the consideration of Congress.

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:

A RESOLUTION

Whereas, by Act of The Congress of The United States, Veterans Day was moved from November 11th to the fourth Monday in October of each year, and

Whereas, November 11th marked the end of hostilities of World War I, and

Whereas, such date, by tradition has deep significance to War Veterans, especially World War I Veterans, and

Whereas, the changing of this date has diminished the meaning of Veterans Day, and

Whereas, a holiday for the convenience of the general public has replaced a day which was originally set aside for patriotic rededication by War Veterans

Now therefore, be it resolved: that Lexington County Voiture 1211 of the 40 & 8 deplores such change of Veterans Day, and

Therefore, we as members of Voiture 1211 respectfully request that November 11th be reestablished as Veterans Day.

CHILD DEVELOPMENT: LITTLE ROCK'S KRAMER SCHOOL

Mr. MONDALE. Mr. President, Parade magazine for January 9, contains an inspiring and encouraging report of Little Rock's Kramer school.

This day care-child development project is run by Dr. Bettye Caldwell, one of the Nation's most respected authorities in the field of preschool education and child development. The school is supported by the State Department of Education, the Little Rock school system, and the University of Arkansas, and has been awarded a $2 million grant from the Office of Child Development.

The project, now in its second year of operation, is based on the belief that it is essential to provide educational opportunities to the nearly 6 million young children in this country whose mothers are working.

This innovative experiment takes place in the same building as the elementary school these children will later attend. By encouraging the students from the school to act as aids, this project gives older children a much-needed understanding of youngsters, and an early introduction to some of the responsibilities of adulthood and parenthood.

After a year's operation the article reports that the children attending this project "registered a gain of 12 IQ points compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts center children gained 16 scaled points more than other youngsters."

Contrary to many fears expressed about child care programs, Dr. Caldwell reports that the family ties of these children have been substantially strengthened by their participation in the program.

Mr. President, in view of the fears and misconceptions that have been raised and nurtured during the consideration of child care legislation, I think it is important for my colleagues in the Senate to have a chance to understand the values of one kind of quality day care which could have been funded under the child development legislation that was recently vetoed. 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:

A PIONEERING DAY-CARE PROGRAM—HOW MUCH CAN A 6-MONTH INFANT LEARN IN SCHOOL?

(By Ted Irwin)

LITTLE ROCK, ARK.—A day-care center in Little Rock has come up with the revolutionary idea of using the time that small children are left in its custody to educate them, rather than wasting it in aimless activities.

This concept of early, continuous, away-from-home education for youngsters starting almost in infancy is attracting deep interest elsewhere and, if it spreads, could change the face of American education.

Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

FIRST YEARS CRITICAL

"Ours is a new kind of educational delivery system," says Dr. Bettye Caldwell, the petite redhead educator in charge of the Center for Early Development, which runs the innovative Kramer project. "The first few years of life are critical for normal development as a human being. In this process, day care should not be separated from education. We're striving for a setup which can be adopted or adapted in other communities through the nation."

So important do educational authorities regard the Little Rock experiment that the Office of Child Development is investing $2 million in it, and the participants include the State Department of Education, the Little Rock school system, and the University of Arkansas.

Central to the project, initiated by Bettye Caldwell two years ago, is the conviction that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day. By providing instruction in the same building where they'll later be enrolled as elementary school pupils, the program gives them a running start on their formal education.

"An early enrichment program can't touch the lives of children in a significant way unless it's linked to public education," says Bettye, who is the wife of a surgeon. "Only in the public schools can you reach a large number of day-care children, and give them educational continuity, starting with infancy. Like this, there is no danger of a child losing out later, as some children in other programs have lost their early gains."

For the day-care children, school starts early at the center—at 7 a.m., two hours before the regular elementary grade children arrive. Their parents drop them off on the way to their jobs. Care starts at the age of six months, with very small children spending their day in the "Baby House," a maple-paneled structure with playpens, cribs, a feeding table, playground equipment, and even a diaper-changing room. Teachers and aides are on hand to blow bubbles and play games.

REWARD SYSTEM

Special rooms are reserved for three- four-, and five-year-olds, where learning begins in earnest. Teaching techniques are adapted to age groups. Three-year-olds, for instance, learn numbers by being handed small dolls and taught to give back one, two, and three at a time. A successful performance brings a feeling of pride and a special snack for reward. Children six and over go to the school's regular classes, their day-care blended in imperceptibly with education.

One of the center's most intriguing rooms is the "Learning Library," where special equipment has been installed to help slow learners. A projector flashes letters, numbers and geometric patterns for the child to identify or copy. The latest in audiovisual apparatus helps speed up language proficiency and development. Activities go right on for these youngsters after the regular school pupils leave at 3:15, with the children remaining until their parents pick them up at 5 p.m.

"Most day-care centers," says Bettye Caldwell, "look at their function from the standpoint of the mother's benefit—relieving them from custodial care of their children during working hours. We look at it from the standpoint of the child's enrichment. Our day care actually strengthens the bonds between mothers and children. In many cases, we take enough of a load off a mother so that she can be more loving, more patient, and take more time to play with the child. Separation during the day can heighten the enjoyment and appreciation of each other when they are together. The quality of the relationship is improved."

Dr. Caldwell, herself the mother of 13-year-old twins and a professor at the University of Arkansas, says the day-care program emphasizes emotional stability, mental health, and mutual understanding, as well as academic subjects. The result is improved behavior and a warm attitude toward school. One three-year-old named Billy, who threw temper tantrums regularly when he first came, has now turned into a creative and constructive leader of other small fry at the Center. Eighteen-month old Janice, pale, underweight, and unsmiling, seemed destined to be retarded, like her older brother. At the Center, before long she was laughing, verbalizing, clapping her hands to music.

It's the same story for older day-care children who attend regular classes at the Kramer School. Says 11-year-old Tommy, the product of a broken home: "Every one treats me like an animal except the people here at school." Says nine-year-old Martha: "In my old school you couldn't even stand up without being yelled at."

Parents are delighted with the results they have observed in their youngsters. Says Mrs. Pauline Trotter: "If my two-year-old daughter Paula were left with a baby-sitter, she'd be kept in front of the TV all day, scared to move. At the Center she's learning to play

with others." Mrs. Vivian Runyon, mother of six, is so happy with the Center that she's returned to the neighborhood just to be near it, after moving away for a while.

"I thought no one could take care of my kids like I could," she explains. "But I'm amazed at how much Rodney, who's only two, was able to learn at the Center. I'm sure that my older boys would be better students today if they had been in the program when they were very young." Adds a waitress with two youngsters at the Center: "My kids are getting a lot better start in life than I or my husband ever did."

The effect on the children also is measurable in objective tests. After one year at the Center, day-care pre-schoolers registered a gain of 12 I.Q. points as compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts, Center children gained 16 scaled points more than other youngsters. In a test that involved associating spoken words with pictures, day-care four-year-olds outscored a control group in the same age range.

With results like these—and with an estimated 6 million pre-school children with working mothers in the U.S.—it's no wonder that education and child psychologists from all over the country, and some from countries like Brazil, Israel, Taiwan and Ghana, have been flocking to Little Rock to see the Center for Early Development in action.

ENTHUSIASTIC RESPONSE

One of these visiting experts, Prof. Joan Costello of Yale's Child Study Center, sums up the prevalent feeling this way: "This is one of the most exciting educational demonstrations going on in the country today. In this combination of day care and school, elementary grade pupils have a chance to learn about little children and parenthood. The day-care children were deeply interested in what they were doing and learning a lot. What impressed me is that it is a happy place. I see the Kramer program as potentially a model for the schools of the future."

To Bettye Caldwell, the promise of her day-care venture extends far beyond proficiency in schoolwork.

SOCIAL AWARENESS STRESSED

"Before a child leaves us we hope he will have acquired a love of learning and be able to meet all later school experiences," she says. "But we want him also to have made substantial progress toward becoming a responsible citizen. We must think big about what kind of children we want to have in the next generation, about which kind of human characteristics will stand them in good stead in this rapidly changing world. Early child care, such as is being practiced at this Center, can be a powerful instrument for influencing the quality of life."

IN DEFENSE OF THE PEACE CORPS

Mr. HUMPHREY. Mr. President, just before Congress adjourned, it passed a continuing resolution for foreign aid which contained funding for the Peace Corps at an annual rate of $72 million, $10 million short of its original request and $5 million short of the authorization approved by Congress in October. Immediately thereafter, Mr. Blatchford, director of the Peace Corps, issued a statement indicating a provisional plan to cut the volunteer force strength in half. The plan would go into effect if the final appropriation were at the level of the present continuing resolution.

I, in turn, wrote a letter to the President urging him to take whatever action necessary, including the use of emergency funds, to avoid cutbacks and to convince Members of Congress of the importance of passing an appropriation bill with full funding for the Peace Corps. I ask unanimous consent that my letter to the President be printed at this point in the RECORD.

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

JANUARY 13, 1972.

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

DEAR MR. PRESIDENT: I am seriously concerned by the Peace Corps' reported plans to cut its volunteer force in half. I appeal to you to take whatever action is required, including the use of emergency funds if possible, to enable the Peace Corps to maintain its present strength until the Congress decides upon a final 1972 appropriation.

Under the Continuing Resolution for Foreign Aid, the Peace Corps' appropriation is funded at an annual rate of $72 million—$10 million short of the Administration's request for this year. It is my understanding that Senate action on the pending fiscal year 1972 appropriation bill could result in bringing the total figure closer to the budget request. I would hope that additional Presidential assistance would make it possible for the Peace Corps to hold off any reductions pending final passage of the Foreign Aid appropriations.

With the appropriation bill as an early item on the agenda when Congress reconvenes, I urge you to appeal to members of Congress on behalf of the Peace Corps. I will do everything I can to see that the Peace Corps is funded as close to its budget request as possible.

I hope you agree that there is still a vital need for Peace Corps programs. As you know, there has been a resurgence of interest in the Peace Corps throughout the country. Volunteer applications have jumped from 19,000 last year to 26,500 this year. There are 8,213 volunteers now working in the field at the invitation of 56 countries around the world. They continue to have an important technological assistance and an ambassadorial role to play in promoting development and international understanding.

Having played a leading role in its birth and having closely followed its progress and success, I strongly support continuance of the Peace Corps. I believe a strong majority of the Congress wants to continue its outstanding work. With your assistance, I am confident we will be able to permit the Peace Corps to continue its vitally important work for peace and development.

Respectfully,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I strongly believe we must give adequate funding to the Peace Corps in recognition of the important role it has played and will continue to play in development assistance and international understanding.

We in the Congress have been talking, and I think rather responsibly, about the need to revise our foreign assistance program. The Senate was particularly emphatic about its concern over our military assistance program. Economic development experts have for quite some time now been talking about the increasing importance of multilateral assistance and the dwindling importance of bilateral assistance.

But rarely is the suggestion made that bilateral programs be dumped entirely. They have a utility all their own, which is not just to provide us with the means of maintaining American influence abroad. In many instances it has been found that working under national auspices is more efficient and beneficial for all parties concerned. What I am suggesting is that bilateral programs have their place and will continue to have a special utility, which complements, not conflicts with, the work of international organizations.

In my opinion, and I know in the opinion of the majority of the American public, no single American aid institution merits a more secure place than the Peace Corps. I am not saying this out of pride of authorship, although I do take great pride in the fact that I introduced and floor managed the bill which established the Peace Corps. I am saying it in recognition of the achievements already made by the Peace Corps. I am saying it out of a conviction that the Peace Corps still has an important role to play.

How can we think otherwise? Let me just read to the Senate section 2 of title I—The Peace Corps.

The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

I, too, would recommend the demise of the Peace Corps if there had been a sharp discrepancy between this high purpose and what the Peace Corps has actually accomplished. But there is not. Admittedly, there have been some unfortunate incidents in the history of the Peace Corps, but I contend that this is a part of a growing process. Today, the Peace Corps is in good shape. It has over 8,000 volunteers stationed in 56 different countries. It offers a greater variety of programs now to developing countries than ever before. Finally, it does not impose itself on these countries, but is invited.

That is a far cry from some other forms of American representation, where we are present but not welcome. Here is a voluntary program that has worked. The only way it can continue to work, however, is through the support of Congress. I call upon Senators and Members of the House of Representatives to pass an appropriation bill at the full level of funding already authorized by Congress. We owe it to ourselves and to developing countries. We owe it to the finest of American traditions.

NORTH VIETNAM'S STRATEGY

Mr. McGEE. Mr. President, in the Washington Post of January 7, 1972, columnists Rowland Evans and Robert Novak warn of possible consequences arising from an incident predicted to occur in Vietnam in the near future.

They predict the North Vietnamese regulars could possibly occupy the pro-

vincial capital of Kontum in South Vietnam's central highlands and may even hold that city for several days.

In assessing the prediction, the columnist pointed out that such an incident could have a completely distorted impact on the U.S. Congress in that it could be interpreted as an indication the President's program of Vietnamization is a total failure.

However, as Evans and Novak state, the whole North Vietnamese strategy at this time is to hit the South Vietnamese at their weakest point in order to score a psychological victory with the U.S. Congress. But one must consider that in the past the vulnerable spots in South Vietnam included the Mekong Delta, the central Vietnam coastal provinces, and along the demilitarized zone. Therefore, it is a tribute to the Vietnamization program that these areas are no longer vulnerable to Vietcong or North Vietnamese domination.

In sum, a North Vietnamese occupation of Kontum, even for a short period of time, would hardly constitute ample evidence that Vietnamization has failed. On the contrary, it is apparent that Kontum represents the only area in which the North Vietnamese could attack in South Vietnam with some measure of success.

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:

HANOI'S OFFENSIVE IN 1972

(By Rowland Evans and Robert Novak)

Within a few weeks, invading North Vietnamese regulars probably will fight their way into the provincial capital of Kontum in South Vietnam's central highlands and may well hold it several days—an event of miniscule military importance but a potentially portentous development in the seemingly endless war.

Whether or not Communist troops briefly occupy Kontum has no relationship to the overall military situation. Indeed, the annual dry season Communist offensive in the sparsely settled central highlands just about to begin is peripheral to the vital question of who controls the populated regions of South Vietnam.

The politburo in Hanoi is just as aware of these military facts of life as the Pentagon in Washington. The reason it is willing to expend precious supplies and crack troops in the central highlands is the impact any kind of Communist victory might have on the shaky U.S. Congress. Headlines about North Vietnamese troops capturing a provincial capital might heap rich benefits on Capitol Hill.

This is what is truly behind the Communist military offensive now under way throughout Indochina. Strike at the weakest points of anti-Communist resistance, attempting to give the Congress in Washington the false impression that President Nixon's Vietnamization policy is a colossal failure. Even more than embarrassing Mr. Nixon before his Feb. 21 journey to Peking, influencing Congress is Hanoi's top goal.

Such a priority represents a shift in Hanoi's grand strategy. North Vietnam's leaders have soured on their ability to undermine the Nixon administration's support of the South Vietnamese government by working through American antiwar protestors.

The trouble, from Hanoi's standpoint, is that it cannot manage a successful military offensive in the rice-rich Mekong Delta or even in traditionally troublesome central Vietnam coastal provinces or along the demilitarized zone. Overall, the North Vietnamese military position has never been weaker, despite the now total absence of U.S. infantry.

Thus, the Communists are attacking weak spots: Laos, Cambodia and, most important, the central highlands in South Vietnam, a vast region defended by the 22nd and 23rd divisions, commanded by the reputedly two worst divisional commanders in the South Vietnamese army.

That is why the Communists are massing in exceptional numbers for an offensive in the highlands, quietly bringing in additional North Vietnamese regiments.

Even so, Communist victory in the central highlands is not assured, in the opinion of the region's senior U.S. official, John Paul Vann, who deservedly has a reputation for unsurpassed expertise in Vietnam and clear-headed realism.

Conferring with Secretary of Defense Melvin R. Laird here this week while on his annual home leave, Vann painted a picture of the Communists walking into a bloody trap. He contended that the lightly regarded 22nd and 23rd divisions, hopefully reinforced by elite airborne troops from Saigon, are good enough to hand the Communists frightfully heavily casualties as they storm fortified positions.

In return for such bloodshed, the Communists may make some militarily limited but politically exploitable gains. One or two thinly defended border rangers' camps may fall. Fire Base Five and Fire Base Six, which staved off Communist siege a year ago, may fall to heavier assault this time. And, as Vann privately acknowledges, Kontum may be entered temporarily.

The possibility of these setbacks in early 1972 were acknowledged without great distress last September, when we visited the central highlands. Such defeats in the wilderness have occurred before without influencing the country's populated areas. No responsible military man, U.S. or Vietnamese, believes the central highlands offensive could lead to the Communists' slicing through to the sea to cut the country in half.

There is, however, worry today at the highest levels of the government over the prospect that limited military engagements may be greatly magnified by the American media and thereby cause more and more congressmen to misunderstand the true course of the Vietnam war. For that reason only, Hanoi's 1972 offensive in the central highlands is awaited with apprehension in Pentagon and State Department offices.

OUR DIMINISHING DEFENSE

Mr. THURMOND. Mr. President, in the past few years I have often spoken on the floor of the Senate and in other forums about the declining military power of the United States.

Just recently the Association of the U.S. Army issued a position paper on this subject, entitled "Our Diminishing Defense."

This paper takes into account recent defense developments such as the 50,000 man-year personnel cut imposed on the Army during fiscal year 1972 on top of an Army initiated reduction.

This cut will take Army strength to around 860,000 by the end of the year, the lowest point since prior to the Korean War in 1950, although Army strength did hover near the 860,000 point in 1961, just before the Berlin crisis.

As we begin the new year the Army association paper also notes that both the Army Reserve and Army National Guard are below authorized strength. This is a trend which will likely accelerate.

Mr. President, this AUSA paper is well written and deserves the attention of the Congress and the Nation. Each candidate for President should read it carefully and weigh his defense position accordingly. I ask unanimous consent that the article be printed in the RECORD.

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

JANUARY 15, 1972.

OUR DIMINISHING DEFENSE

The Secretary of Defense has stated that our basic National Security objective is to preserve the United States as a free and independent nation, to safeguard its fundamental institutions and values, and to protect its people. Through its foreign policy and collective security arrangements, the United States seeks an environment in which its security objectives can be attained.

Our continuing ability to carry out these objectives is a matter of serious concern. In the past twelve months we have seen the most drastic and rapid decimation of our fighting forces since World War II, this in the face of growing defense capabilities by those whose national goals are the antithesis of ours.

The politics of strength are little understood in our country and in the present climate are equated with a desire to fight rather than as a major deterrent to war.

1972 is a Presidential Election year. There will be an understandable effort by politicians of both sides to minimize National Defense needs to lay greater stress on the "other priorities" which are presumed to be much more attractive to the electorate. But unless we can defend our status as a world power, these other priorities will never come to fruition. Like it or not, we live in a time when little wars and revolutions can escalate and major wars can develop on short notice. So, an adequate defense becomes more than a luxury.

1972 is a crucial period in our defense posture. We believe that cuts in personnel and budgets which have already occurred, and those reportedly being processed, go beyond all prudence and constitute a threat to the security of our Nation. The ability of our Nation to determine its own destiny can well be in the balance.

President Nixon summed it up very well when he said, "It needs to be understood with total clarity that Defense Programs are not infinitely adjustable—there is an absolute point below which our security forces must never be allowed to go. This is the level of sufficiency. Above or at that level, our defense forces protect National Security adequately. Below that level is one vast undifferentiated area of no security at all. *For it serves no purpose in conflicts between nations to have been almost strong enough.*" We believe that our National Security forces have already gone below the level of sufficiency necessary to meet our commitments. The remainder of this statement will outline the reasons why.

The basis for our current National Stategy is summarized in the Nixon Doctrine. The first of the three pillars of that doctrine states flatly that "the United States will keep its treaty commitments."

Through treaties and assurances of mutual assistance given in other forms, the United States is committed to come to the aid of some 48 nations in every segment of the globe. And in many of these areas, the dangers of escalation of minor conflicts is indeed a serious concern.

NATO stands, after twenty-two years, our most apparent success in the deterrence of

war and aggression. The uneasy detente which exists in Europe may, in time, give way to truly productive agreements with the Soviet Union. But there are a variety of sound reasons why our strength and continued presence in Europe are essential to provide the stability and credibility to this important collective security arrangement.

As a recent Brookings Institution study points out, "the size and character of American force deployments in Western Europe do not fit a precisely calculable military requirement. How much is enough is not the issue. It is rather how many and what kinds of forces will satisfy a number of considerations, some political, others strategic. These considerations should not be seen as short term. They have to do rather with the kind of world order the United States seeks to encourage; with the kind of lasting relationship we wish to establish with Western Europe; with how to impart greater stability to the East-West environment while avoiding steps that might encourage latent instabilities."

Our investment in NATO continues to be a most effective insurance policy for this country and one that offers great possibility for future contributions to improved world stability. This after all, is our ultimate goal.

We should be ever mindful, however, that a segment of our society, including some leaders in the Congress, pursues a continuing and determined effort to emasculate the United States presence in Europe—which in turn would upset the tenuous detente we now enjoy there.

While we are not bound by treaty arrangements that are apt to draw us into the Mid-East conflict between Israel and the United Arab Republic, it remains a tinder box which could ignite a most serious conflagration with great danger to both the Communist and the Free World. With the great powers as directly involved, as the United States and the Soviet Union are, in efforts to maintain some sort of balance of military power between countries with such basic animosities as Israel and the Arab states, the potential for trouble is great indeed.

If the outbreak of hostilities between India and Pakistan goes no further, this may not present any danger of escalation in which we would become involved. However, the sub-continent seethes with misery and unrest and must always be an area of concern.

In the rest of Asia, our problems are more diverse. Some view our involvement in southeast Asia as transient—something which we ultimately can wind up once and for all. They seem to forget that three times in a single generation Americans have crossed the Pacific to fight in Asia and we are still fighting there. No single area of the world has engaged more of our energies in the post World War II period. The President has made it clear in his report to the Congress on United States foreign policy in the 1970's, that it will continue to be in the national interest for the United States to remain involved in Asia. In the President's words, "We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia."

The ANZUS treaty merely reaffirms our long-standing friendship and affinity for our loyal allies in Australia and New Zealand.

Our 1951 bilateral treaty with our long time friends and allies in the Philippines could be the source of either great embarrassment or considerable difficulty in the years ahead while that young nation seeks maturity and stability.

Our bilateral treaty with the Japanese only creates a problem if Nippon's less affluent neighbors should institute war-like action against a nation we have discouraged from developing an adequate defense establishment; or if, on the other hand, Japan enters into a treaty with Red China that would be detrimental to our national interests.

Our treaty with the Republic of Korea remains a viable one, and the growing strength of that nation has permitted us, during the past year, to make a reduction of U.S. troops stationed there. We have only to recall our earlier conflict on that peninsula to know how quickly an enemy miscalculation can change the picture as far as the need for U.S. Army strength is concerned.

The SEATO treaty is more ambiguous than most. It lets us reserve judgment on whether or not an attack against one of the treaty nations constitutes enough of a threat to our national interests for us to help out. As long as we wish to remain a Pacific Nation—and the President says we will—it is difficult to imagine our disregarding a serious attack against a SEATO Nation.

Our bilateral treaty with the Republic of China (Formosa) which was signed in 1954, certainly has taken on a new significance in recent months with our support of Red China for a seat in the United Nations—and President Nixon's scheduled visit to this sworn enemy of our treaty partner. But the treaty is still there and as long as it exists we must be prepared to live up to it.

We have a special relationship with our neighbors in Latin America and certainly there are compelling reasons for strengthening our ties. The instability in some areas of Latin America poses a threat to peace in the Western Hemisphere which we would be foolish to ignore. The past confrontations regarding possible Russian missile and submarine bases in Cuba are examples of the kinds of problems which can crop up in our own backyard.

Even so, our RIO Pact is not normally considered a source of potential danger although the continuing unrest throughout Latin America provides a seedbeed for serious mischief which conceivably could make demands on us for some future military effort.

Thus our treaty commitments are rather extensive and involve some risks, but are not more than the inevitable involvement of a world power. The Soviet Union and Red China make no secret of their national policy to exploit unrest and trouble, wherever they find it, to further the expansion of their national goals and power. Knowing this, we have no alternative to remaining strong unless we choose a course of ultimate subjugation to the will of others. Hopefully, our national leadership will continue to steer us past this shoal.

The real threat to our National Defense may not stem from our treaties or pacts of mutual assistance. It may very well be in the weakening will of our people to face up to the realities of our world today.

It seems incredible that politicians could attack National Defense or advocate seriously weakening it without suffering a serious loss of constituent support. Such politicians recognize that the activists and those who speak out and work in the political arena of their communities are more concerned about "other priorities" than they are about National Defense. They are aware of the fact that there is a serious lack of understanding and knowledge about the importance of our defense needs, and that these needs are unlikely to receive much favorable publicity. They assume that the public will continue to ignore the seriousness of the threat which confronts us and that those who support an adequate National Defense will be unable to overcome the apathy and inertia which exists.

The willingness of many, including some elected to the Congress, to accept without protest second-class status for our Nation, may well signal the beginning of our demise as a world power. Certainly with a seriously weakened military capability, the credibility of our deterrent capability and the acceptance of our will to keep our word comes into serious doubt. In that climate, much can be won by our international adversaries without firing a shot.

The budget proposals for FY 73 are only now being readied for announcement. However, the recently completed action by the Congress on the FY 72 budget already provides cause for serious concern about the rapid decimation of our military strength.

What has happened to the Active Army strength is best graphically depicted in this chart—not printed in the RECORD.

Note that for FY 72 the Administration had programmed the Army for a strength of 942,000. Halfway through the budget year, Congress proceeded to cut funds for 50,000 man years out of that program which will force the Active Army far below the programmed strength with an end strength somewhere between 850—860,000—the lowest strength for the Army since 1950 just before the Korean War.

Because this rapid cut (almost in half in 3 years) is taking place in the Active Army, and because the war in Vietnam is drawing to a close, there has been far less use of Selective Service as a source of manpower.

This in turn has been reflected in the serious personnel problems affecting the Army National Guard and the Army Reserve. At the beginning of January 1972, the Army National Guard strength was 19,000 below its authorized 400,000. The Army Reserve units were down in strength by 6,000 from their authorized 260,000.

Moreover, the situation in those two components may worsen appreciably this year because during 1965 many thousands of young men took a six-year enlistment in a reserve component as an alternative to active service. Those enlistments will run out this year and current retention figures are not good enough to keep the total strength from dropping further. So, a very real problem centers on getting the quality people the Army needs in sufficient numbers.

The Army continues to pursue a most vigorous and imaginative All-Volunteer Program, and has had some notable success. However, the pay raises recently passed by Congress have not as yet had any really significant impact on new enlistments. Moreover, All-Volunteer Programs, particularly those that are soldier-oriented such as fixing up barracks and civilianizing KP have been seriously reduced in the budget process. If service attractiveness cannot continue to be improved, the volunteer program cannot be expected to meet its objectives. Both in the Congress, as well as in the executive department budgeting process, the All-Volunteer effort does not have the dynamic and sustained support that are requisites for success. There is insufficient evidence that we can maintain a volunteer force of the size and quality required to protect our National Security.

This is further complicated by growing costs. A high proportion of the Defense Budget is required for manpower costs. This cost is increasing and it means less is available for research and less for replacement of weapon systems. In FY 68, 41% of the Defense Budget was devoted to manpower costs. In FY 72, with more than a million fewer men under arms, the percentage increased to 52%. In the mid-seventies, with the addition of All-Volunteer costs, it could approach two-thirds of the budget—even with the drastic cuts in personnel which have already taken place.

With personnel costs rising, not only in the military but in all sectors of our society, the amount available for weapons and equipment is decreasing, even as the cost of these weapons is mounting dramatically. Growing complexity and sophistication play a part in these increased costs but more than 25% of the increase has been attributed to inflation itself.

Even with the tightest management procedures possible, present funding will be

inadequate to provide adequate stocks of modern equipment for our Army.

Meanwhile, it is most important to note that the overall trend of defense spending is definitely downward. Whether you measure it in terms of percentage of the Gross National Product or as a portion of total budget, defense outlays continue to go down. For example, in FY 64, considered the last peacetime year, the defense expenditure represented 8.3% of the Gross National Product and 41.8% of the Federal Budget. In 1968, the peak spending year for Vietnam, took 9.5% of the Gross National Product and 42.5% of the Federal Budget. FY 72 was programmed for defense outlays of 6.8% of the Gross National Product and 32.1% of the total National Budget. A Nation as great as this can afford something more than one-third of its Federal Budget for an adequate National Defense.

In 1953, the peak for the Korean War, the Defense Budget hit 13.3% of the Gross National Product and 62.1% of the total Federal Budget. This was due in large measure to the fact that we had permitted our Armed Forces to get so low in strength and equipment inventory that our credibility was seriously doubted—the North Koreans and their backers didn't think we had the strength or the will to retaliate, hence that costly misadventure. This is an awfully high price to pay for unpreparedness.

The late Dean Acheson, former Secretary of State, had some interesting observations on this point in testimony before Congressional Committees in 1969.

"I see no basis for the notion that we tend to overdo the military aspects."

To the contrary, the nation has repeatedly neglected to provide a military basis to match its policy or to cope with aggressive forces. We tried unilateral arms reduction in the inter-war period. We got Pearl Harbor. We reverted to habit after World War II. We got the Korean War. With respect to military power, I do not share the worries of those who discern and deplore dangers of too much. We had a temporary advantage in ratios of available military resources at the time of the Cuban missile crisis. Some would have called it a redundancy. That margin was not a surplus. It provided a basis on which President Kennedy was able to bring off an acceptable outcome—

General Marshall used to drill into me the vast importance of maintaining a means of preparedness in armaments at all times and not to raise it to terrific heights during times of trouble and then to scrap the whole thing and go down to almost zero between crises. We have always been unprepared for conflict. Our wars as a result have lasted too long. The casualties have been too high."

At the Annual Meeting of this Association in October 1971, we took the position that with the winddown of the war in Vietnam, that the U.S. Army total force strength—Active, National Guard, Reserve—should not be reduced below a minimum of 1.6 million. It is our firm view that the Active Army should not be reduced below 900,000. As indicated earlier, Active Army strength will this year drop to the 850–860,000 range and the Reserve Forces are already down to 635,000. In our view this 100,000 deficit presents unacceptable risks.

In the preamble to our Resolutions, we took cognizance of this growing problem. We were particularly struck by a passage in the Supplemental Statement to the Report of the Blue Ribbon Defense Panel which was submitted to the President on 30 September 1970:

"Within a span of less than two decades we have moved from complete security to perilous insecurity.

"Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interest. . . . Thus, we respond as a nation—not by appropriate measures to strengthen our defense, but by significant curtailments which widen the gap.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

Our task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture if the freedoms and liberties we now enjoy are to be preserved.

Mr. Acheson gave Congress a very simple explanation of the position of this nation in the world where he said "the power of the United States alone blocks the Sino-Soviet ambitions in this world. They may fall out between themselves, they may have difficulties, they may fight with one another in a minor way, but on one matter they are completely and wholly agreed. The United States is the enemy.

"It is our power which stands in the way of their ambitions and they have no doubt about that at all. We are alone at this pinnacle of power."

Our announced National Policy precludes further weakening of our National Defense. The Nixon Doctrine does not espouse isolationism. It recognizes that the United States has commitments which must be honored. The extent of these commitments must be clearly understood by other nations. We must maintain a level of credible military power sufficient to make deterrence a reality.

We need a strong Army for the future and the stronger it is the less likely we are to have to use it. The cause of peace has no more ardent advocates than those who have been to war. The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war. We therefore agree with President Nixon when he says that America's strength is one of the pillars in the structure of a durable peace. He puts it this way: "Peace requires strength. So long as there are those who would threaten our vital interests and those of our Allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations." He goes on to say that we cannot trust our future entirely to the self restraint of countries that have not hesitated to use their power even against their allies.

It is our firm conviction that we have already reduced our Army strength below acceptable security minimums. The cause of prudence and safety demand a reversal of the current downward trend in our ability to protect our national interests and to continue as the masters of our fate.

The principal objective of United States military power is to deter war by having sufficient and credible power to maintain peace. We cannot have this without paying for it. We cannot afford to be without it.

CHILD DEVELOPMENT VETO

Mr. MONDALE. Mr. President, following President Nixon's veto of the OEO-child development bill in December, Mrs. Ben W. Heineman, president of the Child Welfare League of America, issued an excellent statement comparing the day care provisions in that legislation with those in H.R. 1, the administration's proposed welfare reform bill.

The comparison she makes between these bills with respect to whether they authorize voluntary or mandatory services and with respect to the quality of services provided, will be of interest to anyone concerned with child care.

In order that Senators may have an opportunity to review this excellent statement, I ask unanimous consent that it be printed in the RECORD.

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

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
New York, N.Y.

(Mrs. Ben W. Heineman, president of the Child Welfare League of America, Inc., issued the following statement in the wake of President Nixon's veto of legislation that would have established a national system of child development and day care programs. A copy of Mrs. Heineman's statement is being forwarded to the White House.)

"The Child Welfare League of America, Inc., deeply deplores the action of President Nixon in vetoing legislation that would have established a national system of child development and day care services," Mrs. Heineman said. "We view the President's action as a cruel blow to children and working parents all across the nation, particularly those single parents who must work or go on welfare. We believe the legislation would have been a giant step toward alleviating the problems of children in low income families by providing for their adequate care while their parents work to earn a living. We believed this was a goal of the President as well."

"We find it incredible that in vetoing this legislation and stating that the veto was the sign of the President's concern about the family as 'the keystone of our civilization,' the President would then cite the day care programs contained in his welfare bill, H.R. 1. The provisions of the Administration's welfare bill are truly 'family-weakening;' poor mothers have no practical choice but to hand their children over to day care centers. And the kinds of services poor mothers must use—or lose their welfare benefits—will be harmful to children because the Administration is not budgeting sufficient funds for these centers. These damaging, cheap programs are the kind that parents would not place their children in if they had any choice," Mrs. Heineman said.

"The bill vetoed by the President had two very important features: participation by families was voluntary; the programs for children were of good quality. Under H.R. 1, participation by family is not voluntary; parents are forced to give up their children to whatever programs are available. The day care under H.R. 1 will be of low quality and, unlike the services that would have been provided under the bill President Nixon vetoed, H.R. 1 day care will be harmful," Mrs. Heineman said.

"We do not wish to speak to the other issues raised by the President's veto," Mrs. Heineman said, "but we believe no one should be misled about the reasons for the veto of the child development programs."

LEAKAGE OF GOVERNMENT DOCUMENTS

Mr. McGEE. Mr. President, the recent publication of the so-called Anderson papers gives rise to questions of serious ramification.

One cannot, and should not, fault columnist Jack Anderson for his publication of the memorandums and minutes surrounding high-level administration discussion of possible U.S. policy formulation in reaction to the India-Pakistan war. However, the individual or individuals responsible for leaking these docu-

ments to Anderson are guilty of a breach of confidentiality which is indispensable in government.

In the end, the leaking of these documents can only lead to a reluctance on the part of policymakers to candidly participate in honest discussions concerning U.S. foreign policy formulation.

I ask unanimous consent that columns by Joseph Kraft and Tom Braden for the Washington Post of January 11 and the column written by James Kilpatrick for the Evening Star of January 11 be printed in the RECORD.

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

UNDERMINING KISSINGER

(By Joseph Kraft)

High policy differences are widely supposed to have prompted the leak of secret documents on the Indo-Pakistani crisis to Jack Anderson. But most of the evidence suggests that the true cause is a vulgar bureaucratic row aimed at getting the President's chief assistant for national security affairs, Henry Kissinger.

The most striking evidence is like the evidence of the dog that didn't bark in the Sherlock Holmes story. The fact is that no enduring policy issue of high importance is involved in the leaks.

The fight over East Bengal is largely a one-shot affair. Hardly anything that happens on the subcontinent is central to international politics. The United States had already tipped toward Pakistan—and practically everybody knew it—when the leaks were sprung. At the time, as some of Dr. Kissinger's comments make plain, the administration was anticipating a return to more normal relations with New Delhi.

A second bit of evidence involves Mr. Anderson himself. He is not deeply versed in foreign affairs. No one who aimed to change a line of international policy would single out Mr. Anderson as the agent for defecting that result through the leak of secret information.

Mr. Anderson's specialty—and it is an important specialty—is putting the journalistic arm on wrong-doers.

By no mere accident the chief fruit of his disclosures was not something that affected policy. The chief consequence was to impugn the integrity of Dr. Kissinger.

As a third bit of evidence there is the state of relations among senior officials and principal agencies of the foreign affairs community in the Nixon administration. Washington veterans tell me that to find a fit counterpart they have to go back to 1950, and the deadly you-or-met rivalry between Dean Acheson who was then at the State Department, and Louis Johnson, who then ruled the roost at the Pentagon. In any case, relations nowadays are marked by paranoia, jealousy and hatred.

The chief target for most of the venom is Dr. Kissinger, and some of the fault is his. He has a sharp tongue, and he has been unnecessarily unkind in comments about some of the senior officials of the most prestigous departments.

But most of the resentment has been caused by what Dr. Kissinger does in the service of the President. The present administration has expanded the job of special assistant for national security affairs way beyond what it was under Walt Rostow and McGeorge Bundy. Dr. Kissinger has virtually eliminated from the decisionmaking business some of the most high-powered men and agencies in town.

The office of Secretary of Defense is perhaps the chief victim. Secretary of Defense Melvin Laird is going to be stepping down soon with practically nothing to his credit. Even his claim (which has at least some foundation) to be the author of the policy for getting out of Vietnam is not widely believed.

He seems hostile to the administration's policy on an arms control agreement, and he was completely cut out of plans for the President's visit to China. His general reputation for trickiness has caused the cognoscenti, rightly or wrongly, to establish him as the short-odds favorite for almost all leaks regarding national security these days. Indeed, some White House officials at first believed Mr. Laird leaked the Pentagon papers.

The uniformed military comes a close second in the odds. Many of them do not like the way the White House is winding down the war in Vietnam. Almost all are opposed to the arms control agreement which the White House is now negotiating with the Russians. Some are hostile to the Okinawa reversion agreement which the White House has negotiated with Japan. And far, far more than civilians in the government, the uniformed military are in the habit of leaking classified information to serve their own interests.

Not that the State Department or other civilian agencies can be entirely exempted from suspicion. Except as regards the Near East, Dr. Kissinger has taken over the whole realm of foreign policy—including even negotiation with foreign officials. This assumption of The State Department's traditional role is bitterly resented by many of the department's leading officials. Indeed, one of them, not long ago, voiced the suspicion that Dr. Kissinger spent an extra day on his last trip to China in order to embarrass the State Department which was handling The United Nations vote on Chinese admission.

With suspicions at that level, there is every reason to figure bureaucratic rivalry as the key element in the background of the Anderson papers. There is no case for lionizing, or even protecting the sources of the leaks.

On the contrary, for once there is a case for a presidential crackdown. Mr. Nixon's interest—and that of the country—is to find the source of the leaks and fire them fast.

NET EFFECT OF THE ANDERSON LEAKS

(By Tom Braden)

It is already fashionable to say that the secret and private papers leaked to columnist Jack Anderson told us nothing we did not already know. In fact, they remind us of important truths we have insufficiently learned.

The first of these is that President Nixon and Dr. Kissinger are embarked upon a major change in United States foreign policy. What the American people had presumed was a polite how-do-you-do to China turns out to be a firm understanding.

The Anderson papers strongly suggest that part of this understanding was to back Pakistan against India. The papers have so far not revealed two additional pieces of evidence which buttress this view.

Last October 12, U.S. Ambassador Kenneth Keating called upon Indian Premier Gandhi with the warning that if India did not cease aid to dissidents in East Pakistan, Pakistan would attack from the West. Somewhat taken aback by receiving this word from a friendly power, Madam Gandhi inquired what, in the event of such an attack would be the attitude of the United States. Keating replied that he had fulfilled his instructions and was empowered to say nothing more.

Kissinger also took a hand in attempting to frighten the Indians. He told the Indian ambassador here that if India became involved in war with both Pakistan and China, the United States could be of no assistance. The implication that Mr. Nixon's chief foreign policy aide was delivering a message from the Chinese seemed clear, and it hastened Madam Gandhi's determination to formal alliance with Moscow.

The second truth which emerges from the Anderson papers is that somebody in the United States government—and at a high level—is opposed to the new China policy and is not averse to destroying Kissinger in the process of opposing the policy. If Kissinger's influence is weakened as a result of the leak, it will be the nation's loss.

The President's assistant has been a brilliant, as well as an efficient public servant. In three years he has managed to turn the foreign policy making of the nation from obsession with ideology to judgment of power. If, in the course of this turn-around, options have not always been made clear, the fault lies not with Kissinger but with Mr. Nixon's determination that the cold war ideology still required lip service.

It may be argued whether the new China policy required quite the brusqueness which the United States displayed towards its oldest friend in the East, but the Anderson papers seem to show Kissinger as a somewhat reluctant follower of the hard line. "The President is blaming me" and "He wants to tilt towards Pakistan" are not the remarks of a man with sole responsibility for each step in an agreed course. Indeed, they seem slightly plaintive, and have set Indian representatives here in Washington to wondering what they have done to arouse Mr. Nixon's personal pique.

Finally the Anderson papers are a reminder that public exposure of private conversations among government officials can be almost as destructive of government as the reporting of actual life and death military secrets.

Minutes of high level meetings may never be as frank again, and those who attend high level meetings may wonder whether they should say what they think or say what their enemies in the room might approve.

To reduce men to such a choice makes a mockery of government. Nobody will argue against the public's right to know the logic behind its foreign policy. But the difference between reporting the making of foreign policy and reporting private conversations is the difference between the reported and the spy.

LEAK OF PAPERS TO ANDERSON A GRAVE BREACH

(By James J. Kilpatrick)

We are in the midst of another of those great ruffled flaps involving the press, the government, and the ethics of public and private conduct. This one is serious.

The story goes back to the first week in December, when the Washington Special Action Group met at the White House to discuss the suddenly flaming war launched by India against East Pakistan. The WSAG, in effect, is the super-National Security Council of this administration—a top-level coordinating body intended to serve the President with the best advice and intelligence that can be pulled together by skilled and experienced men.

The three WSAG meetings of Dec. 3, 4 and 6 were held in confidence, of course, behind locked doors, but written minutes were prepared. These minutes were stamped "secret-sensitive," which is the classification level just below "top secret," and then were distributed among an estimated 50 to 75 persons in the Pentagon, State Department, CIA, and the White House.

A person or persons unknown made copies of the memoranda and gave them to columnist Jack Anderson. He excerpted them for use in his column, and a few days later supplied the texts for use by newspapers generally. In one view—it is the view of anti-Nixon liberals—Anderson performed a great public service, and his anonymous informant was a man of noble character who risked his job in the name of truth and honesty in government.

There is another view. The importance of this disquieting affair does not lie in the memoranda themselves. The importance lies in the leak. Make no mistake: This leak must be found, and it must be stopped. This is a breach of trust, and a breach of security, of the most profound implications.

The memoranda are embarrassing, no more. For the most part, the minutes reflect the discussion of men trying to find out what is going on, and seeking to decide what best to do about it. The President, they are advised, is angry at India for its aggressive action; he wants "a tilt toward Pakistan." There is much talk of the futility of the United Nations. One detects sympathy for the plight of the emerging nation of Bangladesh; it promises to become "an international basket case." The conferees come to no particular decisions. They agree to prepare certain papers for the President. Their discussion is candid, spontaneous, unreserved.

Subsequent to these private meetings, the White House was publicly to assert its neutrality in the India-Pakistan war. Obviously the White House was not neutral. This was self-evident to every editor and critic in the country.

It is a fair surmise that every government in history has taken public positions inconsistent with its private wishes. Diplomats know this.

What matters, to repeat, is the leak itself. This is not to be compared with the action of the Washington Post last month in blowing Henry Kissinger's cover as the source of a recent backgrounder; that was no more than an ill-mannered breach of professional rules. Neither is it to be compared with Daniel Eilsberg's clandestine distribution last spring of the aging "Pentagon Papers." Eilsberg was then out of the government.

We must infer, in this instance, that someone still employed at the very highest levels of confidence—someone holding top secret clearance, with access to other memoranda of immense importance—has wantonly violated the trust reposed in him. This goes beyond disloyalty; it sails close to the windward edge of treason. What other documents one must wonder, has this person secretly copied? Where will he peddle them next? This is the alarming aspect. Anderson thinks it "funny," but then Anderson would. It is not funny at all.

AN ADMIRABLE YOUTH PROGRAM

Mr. JAVITS. Mr. President, a most admirable program on behalf of American youth has come to my attention, and I shall enter a brief outline of its aims and goals in the RECORD.

A quarter-million-dollar "Help Young America" program has been announced by David R. Foster, president of Colgate-Palmolive Co., as a major 1972 campaign by that company to help five of America's leading youth groups reach their current goals.

The Boy Scouts of America, Girl Scouts of the U.S.A., Boys' Clubs of America, Girls' Clubs of America, and the Camp Fire Girls will share in the $250,000 contribution following a national vote to be conducted by the company in early 1972. These groups have a combined membership of more than 9 million.

Mrs. Richard Nixon has accepted the honorary chairmanship of the "Help Young America" program, and Joseph H. Blatchford, Director of Action, which includes both VISTA and the Peace Corps, is national chairman.

The "Help Young America" program marks the first time that these five leading youth groups have joined into a single youth promotion effort. In announcing the program Mr. Foster stated:

The Colgate-Palmolive Company is pleased to initiate this cooperative program between American business and American youth. Our aims are common—to help our young people help themselves to a better America. Too often the progress potential of our ambitious youth is lost sight of today, amid the concern for the problems of this generation. We, at Colgate, hope that this program will help lead these young people to achieve a better tomorrow. We want, also, to focus national interest on their needs and to suggest new avenues for others to follow in supporting the goals of young America.

These stated 1972 goals of the youth groups are:

Boy Scouts: "To help today's boypower become tomorrow's manpower."

Girl Scouts: "To help more girls in their growing-up years."

Boys' Clubs: "To help guide 1,000,000 boys."

Girls Clubs: "To open more club centers for girls."

Camp Fire Girls: "To help more girls become better citizens."

Mrs. Nixon commended Mr. Foster and the Colgate-Palmolive Co. for "this innovative and sweeping approach to the encouragement of constructive youth activities," and applauded the concept of uniting the five groups in a common effort. She said:

Most significantly, because each participating organization is given the opportunity to grow and expand through its own creative powers at its desired pace, I am especially impressed with this very kind of freedom—one which encourages increased initiative within a young person's personally chosen group while contributing to the vitality of the entire society as well.

I feel that such an innovative program as this one conceived by the Colgate-Palmolive Co., merits our every recognition because it points up the vital role enlightened business leadership can play in our society. Hopefully, it will be an example to other major corporations to contribute to our Nation's social needs by way of similar programs.

SENATOR GAYLORD NELSON—PROMOTER OF ENVIRONMENTAL QUALITY

Mr. MONDALE. Mr. President, today I speak in recognition of a distinguished Senator from my neighboring State of Wisconsin—Senator GAYLORD NELSON.

As the founder of Earth Day and author of many other legislative proposals relating to environmental protection, Senator NELSON has truly been one of the leaders in the effort to make environmental quality a part of the national political dialog in this country.

The success of his efforts is evidenced by a number of legislative concepts the Senator originally introduced, which have subsequently been enacted into law. For example, he was the first to propose, in 1966, that the Federal Government provide 90-percent funding for local and regional sewer construction. This past year the Senate finally adopted a formula which provided up to 80-percent public money for sewer construction in the water pollution control amendments.

Also, the Senator from Wisconsin was the first to propose tough emission standards for automobiles as a means of controlling urban air pollution which were largely incorporated into the Air Quality Amendments of 1970, and restrictions on the discharge of wastes into the oceans, as well as a long-term, $800-million program of low-interest loans for otherwise healthy businesses that were adversely affected by water pollution legislation, which were made part of the Water Pollution Control Amendments of 1971.

Lastly, the Senator played a significant role in the passage of the National Environmental Policy Act of 1969. This legislation has forced the stoppage of a number of Federal projects on the basis of environmental considerations and has been instrumental in bringing environmental impact into the Federal planning process.

Recently, Environmental Quality magazine had an exclusive interview with Senator NELSON where he discussed the evolution of the environmental movement and commented on the issues which have formed the basis of the escalating national debate on environmental quality. I ask unanimous consent that the interview be printed in the RECORD.

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

INTERVIEW: SENATOR GAYLORD NELSON

(NOTE.—The founder of Earth Day, Senator Nelson is the leading environmentalist in the U.S. Senate. His activities are uniquely conservation-oriented, including the sponsorship of numerous bills for protection of America's natural resources. Recently, EQM's Washington Bureau Chief Mary Sanderson visited Senator Nelson for an interview in his offices at the nation's Capitol.)

Working to preserve the environment has been a life long career for you, Senator Nelson. What influence in your life caused you to become so actively involved?

Well, I grew up in northwestern Wisconsin, a relatively isolated area not far from the Minnesota border, where the heavy intrusion of civilization has yet to mutilate and destroy the rich farmland, forests and lakes. The woods, the fields and the lakes were my home and the village of Clear Lake with only 700 population was almost like living in the country. It wasn't until I left that area to go to college in California that I discovered the majority of the people in the country lived in a depressing environment, rapidly deteriorating, and continually spreading.

Today the environment is one of the major political issues. What do you think is the major breakthrough that made ecology a national concern?

There is no question in my mind that the major breakthrough was Earth Day, in the Spring of 1970. It represented the first opportunity for the public to display its concern about the status of our environment. This concern had been growing for more than a decade.

Senator Nelson, it is well known that you were the founder of Earth Day. How did you conceive of the idea?

As it turned out, literally tens of millions of people participated in Earth Day, from grade school students to elder citizens. The best part of it was that Earth Day was a nonpolitical, grassroots demonstration. All we did was supply the idea and all across the nation groups became involved in their own way.

For several years I had been wondering how to convince the political leaders of the country that the status of the environment was a critically important matter, and that the people of the country were in fact deeply interested. In the summer of 1969, while in Santa Barbara at an environmental confer-

ence, I read an article that mentioned the Vietnam "Teach-Ins," held on numerous campuses two or three years previously.

It occurred to me then that one way to demonstrate the public interest in this issue would be a nationwide environmental teach-in. After returning to Washington, I spent a month developing the concept and then announced the plan at a speech in Seattle on September 20. The media carried the story and the response was immediately favorable. Sometime after that I invited Rep. Paul (Pete) McCloskey of California to join me as a co-chairman, and Sydney Howe of the Conservation Foundation to be a member of the Executive Board.

Who else worked with you on Earth Day?

The three of us selected the balance of the Board and created Environmental Teach-In, Inc., as a non-profit, tax-exempt organization and established a national office. Then, a month or so later, after interviewing a number of college students, we selected Denis Hayes, a Harvard graduate student, to manage the national office which functioned as a clearing house and information center. Hayes and a talented group of young people who worked with him began responding to the heavy flow of requests for information that were coming in. Everyone had his own ideas and we didn't have to sell people on the idea of Earth Day. There was virtually automatic acceptance from the beginning.

What was the most significant achievement of Earth Day?

The objective of Earth Day was to make the environment part of the political dialogue of the country, and that is what happened. Earth Day was a massive nationwide demonstration that showed the political leaders of the country that there was a genuine grassroots, deeply-felt interest in the environmental issue, that crossed all political lines and all age groups.

It was my conviction that nothing significant could be accomplished until the politicians understood this. In other words, the issue had to become a part of the political dialogue of the nation before we could hope to accomplish anything. It has now become part of the political dialogue and that is, in my judgment, the most significant environmental event in the history of the movement. Until that happened, the environmentalists would continue to gather and talk only to each other for the next 50 years, as they have in the past 50.

Do you think that the political impact will be lasting?

Yes! Earth Day marked the birth of a new issue that is here to stay. It is a strange phenomenon, however, that during the whole germinating period of this environmental concern the politicians, the establishment, the press and the media were, for the most part, quite unaware of what was happening. But, you can be sure there will never be another political campaign like the one in 1968, when not one of the three candidates for President considered the environment an issue worthy of a major speech. It is nothing short of remarkable how rapidly this issue has been thrust into the politics, the conversation and the literature of the country.

The environment is an issue that is here to stay because the environment is here and its quality is measurably and visibly deteriorating at an ever accelerating pace. Now, for the first time, the issue is in the political arena, and is a necessary part of the political dialogue between political parties and among candidates for office from the courthouse to the nation's Capitol. Without this kind of political status, meaningful action on a broad scale was simply impossible.

Are you satisfied that Earth Day had sufficient impact on political leaders to successfully turn the environmental awareness into legislative reality?

I think the results speak for themselves. In the last half of the 91st Congress, far more environmental legislation was considered, and more important legislation passed, than in any comparable period in the nation's history. Just a very incomplete list includes:

The toughest Clean Air Act in history was signed into law requiring manufacturers to clean up the internal combustion engine by 1975.

The Environmental Protection Act passed requiring every Federal agency to file careful studies and reports on the possible environmental impact of their programs.

Dramatic restrictions on the use of DDT and other persistent pesticides were enacted.

In a series of dramatic events, a proposed jetport for the Florida Everglades was halted and the Corps of Engineers was forced to insure the wilderness area would have an adequate supply of water.

Excuse me, Senator Nelson, but you didn't include the defeat of the SST in your listing. Don't you think the issue made defeat of the SST possible?

I'm sorry, I didn't mean to forget the SST. That vote to stop funding for two prototype supersonic transport planes marked the first major crunch in the battle to come between those who believe that quality in American life is more important than development for the sake of development, or exploitation for the sake of exploitation.

Regardless of the merits of the issue, the great significance of the House and the Senate vote was that the environmental issue was the deciding factor. It marked the first time in any country that a major, ongoing technology was voted down on environmental grounds. In the long pull, the most significant thing about the vote is the strong indication that henceforth in this country we intend to crank the environmental test into the process of our decision making.

If Earth Day was such a successful event, why did you think it necessary to develop an Earth Week this year?

I felt Earth Week was necessary to sustain our effort. The objective was to step beyond the one-day spectacular that Earth Day represented. I wanted to have a period of time set aside each year to inventory the progress of the past year and to plan for the next; a time set aside for the nation, the media and the environmental groups to pay special attention to the issue. In particular, my objective was to set aside a period when all the grade and high schools could bring to fruition their education efforts of the year.

Although there seems to be genuine, wide-ranging concern demanding that the environment be cleaned up, many are also beginning to argue that the price of cleaning up the environment will be too expensive. Is this true?

To begin with, the environmental clean up will take a $20 to $25 billion annual investment over the current spending level. That equals about one-third of the defense budget or about what this country is annually wasting in Vietnam.

Yes, the price of cleaning up the environment will be expensive, but not cleaning it up is a price and a sacrifice in the quality of life that no society can afford to pay.

Under the absurd economy of pollution status quo, dirty air does $13 to $15 billion in property damage in the United States annually. Yet, for $7.5 billion, or half the damage cost, some 80 percent of the problem could be eliminated.

Or, if the air pollution levels in major urban areas were reduced by 50 percent, the country would save an estimated $2 billion in health bills alone.

Water pollution does an estimated $12 billion in property damage each year, not considering the immeasurable loss of a Lake Erie, or a wetland, or an estuarine area or the productivity of the ocean itself.

The list is endless . . . billions lost in wasted resources and solid waste problems, strip mining destroying whole regions, pesticides poisoning other forms of life.

You have introduced an environmental package of bills and resolutions in the Senate this year. How did you pinpoint which areas you wanted to cover?

Well, as you know, the bills cover a wide range of subjects from ocean dumping to funds for mass transportation to recycling to a comprehensive testing of food additives. Congress is going to be the major battle ground on all the environmental issues, and I was attempting to provide Congress with a broad, if not all-inclusive range of environmental issues.

I have been dealing with a number of the proposals for some time. As you know, the legislative process takes time, from the date an idea is conceived, drafted and introduced, to the time when Congress gets around to considering and passing it.

For example, I introduced the first legislation on DDT in the Senate about five years ago. I couldn't get any sponsors in the Senate or in the House to go along with the idea of banning DDT, because it was considered to be the miracle pesticide. Over the past five years, however, the dangers of this chlorinated hydrocarbon have become known, and the possibility of banning DDT grows ever nearer. This is also true of detergent legislation which I introduced 7 or 8 years ago and other environmental proposals.

In your environmental agenda, you emphasized the need for strip mining legislation. What does your bill propose?

This is one of the most urgent items on the agenda. We must enact a tough statute with firm deadlines setting environmental controls on all surface mining and requiring land reclamation. I have introduced this legislation in three Congresses. In this Congress, I also introduced a bill to prohibit strip mining for coal. This bill poses the question whether reclamation is anything more than wishful thinking, particularly in mountainous areas.

Is this country willing to trade away the future of whole regions and their people just to provide the supposed easiest and cheapest way to answer a resource demand? In the meantime, the deep gouges of all present strip mines, if put together, would total a 1,500,000 mile-long trench 100 feet wide.

In spite of all the warnings about pesticides, their use increases daily. Your pesticide control bill, considered a model, was introduced for the second time this year. How was it received?

It was better received than ever before. For this is the first time Senate hearings were held, and the number of Senate cosponsors has increased significantly, including several key Senators from agricultural states that are heavy users of pesticides. There is a growing awareness that fundamental reforms to require all pesticides and pest control devices to be thoroughly tested for their environmental and health effects are necessary before they are released on the market. The fact of the matter is that the indiscriminate use of pesticides has been an agricultural, economic and environmental failure. The chemical companies have continued to reap billions of dollars from unwary farmers who have paid for ever more expensive pest control programs which in the long run are self defeating. As pests develop greater resistance to a pesticide, larger doses are used. Finally, an entirely new pesticide must be developed and the frustrating and costly circle starts anew.

Is there an alternative to the use of pesticides?

Yes. We are now trying to establish pilot field projects for research on a variety of crops to control agricultural and forest pests by integrated biological-cultural methods. This means that these pests are controlled by nature primarily, utilizing beneficial

predator insects and parasites of harmful insects. This method has worked and is working. Everett Dietrick, for example, operates an insectary in Riverside, California, and has been providing insect management service to farmers in the Coachella Valley for 11 years. Letters to my office attest that the crops are of high quality and quantity, and are showing better profit margins than those in the same areas which continue to use sprays on the same type of crops. A number of farmers and entomologists throughout the country are turning to biological controls, but the effort suffers from inadequate funding and lack of effective leadership. Our legislation proposes financing a series of pilot projects to demonstrate integrated pest control on a variety of crops.

Some of your other legislation already in this year's proposed bills would place our untapped coastal oil reserves in a National Marine Mineral Resources Trust. What is the purpose of this?

The oil spills of the coast of California and the Gulf of Mexico have been disastrous environmental events, providing that in our present state of ignorance about the ocean environment, we are taking grave risks in exploiting it now. If we keep accelerating this exploitation pace, we will be drilling 3000 to 5000 new undersea oil wells each year by 1980. Then, as the President's Panel on Oil Spills reported in 1968, we can expect a Santa Barbara-scale disaster once a year.

What should the government do regarding continental shelf lands it has already leased for oil?

We should stop drilling new ocean oil wells until we develop the technology to prevent future Santa Barbaras and until we need the oil, and my proposal would do this.

In the first place, the Federal government is entitled to adopt comprehensive environmental protection plans for all the outer continental shelf, which is owned by the U.S. public. That is one thing we can do in order to avoid making the same mess of the sea as we have of the land. And the states should do the same thing for their undersea lands.

And in cases where we know it is dangerous to extract the oil, as in the Santa Barbara Channel, we must simply buy up the leases. The price we would pay would be an extremely wise investment in the future of one of the most vital resources on earth—the sea itself, with all its productive life.

Senator, you paint both a depressing and optimistic picture about the environment as a potent political issue. Are you optimistic?

Yes, I am optimistic in that we have witnessed unprecedented accomplishments in public environmental awareness and in the areas of political and legal activities, such as in the growth of public interest environmental law firms and the growth of numerous environmental groups active in nearly every community. But these successes must be measured in the context of the vast, complex and pervasive national and global environmental events of the past few years. They must be measured as beginnings, as we pose the question, do we have to destroy tomorrow in order to live today. The answer to that question must be no.

Obviously the answer is more complex. It strikes at the most vital center of the traditional American belief about unlimited abundance, "progress" without end and a limitless frontier with an inexhaustible supply of expendable resources. It is time we started managing our resources in recognition of the fact that there is no such thing as "unlimited abundance" nor is there a "limitless frontier."

SUPPORT OF SPACE SHUTTLE PROGRAM

Mr. ALLEN. Mr. President, I was pleased with the President's decision, announced during the congressional adjournment, to proceed at once to develop the Nation's space shuttle program. I am convinced that this is a logical progression based on the solid foundations of our past technological achievements.

Many words have already been written and spoken by proponents for, and opponents of, further space exploration and development, and doubtless there certainly will be more in the future.

An editorial entitled "The Space Shuttle," published in the Washington Post of Friday, January 14, 1972, properly makes the point that this is the year of decision whether the United States goes ahead with a sensible, long-range, well-planned, and properly financed space program or whether this country will allow Russia to take over space by virtue of default by the United States.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

THE SPACE SHUTTLE

With the President's announcement that he will support NASA's request for funds to develop a space shuttle, you can bet on a confrontation in Congress this year not unlike last year's battle over the supersonic transport. Senator Mondale, for example, has already called the President's decision "another example of perverse priorities and colossal waste in government spending." To be sure, Senator Mondale has tried unsuccessfully in the past to eliminate planning funds for the space shuttle from the budget, but the attempt to kill the program, in the House as well as in the Senate, will be far more vigorous this year because this is the point at which a real choice can be made.

The choice involves, in large measure, the kind of space program the United States will have in the future. A decision to build the space shuttle would mean this country's proceeding to develop both manned and unmanned space equipment as recommended a couple of years ago by the President's Science Advisory Committee. A decision not to build the shuttle at all or to postpone a start on it for several years would almost certainly mean that the country would go out of the *manned* space business before the end of this decade. Thus, many of the arguments heard in the next few months will sound like reruns of the SST debate. However, the issues are quite different.

The space shuttle is a vehicle designed to deliver a cargo of men and equipment into earth orbit and then be flown back to earth for use again. It would be employed to supply floating laboratories, when and if they are developed. It could also be used to service, repair, set in place and retrieve satellites like those now in orbit for communications and other purposes. In addition, it might have military uses about which NASA does not speak, since the shuttle is a joint military-civilian project. Finally, its development would provide some of the technology required for manned exploration of other parts of the solar system.

The justification set forth for starting to build the space shuttle now combines technical and economic factors. A perfected shuttle would reduce the costs of each space launching since the same craft could be used over and over; eventually, the booster rocket would also be flown back to earth and reused, further cutting costs. At the same time, one shuttle could place several satellites in position, thus reducing the number of launchings. (The United States has sent up around 700 satellites in the last 10 years and the Air Force puts up a new one every couple of weeks.) According to the spacemen, this aspect of the shuttle alone would make its development worthwhile. It would increase costs in the next few years but cut them sharply in the 1980s and '90s. The opponents of the shuttle, on the other hand, dispute NASA's economic analysis, claiming NASA has underestimated shuttle costs and overestimated long-run savings.

The second basic justification for starting the program now rests in the role of man in space. The spacemen see this as a great future field, with men in laboratories conducting all kinds of scientific work and, eventually, going in spaceships to explore other parts of the solar system. They claim that without the space shuttle, the American manned flight capability will have to be given up about the middle of this decade because of the high costs of the Apollo missions and that once given up, this capability will be hard to retrieve at a later date. For their part, the opponents think man does not now have, and may never have, a legitimate role in space; rather, they believe that machines can be designed to do whatever jobs need doing at a cost far less than that involved in maintaining a manned space capability. The President's committee said two years ago that no one knew enough to predict accurately what man's role in space ought to be and until more is known the decision should be left open.

After these two principal arguments come others, which you will be hearing this spring. On the one hand, it will be argued that the nation's industry needs the technological spur of this space program to maintain its place in the world, that the country needs the jobs the program would create, and that the Russians will take over space if the United States stops now. On the other, it will be said that this program is only a gimmick to save the aerospace industry and that there is little or nothing of practical value to be learned from space research.

None of these arguments on either side is error-free since the major ones rest on projections into the future which are exceedingly difficult to make and others rest on basically undemonstrable assumptions about the quest for knowledge. Part of the difficulty springs from the fact that no one can know what space-based research will discover. Is the key to the hydrogen atom and thus to unlimited energy out here, as some scientists think? Will the world some day need to import minerals from space to sustain life here? Will man have to be in space to accomplish things such as these or can machines do them all? Above all, where does this kind of program fit in a national budget that cannot provide for doing all the things at home that ought to be done?

It is owing to questions like these that this year's debate over the space shuttle will be quite different in character and significance from last year's debate over the SST, although they will bear some superficial resemblances. The standards applied to a project which involves scientific research and military considerations, as does the space shuttle, must be somewhat different from those applied to a project, such as the SST, which involved only another way to move people from place to place.

LEGISLATION AFFECTING PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, on December 15, 1971, my administrative assistant, Frank Cummings, delivered an address to the 17th Annual Conference of the National Foundation of Health, Welfare, and Pension Plans, giving an overview, worthy of the consideration of every Senator, of the problems which have

arisen in the private pension industry, and an analysis of S. 2, my bill for the reform of the system, and the other various legislative proposals.

I ask unanimous consent that the text of these remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD.

LEGISLATION AFFECTING PRIVATE PENSION PLANS—THE PRESENT AND THE OUTLOOK FOR THE FUTURE

INTRODUCTION—THE PRACTICAL PROBLEMS OF PENSION PARTICIPANTS

Remarks of Frank Cummings, Administrative Assistant to Senator Jacob K. Javits (R-N.Y.), prepared for delivery at the 17th Annual Conference of the National Foundation of Health, Welfare and Pension Plans, Miami, Fla., December 15, 1971.

The major premise, upon which the legislative battle now forming in the House and Senate is founded is: Too few participants who work under private pension plans actually get a pension; and too many who work long years—10, 20, 25 or more years—get nothing. They get nothing because far too few plans provide vested non-forfeitable interests, even after long years of work, unless the employee actually reaches retirement age in the employ of the same employer. And Americans no longer typically do that—instead, they are mobile, moving from job to job, and forfeiting pension after pension along the way. That is what the legislative battle is mostly about.

As most of us are already aware, there is a substantial statistical controversy, of recent origin, whirling around the question "who gets what from private pensions?"[1] We cannot resolve that controversy here.[2] But some of the numbers are well established, and I believe most of us have a decent assurance of the validity of others.

We know that there is now a reserve of upwards to 120 billion dollars held by private pension funds.[3] We know that that money is being held to pay pensions to those who become eligible from among 25 to 30 million active employees "covered" by private pension plans.[4]

Looking ahead, we estimate that, by 1980, these plans will hold about 225 billion dollars in reserve assets, and that some 42 million active employees will be working "under" these plans, and with the expectation that they will get something when they retire.[5]

But as things now stand, the overwhelming majority of those employees will be disappointed, will not get a pension, and will wonder what happened.[6] And the answer is: No one stole it from them; no one tricked them; and in most cases no one terminated the pension plan prematurely. These "participants" will be out in cold because the terms of their pension plans simply did not provide them with a pension.

They will feel tricked because they were unwilling, and in most cases unable, to read and understand the "fine print" setting forth the terms of those plans.[7] And I suggest to you that the supposition that additional disclosure requirements would somehow make participants "aware" of their impending economic disaster is simply a delusion. Pensioners and pension participants are not stockbrokers, not underwriters, not sophisticated investors. The Securities Act approach to pension regulation is no protection at all in most cases—and one need only examine the sorry experience under the 1958 Welfare and Pension Plans Disclosure Act, even as amended, to reach that conclusion. What does it mean to supply a blue collar worker with a statistical analysis, or a set of actuarial assumptions? What does it mean to supply him with a copy of a trust agreement drawn up by a skilled pension lawyer? It takes the average law student or accountant 3 years to gain competence in the field, and even those lawyers that are not pension specialists often get lost in the maze of definitions and qualifications found in the average plan and trust.

Compounding the difficulty is the fact—proven again and again in recent hearings—that the average worker does not really begin to worry about retirement income until he is 40 or 50, which is too often too late to do anything about it.[8] At that age, he is in a group which represents a distinct minority of the work force, a minority pressure group within his own union, and at that age, he is rarely in a position to "swing" the union toward better vesting provisions. If he is laid off, he is in a very difficult position with respect to attaining a new job, and particularly so with employers who have pension plans, and even more so with employees who have pension plans providing early vesting.[9]

Those are the generalizations upon which we have built the pending legislation, particularly S. 2, Senator Javits' comprehensive pension reform bill. Of course, there are other categories of the dispute, also covered in the bill: in addition to vesting, the bill deals with minimum standards for funding, federal "reinsurance", a voluntary clearing house of pension credits to provide some additional "portability" of vested credits, a comprehensive set of fiduciary standards for pension trustees and administrators, some additional disclosure, administrative and judicial procedure for enforcement of rights under pension plans and fiduciary responsibilities, and a number of other technical matters. These are interrelated and tie themselves to the question of vesting in various ways, yet each also stands on its own feet. And we hope *and expect* that, in 1972, a comprehensive legislative package will be enacted into law.

So I will turn to the specifics of the bills under consideration: In the Senate, that means, at the moment, the Javits Bill (S. 2). There are other Senate bills pending—most noticeably the Griffin bills (S. 2485, dealing with vesting, and S. 2486 dealing with fiduciary standards). In addition, as these remarks are being prepared, the Administration's proposals are about to be sent up to the Hill—and may well have been introduced at the time of our meeting. The advance reports of those bills suggest that there will be two bills: one dealing with fiduciary standards, and another dealing with vesting and related matters, the latter to proceed by way of amendment to the Internal Revenue Code, as the Griffin bill also does, which would result in referral to the Senate Finance Committee and the House Ways and Means Committee—where they are not likely to receive warm welcomes.

Thus, the *live* bill in the Senate is the Javits bill (S. 2), which is in friendly territory (the Senate Labor Subcommittee), and this is likely to be joined, very shortly, by a bill introduced by Senator Williams, the Chairman, who has expressed generally favorable reactions to much of the substance of the Javits bill.

VESTING

A. *What the Bills Do Not Propose.*

First, as to vesting. This is the controversial category of the dispute, in which the most "radical" proposals are *said* to have been made, and where the dispute tends to become most heated. So let me begin by stating what we do *not* propose in this legislation:

We do *not* propose to vest 100% from the first day.

We do *not* propose that every employee who works under a given pension plan, no matter how briefly, shall get a vested pension from that plan.[10]

We do *not* even propose that a majority of employees who work under each pension plan shall necessarily get vested pension rights.[11]

B. *The Vesting Schedule.*

What we *do* propose is that *some minimum standard* be applied, so that after a *reasonable substantial number of years* of credited service, an employee will get a vested pension right to *something*.

Under the Senate bill (S. 2), a system of deferred graded or graduated vesting would be established: After 6 years, an employee would be guaranteed a vested right to a pension measured by 10% of his credits, and that figure would increase 10% per year until full vesting at 15 years.

On the House side, the "Dent bill" (H.R. 1269), would set the vesting deadline at ten years—that is, no employee could be denied a pension based upon his ten years of credited service, after that period of time.

The fundamental difference between the two approaches is that the Dent bill is still "all-or-nothing" at a certain point: an employee can work 9 years, 11 months, 29 days, but if he loses his job on that last day for whatever reason, he may get absolutely nothing. The Javits bill, on the other hand, would never leave the employee in an all-or-nothing situation: whenever the employee leaves covered employment (after at least 6 years of work), he may just miss part of his pension, but what he missed will just be a little bit more than what he already just got. That "all-or-nothing" problem has been a recurrent source of hundreds of complaints received in Congress and we feel that, wherever the line is drawn, it can never solve that problem in the absence of graduating vesting.

One other major point of difference concerns the so-called "Rule of 50" which, if rumor is to be believed, is to be the core of the forthcoming Administration vesting bill—and in any event is supported by a substantial body of opinion. My own view is that the Rule of 59, which is certainly better than no vesting at all, is *far* from the most desirable standard, for two reasons. First, it tends to give an incentive to age discrimination in hiring which, though illegal, nevertheless is common and would likely become more common when a job applicant in his late forties presents himself to a prospective employer, because the latter will know that this new employee will obtain a vested pension much faster than a younger one. Second, the Rule of 50 tends to develop a maximum of one pension per lifetime—a pension from the employee's *last employer*—because the early working years (ages 20 to 30) tend to be a wash-out if the employee changes jobs; he cannot vest any credits at age 30 unless he began to work for his employer at age 10! Conversely, a simple service requirement of a stated number of years makes the early working years *worth something*, which in turn takes some of the burden off the last employer—the employer who hires a man in his late 40's and would like to provide this man with *some* pension credits, if only the man already earned some *other* pension credits.

That is the "core" provision of the vesting title of the Javits bill. But there are a great many other important technical provisions, of which you should be aware, because, as this legislation goes into active consideration in Committee and on the Senate Floor next year—as I believe it will—technicalities may prove almost as important as the basic substantive core.

C. OTHER TECHICAL PROVISIONS RELATING TO VESTING

First, note that the provisions of this bill (S. 2) are not an amendment to the Internal Revenue Code, and therefore not a condition of tax qualification alone.[12] These are affirmative requirements, and they are applicable to every pension plan, unless specifically exempted, whether or not funded, whether or not "qualified" under the Code. Note that the bill, as drafted, precludes extensive "preparticipation" periods of employ-

Footnotes at end of article.

ment: a plan may not provide for exclusion of an otherwise eligible employee for more than six months after he becomes such an employee.[13]

Note also that the bill is based upon "aggregate service", not the more common "continuous" service.[14] Satisfaction of the number of years of aggregate service be deemed qualification for vesting, without regard to "breaks in service" of any kind.

Next, note the limited exemptions in the bill.[15] The Javits bill (unlike the Dent bill) does not apply to pension plans established by Federal, State or municipal governments.[16] (There are many deficiencies in those plans, but it was our judgment that, if regulations were to apply to such plans, it should be tailored differently than legislation dealing with private plans.)

Finally, note that there is an exemption in S. 2 for some unfunded or "unqualified" plans, but the exemption is very limited, providing only an exemption for those unfunded plans which are established by an employer primarily for the purpose of providing deferred compensation for a "select group of management employees."[17] Unfunded plans of broader scope would *not* be exempt. Indeed, they would be required to be funded.[18]

D. COST

The question of costs arises, as a *legislative* matter, only as the vesting requirements are tied to specific funding requirements. Assuming, however, that vesting *would* be coupled with funding (as it evidently would *not* be under the Griffin bill [19], or under the bill now being prepared, reportedly, by the Administration task force,[20] but as it would be under the Javits [21] and Dent [22] bills), the cost of this sort of legislation would not be anything like the exaggerated predictions which we have heard from some management representatives.[23] Why not? First, understand that the great bulk of pension "forfeitures" occur with the departure of very short-term "casual" employees,[24] who would not vest under this bill or any of the other bills proposed in the Congress. Next, understand that amount of vesting required even under the Javits bill is very limited in the earlier years: The 10% vesting requirement in the sixth year is really minimal [25] and the ascending curve does not really begin "to bite" until the later years of employment. Our experience in recent hearings is that the number of employees and the cost of this sort of provision would be nowhere near as expensive as might have been feared without careful study of the terms of the bill.[26] And finally, note that any bill must necessarily have a very substantial phase-in, or other provisions to avoid *excessive* cost to the pension industry. The Javits bill itself does not require vesting of any credits earned before the effective date of the act,[27] so that it has no automatic immediate cost whatever. Other bills have ten year phase-ins,[28] and those two approaches could easily be combined. In addition, the Javits bill contains provisions for special exemptions in cases where the application of the strict vesting provisions of the title would jeopardize the plan itself or impose excessive costs.[29] And we are still working on refinements of those special provisions.

In sum, we recognize that cost is a legitimate concern—but it is a challenge, not an insurmountable obstacle. The challenge to the draftsman is to design provisions which will accomplish vesting where it is right, and possible, and not excessively costly; and to design flexibility—exemptions, in whole or in part, if necessary—where the cost would make the application of the vesting requirements counter-productive. We think we have accomplished that, but we are prepared to go further, in any case in which a proper showing of need is made.

Footnotes at end of article.

FUNDING

A. The funding schedules

The funding schedule in the Javits bill is basically 30 years,[30] except that 40 years would be allowed in the case of initial unfunded liabilities existing on the effective date of the act.[31] That can hardly be characterized as a burdensome funding schedule—though it is certainly an improvement over the minimum funding schedule now required by the Treasury Department, compliance with which can be achieved simply by payment of current service costs plus interest only on unfunded liabilities.[32]

There is only one short-term funding requirement in the bill, and that has to do with deficiencies resulting from inaccurate actuarial projections. It was our view that it was almost impossible to guarantee the soundness of the actuarial assumptions which are so critical to the determination of unfunded liabilities. But one means we *could* develop to "keep these assumptions honest" was to provide that, in the case on any liability resulting from an experience deficiency based upon unsound actuarial assumptions, special payments would be required to liquidate that experienced deficiency in not more than five years.[33]

B. Multiemployer plans

It has been argued vociferously by the representatives of multiemployer plans that they stand on a special footing, and ought to be exempted altogether from the provisions of any forthcoming legislation.[34] We do not accept that argument, but we understand its basis, and we have provided some special treatment for *some* of those plans. As to vesting, the Javits bill treats multiemployer plans the same as single-employer plans. We recognize the truth of the argument that there is a kind of "portability" inherent in a multiemployer plan, because employees can transfer from one employer to another, provided both are under the plan, without forfeiture. But that is an argument for establishing such plans; it is not any protection whatever for the employee who transfers out of the multiemployer group before vesting: he is just as unfairly denied benefits as would be an employee transferring out of a single-employer plan.

When it comes to funding, however, we do believe that some special provision could be made for some multiemployer plans, based on an entirely different theory—that if a multiemployer plan is broad enough in scope, the chances of the plan collapsing (as distinguished from the chance of a single member-employer collapsing) are much less, and therefore, the need for faster funding is alleviated. The bill itself (S. 2) provides that if such a plan represents at least 25% of the employees in the industry, either nationally or regionally, and if no one employer employs more than 20% of the employees covered by the plan, and further, if the history and present business condition of the industry make it "improbable that there will be a substantial decrease in employment in the industry within the foreseeable future," then the plan may be qualified on the basis of funding of current service costs plus merely interest on unfunded liabilities (plus payment of reinsurance premiums, as discussed further on).[35]

C. Other funding provisions

Obviously, the key to funding is the soundness of actuarial projections. As things now stand, there is no licensing of actuaries in the United States, and the bill takes account of that fact by providing that, as to any actuarial certificates filed with a pension plan report, the person executing such certificates must hold what amounts to a license issued by the Pension Committee,[36] and the Commission could set some standards for actuarial assumptions as well.[37] In addition, it should be noted that this bill not only sets minimum standards for duning but requires funding as well. It is not left to the plan to decide whether it shall be funded or unfunded: If the plan is covered by the act at all, funding is an affirmative requirement.[38] Finally it should be noted that reinsurance, discussed below, is a necessary corollary of funding, and vice versa. While funding is required, it is always possible to have termination short of full funding, and reinsurance is designed to take care of that. Conversely, while reinsurance is required, it ought never to be deemed a substitute for the funds of the plan, and minimum funding standards are therefore a necessary corollary or sensible reinsurance.

REINSURANCE

The bill also provides, as already mentioned, for the establishment of a federal "reinsurance" fund, built on the model of the Federal Deposit Insurance Corporation, which insures bank deposits.[39] The original impetus for reinsurance of private pension plans came from the tragic collapse of the Studebaker plan after the shutdown of the Studebaker factory in South Bend, Indiana a decade ago. We are all too well aware of the personal tragedies which followed, the forfeiture by employees with over 40 years of service of 85% of their benefits, and the suicides which followed.[40] The real question, at this point, is whether some sort of reinsurance system is feasible and economical. What evidence we have suggests an affirmative answer. One study of pension plan terminations over an 11 year period showed the termination of some 4,300 plans covering approximately 225,000 employees at a time of termination—about 20,000 workers a year or only about 1/10th of one percent of total pension plan coverage.[41] That is not an unmanageable number, and we have every reason to believe that the cost of reinsuring the vested unfunded liabilities of those plans would be minimal, if mutalized among all the plans having unfunded liabilities. The main objection would be, as we understand it, that such a device forces the sound and solvent plans to pay the costs of insolvency of the unsound plans.

The answer to that, we believe, is that, with general application of this statute, there would be no unsound plans—or at least none as unsound as some of them now are. Indeed, it was interesting to me to note, during hearings before the Senate Labor Committee this fall, that the representative of one of the soundest plans and richest companies in the nation, who argued exemption of the rich plans from the reinsurance program because of his inherent solvency, was unwilling to agree that plans so exempted should, instead, pledge the general credit of the corporation as a means of reinsuring the unfunded liabilities of the fund.[42] In the absence of that kind of pledge, why should the government assume that the solvency of these corporations necessarily implies the solvency of their pension funds? Terminations, moreover, occur in many ways beyond collapse in the ordinary sense: Too many plans have terminated in the course of corporate reorganizations, mergers and the like. In any event, the bill (S. 2), as written limits the exposure under the reinsurance provisions by limiting the premium rate for reinsurance to a maximum of 1% of unfunded liabilities,[43] and limiting reinsurance of individual benefits to $500 per month.[44]

In addition, S. 2 avoids one of the problems which beset the Studebaker Corporation—unfunded liabilities resulting from repeated increases in benefits which dilute previous funding levels. S. 2 provides, first, that reinsurance does not take effect until the plan has been in operation for at least 5 years,[45] and then further provides that any amendment or addition to a reinsured pension plan shall, if such amendment involves a significant increase in unfunded liabilities of the pension plan, be regarded as a new and dis-

tinct pension plan for reinsurance purposes, which can become effectively reinsured only after the amendment meets the 5 year test.[46] Thus, the bill precludes the likelihood that a pension administrator might decide to raise benefits drastically, thereby increasing unfunded liabilities, and then collapse the plan for the purpose of having the Federal government pay the difference.

PORTABILITY

The Javits bill contains, in Title 3, a *voluntary* federal clearinghouse of vested pension credits. I emphasize the word voluntary because it is voluntary in a very literal sense—no pension plan need participate in it except by its own voluntary choice.[47] Thus, no pension plan need worry about it at all—if you don't like it, just forget it. The theory of the clearinghouse is that *vested* credits by definition have some value, and it is not too difficult to compute the current *discounted* value of any such credit. An employee leaving one plan and transferring to another *may* wish to transfer the value of his vested credits, through the clearinghouse, into another plan, to purchase credits of an equivalent value in the second plan, under which he begins to work. He need not, but if both plans are voluntarily participating in the clearing house, and if the individual employee wishes the transfer, the bill provides a mechanism to accomplish it.

Why would an employee wish to make that kind of a transfer? Put another way, why would an employee want all his money "in one bank account"? The reason is a practical one, not a legal one. We have seen in many cases employees who leave a plan and, when they leave it, lose all their leverage with respect to increasing benefits purchaseable by the money already contributed with respect to their service. An employee working *under* a plan is in a much better position to keep an eye on it, and to bargain with his employer as to what kind of benefits, and how much, the fund should purchase for him. In the pure leverage sense, we believe that it *may be* (though it need not necessarily be) of practical advantage to an employee to keep all of his vested credits under his last pension plan—the plan in which he is currently working.

That is all the portability provisions of the bill do. It is not, in my view, the major provision of the bill. But I see no reason why it ought not to be tried, on a purely voluntary basis.

DISCLOSURE, FIDUCIARY STANDARDS, AND ENFORCEMENT

Title IV of the bill deals with the least controversial aspect of pension reform—disclosure and fiduciary standards. And this title applies not only to pension plans, but also to all employee benefit plans, as does the current version of the Welfare and Pension Plans Disclosure Act. I am not and never have been a great advocate of the disclosure device *alone*, for it has become clear beyond question that disclosure is no solution to pension problems.[48] Given the rest of the comprehensive reform package, however, disclosure will become an indispensable ingredient in effective enforcement of fiduciary standards and the rest of the bill.

As to fiduciary standards, while the various bills tend to be in general agreement, there are some important differences, and some important features which require a little discussion.

First and foremost, we ought to be aware that, even if these bills did nothing more than create as a matter of federal law what already exists under the law of trusts and the common law of contracts in every state, the federal law would be a great step forward, when it is coupled with the administrative enforcement procedures provided along with it. As a practical matter, whatever one's legal rights are is now a state matter under state trust law. Those rights are unenforceable in many cases, because of the practical difficulties inherent in enforcing them.[49] I put to you the following hypothesis—which I think is generally applicable unless you have a class action or a union willing to finance a law suit at considerable expense to itself.

Consider the average problem faced by a lawyer—and I tend to think as a lawyer, having been one for a number of years—when a potential client walks through his door and says either "they owe me a pension," or "they are misusing the money in the pension fund". The lawyer asks, "Who are *they?*" How many employees know the corporate name of the employer, the exact name and location of the trust and trustees and the location of the bank holding the money, the name of the insurance company through which the plan is funded, if it is funded that way, the identity and addresses of the unions involved, including the international and local unions, and their officers, and those of the officers who have been designated as trustees? How many employees even know the real name of the plan or the trust or its technical terms?

But assume, as you have *no right* to assume in most cases, that the employee knows the answers to all those questions, then the legal problems have just begun. Whose law applies? The bank is one state, the corporation is another state, the employees are in several other states, the union in another state, and the contract may not specify a choice of law.

But even if you could decide (probably after costly litigation) what law applies, what court would have jurisdiction to serve process in all those states, and bring in all the necessary parties? I know of none—and that includes any federal court, which many of you know, can serve process only within the state in which it sits.[50]

But assume further, as you have *no right* to assume in most cases, that you could find a court able to serve process on all the necessary parties. What would you sue for?

If you're suing not for a pension but to stop misuse of the money by the trustees, the recovery goes not to the plaintiff employee but back into the fund. It is essentially a derivative action, from which the plaintiff recovers nothing but increased security for his pension expectancy.

If, on the other hand, the employee is suing for a pension, the recovery is *the discounted value of one pension* (unless the lawyer is lucky enough to pick up a rare class action, or unless a union is financing the law suit at substantial expense to itself). Now consider the cost of litigating those very complex questions of law which I have just discussed. How much is the lawyer going to charge for this law suit? In most cases, even if the lawyer takes only a minimal fee for this elaborate lawsuit, his fee will necessarily far exceed the amount of recovery (the discounted value of one pension). And to compound the problem, keep in mind that most misdeeds by pension administrators are brought to light in lawsuits by employees who have yet to vest, so that even if you win, your client doesn't get the recovery, and he may not even get a pension either.

In short, private lawsuits, even if the state law is on your side, do not provide a meaningful remedy for the employee in most pension cases. What is needed is a national law, with a national agency to enforce it, which will get this whole matter out of the area of ordinary, garden variety, litigation, which simply does not work. Aside from federalizing fiduciary standards, the Javits bill—and most of the others bills—go quite a few steps farther along.

Ordinary trust law (unlike these bills), only applies to trustee in the classic sense, and most of us already know that key decisions in pension administration are often made by persons not holding the legal status of trustees. Pension administrators need not be trustees. Investment discretion may be vested in labor-management committees who are not trustees in the legal sense. All sorts of other persons—investment counselors, actuaries, accountants, employers, unions, and others—may effectively be making fiduciary decisions while not occuping the legal position of a fiduciary. What these bills do is to apply the term "fiduciary" (and the liabilities and the responsibilities that go with it) to all those persons who exercise any power of control, management, or disposition with respect to any monies or other property of an employee benefit fund. S. 2 applies the "prudent man" rule to such fiduciaries.[51] Beyond that, the Javits bill itemizes certain prohibited transactions—mostly in the nature of self-dealing: leasing, purchasing, selling, or dealing with one's self, or, with a "party in interest" with respect to the pension fund, or receiving any consideration in any such transaction.[52] What we have *not* done, so far, is to become involved in the "legal list" concept of investments, or otherwise to restrict the honest judgment of the trustee, once he has been prohibited from dealing with himself in his own interest. The bill proceeds on the assumption that, if competent men act only in the interests of the fund, their judgment will be sufficient to protect the interests of the fund. One provision which appears in the Dent bill but not in the Javits bill would make every fiduciary a co-insurer of the acts of every other fiduciary.[53] It was our judgment that that provision is unrealistic in the pension context. While true trustees may be responsible for each other's misdeeds, the various functions in administering a pension fund are so diverse and spread out that it struck us as unrealistic that every bank would be responsible for any breach by any insurance company or vice versa, or any pension committee of an employer or vice versa, and so on. Thus the Javits bill provides that while presumptively fiduciaries undertaking joint responsibility are responsible for each other's misconduct, through agreement they may provide for the "allocating of specific duties or responsibilities among the fiduciaries", subject to approval by the commission.[54] We think that is a more realistic approach to the realities of the situation.

The *procedural* aspects of the enforcement title are, in our judgment, critical to the viability of the rest of the bill, and contain many things which I suggest are not really as controversial as they might seem at a first glance.

As to fiduciary standards, the title provides that, whenever the commission has reasonable cause to believe that a fund (that is, either a pension fund or any other employees' benefit fund) is being administered in violation of the fiduciary requirements of the bill, the commission may petition any district court having jurisdiction of the parties for an order requiring return to the fund of the assets illegally transferred out of it, or requiring payment of benefits denied to any beneficiary in violation of the title or of its fiduciary requirements. The court is given discretion to put any such fund into receivership, in order to preserve the assets, in an action brought by the commission.[55]

The bill also permits private lawsuits, in a federal court, to recover pension benefits, or to restrain a violation of fiduciary standards; but in private actions, the court has discretion to allow attorney's fees as costs *either way*, so that a pensioner bringing a patently frivilous action could incur substantial legal costs not only for his own lawyer but for the pension plan's lawyer as well.[56]

A great many other detailed but important provisions are included in, or keyed-into, this title—and the need for them ought to be obvious.

Footnotes at end of article.

For example, the bill provides that, whenever a participant leaves an employer after earning a vested pension right, the employer must give him a certificate setting forth the benefits to which he is entitled, including the name and location of the bank or insurance company responsible for payment, the amount of benefits, and the date when payments shall begin, and the certificate (a copy of which is filed with the Government like a "W-2") is deemed prima facie evidence of the facts in it.[57] That little certificate ought to be easy to provide, and would make it *possible* to sue to recover benefits without hiring a private investigator first.

Another example: The bill provides that every plan covered by the Act must file with the Government a certificate designating the Commission as agent to receive service of process on the necessary parties to a lawsuit,[58] making a bona fide lawsuit at least *possible*.

And there are many more technical provisions, which we would hope the industry would examine most carefully, and to the extent they need refinement or modification, we would also hope that the industry would come forward with its comments and suggestions.

Finally, there is the "Commission"—and in that respect the Javits bill is unique. The Dent bill (H.R. 1269) would put enforcement in the Department of Labor. The Griffin bills (S. 2485, S. 2486) would divide enforcement between the Department of Labor and Treasury. But the Javits bill would create a new independent agency, on the SEC model, called the United States Pension and Employee Benefit Plan Commission.

I can almost anticipate the anti-bureaucratic groans: "Not another Government agency! I grant you anyone who wants to create a new Government agency has a great burden of proof to carry, but I think in this instance those of us who *oppose* unnecessary bureaucracy ought to *support* the Commission idea. Consider where enforcement now is: The Justice Department enforces the applicable provisions of the Taft-Hartley Act (Section 302); Treasury enforces the applicable provisions of the Internal Revenue Code (Section 401); the Labor Department enforces the Welfare and Pension Plans Disclosure Act; and the SEC is also in the picture, at least with respect to variable annuities and the like. So there is *already* a multiple bureaucracy spread out throughout the government, with more to come as these new substantive requirements are enacted.

The question is not *whether* there will be bureaucracies, but whether they can be consolidated in one place, as free as possible from political influence, so that at least they can become efficient and provide interested parties with "one-stop service". That is the basis for the Pension Commission, which would consolidate in itself enforcement of *all* laws bearing on this subject. We think that idea ought to have considerable appeal to the pension industry itself, and we hope very much, as this legislation moves along, that industry will realize that the Commission is infinitely preferable to diverse fragmented enforcement by agencies which, up to now, have not really done too good a job even with the limited regulation now on the books.

CONCLUSION

As supporters of this legislation, we are determined, but not pig-headed. A strong effort will be made to pass a reasonable bill—but certainly not to "steam-roller" a bill without regard to the consequences.

No doubt there will be legitimate complaint, legitimate requests for total or partial exemption, or for special treatment. I have the impression that the authors of this legislation are more than willing to accommodate reasonable requests of that type.

Up to now the debate has tended to polarize: you are either "for" or "against" the bill—the *whole* bill.

But I have the impression that, as this bill moves further along the legislative process this year and next year, and it becomes clear that a bill will pass, the debate will become, as it ought to become, much more concerned with detail than with the overall feasibility of federal pension standards.

That is the time—and the sooner the better—for experts like yourselves, to come forward and give us the benefit of your advice, so that when this bill passes, as I believe it inevitably will, it will be the best bill which we, together, can devise.

FOOTNOTES

[1] See, *e.g.*, *"Private Pensions Scored by Study,"* The New York Times, April 1, 1971, p. 27; *"Pension Plan Study Reveals Big Majority Get No Benefits,"* The Washington Post, April 1, 1971, p. A-3; compare *"Disputed Study Hails Private Pension Plans,"* The Washington Post, May 19, 1971; *"Most Employees Can Get Pension Plan Benefits,"* The Journal of Commerce, May 19, 1971; *"Pension Consultants Rip Senators' Probe,"* The Chicago Tribune, April 12, 1971. The controversy has its origin in the 1965 Cabinet Committee Report, *"Public Policy and Private Pension Programs,"* (U.S., 1965).

[2] A general review of the 'studies" and "counter-studies" is attached as an Appendix to these remarks.

[3] See, *e.g.*, *Private Welfare and Pension Plan Legislation, Hearings Before the General Subcommittee on Labor, Committee on Education, House of Representatives*, 91st Congress, 1st and 2nd Sess. 145 (1970) (hereafter cited as *"1970 House Hearings"*). As of 1969, reserves of *noninsured* plans were $92.70 billion (market value). *Institutional Investor Study Report of the SEC*, Volume 3, H. Doc. No. 92-64, Part 3, 92nd Congress, 1st Sess. 1004 n. 62 (1971); SEC. Stat. Bull. 19(1970).

[4] *Pension and Welfare Plans, Hearing Before the Subcommittee On Labor, Committee on Labor and Public Welfare*, U.S. Senate, 90th Congress, 2nd Sess. 225 (1968) (hereafter cited as *"1968 Senate Hearings"*).

[5] *Ibid.*

[6] *Private Welfare and Pension Plan Study, 1971, Hearings Before the Subcommittee on Labor, Committee on Labor and Public Welfare*, U.S. Senate 92nd Congress, 1st Sess. Part I, at 5, 11-13 (1971) (hereafter cited as *"1971 Senate Hearings"*).

[7] See *1971 Senate Hearings, supra* note 6, part I at 111-117.

[8] See *e.g.*, *1970 House Hearings, supra* note 3, at 619-21.

[9] See Bernstein, *"The Pension Potential of Displaced Employees,"* in American Enterprise Institute of Public Policy Research, *Private Pensions and the Public Interest* 189-190 (1970); U.S. Arms Control and Disarmament Agency, *The Post-Layoff Market Experiences of Former Republic Aviation Corporation Workers* 26-27 (1966).

[10] S. 2, 92nd Congress, 1st Sess. Sec. 107 (1971).

[11] Clearly, the largest percentage of turnover without vesting occurs in the first 5 years of employment—which would not be subject to vesting under any of the pending bills. See *1971 Senate Hearings, supra* note 6, part I, at 372-81.

[12] Qualification under the bill *is* a condition of tax qualification (S. 2, sec. 111), but a plan is *not* given the option to proceed on a "non-qualified" basis, unless specifically exempt from the bill. (S. 2, Sec. 107, 108).

[13] S. 2, Sec. 107(a)(3).

[14] S. 2, Sec. 107(f).

[15] S. 2, Sec. 101(b).

[16] S. 2, Sec. 101(b)(1).

[17] Not supplied.

[18] S. 2, Sec. 108(a).

[19] S. 2485, 92nd Congress, 1st Sess. (1971). Senator Griffin's companion bill, S. 2486, is limited to fiduciary standards and disclosure. S. 2485 amends the Internal Revenue Code, and was referred to the Finance Committee; S. 2486 was referred to the Committee on Labor and Public Welfare.

[20] Unpublished remarks of Peter Flanigan, Assistant to the President, delivered at the Pension Conference of Donaldson, Lufkin and Jenrette, New York, Nov. 4, 1971.

[21] S. 2, Sec. 107-108.

[22] H.R. 1269, Sec. 201-305.

[23] See comments by corporate executives in *"The Great Pension Controversy," Dun's Review*, May 1971, beginning at p. 33.

[24] *1971 Senate Hearings, supra* note 6, part 1, at 372 (Table 1, line 13).

[25] S. 2, Sec. 107.

[26] *1971 Senate Hearings, supra* note 6, Part 2, page 495.

[27] S. 2, Sec. 107(a).

[28] H.R. 1269, Secs. 203(a), 302 (Dent bill); 5.2485, Sec. 102 (Griffin bill).

[29] S. 2, Sec. 114.

[30] S. 2, Sec. 108(b)(2)(B).

[31] S. 2, Sec. 108(b)(2)(A).

[32] Speech of Isadore Goodman, Chief of Pension Trust Branch, I.R.S., Nov. 15, 1960, Prentice-Hall Pension and Profit-Sharing Service, para. 19014.7.

[33] S. 2, Sec. 108(b)(3). In addition, the bill would "license" actuaries, Sec. 4(c), and set *same* standards for actuarial assumptions. Sec. 4(d).

[34] See AFL-CIO policy resolution adapted Dec. 1967, in *1970 House Hearings, supra* note 3, at 104.

[35] S. 2, Sec. 108(f).

[36] S. 2, Sec. 4(c).

[37] S. 2, Sec. 4(f).

[38] S. 2, Sec. 108(a).

[39] "Reinsurance" is actually a misnomer, as it really is "insurance", not "reinsurance", unless the fund's primary medium of funding is insurance.

[40] *1971 Senate Hearings, supra* note 6, part I, at 208-214. See also *Private Pension Plans, Hearings Before the Subcommittee on Fiscal Policy, Joint Economic Committee*, 89th Congress, 2nd Sess. 127(1966).

[41] Beier, *Terminations of Pension Plans—11 Year's Experience*, Daily Labor Report No. 105, May 31, 1967, Part B.

[42] *1971 Senate Hearings, supra* note 6, Part II, at 860.

[43] S.2, Sec. 203(a).

[44] S.2, Sec. 202(b)(1).

[45] S.2, Sec. 2(a)(15).

[46] *Ibid.*

[47] S.2, Sec. 301(a).

[48] One of the worst pension scandals in recent years was "disclosed" under the Disclosure Act, but no one noticed! *Diversion of Union Welfare-Pension Funds of Allied Trades Council and Teamsters Local 815, Hearings Before the Permanent Subcommittee on Investigations, Committee on Government Operations*, 89th Congress, 1st Sess. 483(1965).

[49] Elliott, *Federal Fiduciary Standards for Welfare and Pension Plans*, 366 (1968) (published by the Association of Life Insurance Counsel). See also Levin, *Proposals to Eliminate Inequitable Loss of Pension Benefits*, 15 Villanova L. Rev. 527, 566 (1970).

[50] Fed. R. Civ. P., Rule 4(f).

[51] S. 2, Secs. 2(b)(6), 402(b)(1)(B).

[52] S. 2, Sec. 402(b)(2).

[53] H.R. 1269, Sec. 111 *et seg.*

[54] S. 2, Sec. 402(f).

[55] S. 2, Secs. 502-505.

[56] S. 2, Sec. 504(A).

[57] S. 2, Sec. 106(b).

[58] S. 2, Sec. 401(c).

SUPPLEMENTAL MEMORANDUM ON THE ADMINISTRATION'S PENSION REFORM PROPOSAL

On December 8, 1971, the President, as anticipated, sent to the Congress a message on retirement security (H. Doc. No. 92–182), and bills implementing that message are expected to follow. The message contains a "five-point program": (1) tax deductions for employee who wish to set up their own retirement programs or to contribute to employer-financed pensions; (2) more substantial tax deductions for self-employed persons contributing to pension plans (H.R. 10 or "Keough" plans); (3) amendment of the Internal Revenue Code to require, as a condition of tax qualification, that a plan provide for vesting under the so-called "rule of 50" (50% vesting when age and service total 50 years, plus full vesting 5 years thereafter); (4) federal fiduciary standards as provided in a measure proposed by the President in substantially the same form in 1970 (S. 3589, 91st Cong., 2d Sess., introduced at that time by Senator Javits, on request); and (5) a direction to the Departments of the Treasury and Labor to undertake a study of the problem of benefit losses under plans which have terminated.

No doubt the Administration's initiative will help substantially in building the already-substantial momentum for comprehensive pension reform. Nevertheless, We ought to be aware of the problems inherent in the Administration's legislative "package". Specifically, these are:

(1) *The "Rule of 50":* This rule, while it is a great improvement over no vesting at all, nevertheless tends to encourage age discrimination. A 50-year-old job applicant would vest almost immediately, while a 20-year-old job applicant would not vest for 15 years—a substantial incentive not to hire the 50-year-old. Further, this rule tends to put all the burden of providing a pension on the last employer, and to make it most unlikely that an employee would get several pensions from a sequence of employers, because the years 20–30 tend to be a wash-out, unless the employee works for the same employer from the age of 20 until age 35, which is most unlikely in a mobile society.

(2) *No funding:* requiring vesting without requiring funding is a little like saying to a plan: "You must make a promise; you need not keep it".

(3) *No reinsurance:* certainly the tragedy of the Studebaker shut-down, the 85% loss of vested pensions, and the suicides which followed; and the subsequent testimony of union leaders that this was not an isolated case, suggests that overlooking reinsurance is avoiding a great slice of the problem. Indeed, the only Senator on the Senate Finance Committee who has heretofore shown any great interest in pension reform has been Senator Hartke of Indiana, and his primary interest, as he represents the State involved in the Studebaker case, has been in reinsurance, which the bill leaves out.

(4) *Amending the Internal Revenue Code:* As mentioned above, this proposal proceeds, except as to fiduciary standards, by way of amendment to the tax laws, which puts the matter within the jurisdiction of the Senate Finance Committee, which is not the Committee where real interest and support has been shown for pension reform. Further, it divides and further fragments the bureaucracy dealing with pension plans, instead of consolidating it in a single Commission. Moreover, the Treasury is hardly the best choice for an enforecement agency, as it really is not equipped to deal with individual complaints against pension plans for loss of benefits; on the contrary, the Treasury's principal concern is claims by the Government against private entities for taxes.

Those are some of the problems. But, in my own view, they are not really obstacles to passing a good pension bill, because the Senate Labor Committee will no doubt proceed to deal with all these problems, whatever becomes of the Administration bills, and in the meantime the mere *presence* of those bills, even with all of their deficiencies will help keep the ball rolling, indeed, rolling with even more momentum than before.

APPENDIX: A BRIEF REVIEW OF SOME OF THE PENSION PLAN "STUDIES"

What follows is a brief review of some (certainly not all) of the studies and "counter-studies" which have been the subject of argument in recent months.

A. The Senate Labor Sub-Committee Studies

1. The preliminary vesting study

On April 5, 1971, Senators Williams and Javits introduced into the Congressional Record (later published as a "Committee Print") the preliminary results of a study conducted by the Senate Labor Subcommittee concerning the extent of vesting, or conversely, the extent of "forfeiture"[1] of pension rights under private pension plans.

Unfortunately, much of the criticism—indeed, some of the praise—concerning this preliminary study has been written without paying much attention to the *actual content* of the release.

The release itself is based upon *some* of the results of an elaborate questionnaire sent to a carefully picked cross-section of the pension plan "universe". Fifteen hundred of these questionnaires were sent out, and 1000 were returned by the date of the release. But of the 1000, only 87 were studied in the preliminary release. These 87 were picked because they were the questionnaires that were complete and internally consistent on their face, as to the data relating to forfeitures. Thus the 87 plans studied in the preliminary study are *not* statistically representative, although we insist that they are significant. The significance, in fact, rests with our assumption that the plans with the "best" vesting were those who supplied the complete data in response to the questions on vesting, and I think we have a right to assume that those who did not respond, or had no information on vesting, or supplied answers which were obviously incorrect and internally inconsistent, probably had "worse" or at least less vesting, and more forfeitures, than those included in the 87 plan release.

Nevertheless, the 87 plans did cover a substantial number of participants, and a large aggregate of assets. We divided the 87 plans into two groups—"early vesting" and "late" or "no" vesting. Together, the two groups represent reserve pension assets of 16 billion dollars, and "cover" some 9.8 million workers who participated in those plans over a 20 year period between 1950 and 1970. The first group (51 plans with "late" vesting) included only plans which required 11 or more years of vesting; the second group (36 plans with "early" vesting) included only plans with vesting in 10 years or less. The 51 plans covered 6.9 million participants since 1950, and over that period of time, precisely 253,118 employees received any kind of normal, early or deferred vested retirement benefit. Four and eight-tenths (4.8) million participants (or 70%) left those plans during that 20 year period without receiving any benefits whatever. Indeed, only 147,364 (or 3%) actually received normal retirement benefits. From that figure, the press made much of the fact that there was a "forfeiture" rate of over 90%. We think that is a significant figure, but we think other facts in the study are much more significant, and of much more concern in the legislative process. I make that statement because our critics have been insisting, again and again, that the statistics are meaningless because most of those forfeitures were by employees who were essentially "casual"—that is, they were short-timers who would not vest under *anyone's* theory of vesting. And we *agree* with that. But if you *read* the study instead of listening to the critics or the proponents of it, you will discover that, included in those forfeitures were *115,573 employees who worked 15 years or more* under one or another of these plans and *got nothing;* and 280,017 who worked ten years or more under one or another of those plans and got nothing.

Those numbers do not represent large percentages, but in absolute terms they are large numbers of people who have a right to feel very disappointed. And those numbers cannot seriously be challenged as *numbers* (as distinguished from percentages). No one "made up" those numbers—they come from the questionnaires that were filled out and signed by the administrators of the pension plans involved.

Numbers and percentages are somewhat better in the "early" vesting plans. Of those 36 plans covered by the preliminary release, 1,500,000 participants left the scope of the plans during the 20 year period from 1950 to 1970. Of those 242,510 (or 16%) received some benefits, whether normal, early, or vested. The balance, presumably forfeited, and of those, 9,931 got nothing after 15 years of service. That is only 7%, but it is significant in absolute numerical terms.

As I said before, the percentages in this data are certainly not conclusive, as the sample is far from complete. But we *suspect* that when the full data is in, the extent of forfeiture will be even worse, because the "best" plans are probably those that reported most fully. *In any event,* forfeitures of hundreds of thousands of pensions by employees with more than 15 years of service is a significant and sufficient base for legislation, in our view, and we have seen nothing in any of the criticisms of the study to suggest that this data is invalid. Indeed, the recent hearings before the Senate Labor Subcommittee give case history after case history of employees whose lives and futures were most seriously damaged, and who appear only as "mere numbers" on the Subcommittee's preliminary analysis.

2. The release of benefit level data

On Monday, November 8, 1971, Senators Williams and Javits released a second phase of their study: data dealing with budget levels under private pension plans. It was much less surprising, though equally depressing. The cross-section of pension plans covered in the second release was much broader and much more statistically significant, as it covered 764 pension plans out of the 1500 in the original survey, and these 764 plans covered 11.6 million participants and reserve assets exceeding 30.7 billion dollars. It was the judgment of the Subcommittee experts, moreover, that the 764 plans *are* statistically representative of the whole pension plan "universe". As a complete cross-section, the median benefit paid by private pension plans in 1970, regardless of date of retirement, was less than $100 a month. For smaller plans—those with less than 1,000 participants—the median monthly benefit for normal retirement was $96, and for early and disability retirement, less than $50 a month. For larger plans—those with more than 1,000 participants—the median normal retirement benefit was $121 a month; for early retirement $99 a month, and for disability retirement $79 a month.

We found these numbers significant because, when the median for normal retirement of $99 a month is added to the median social security benefit of $129 a month, the total ($228) is *less* than the $241 monthly income required to sustain a retired urban couple, as reported by the Bureau of Labor Statistics in January 1970. In short, take your private pension and your public pension under social security, and put them together,

[1] We use the term "forfeiture" in a non-technical sense (failure to get a benefit). Technically, failure to vest would not be "forfeiture", because the employee cannot "forfeit" what he never really had.

and the retired couple today is still living below the poverty line.

That fact, in my own judgment, is particularly relevant to the theory underlying the Javits Bill. The theory of early vesting and graduated vesting, *without regard to any age limitation*, has as its objective providing pension participants with *a number* of pensions upon retirement, not just one from the employee's last employer. Private pension plans, by themselves, *are not sufficient* to provide a decent retirement income if each employee counts on receiving *only one* pension, and that one only from the last of a number of employers. On the average, he will not vest *at all* under that last plan—but even if he does vest, vesting under one plan is unlikely to be sufficient, whereas vesting of lesser benefits under *a number of plans may* and probably *will* meet his needs.

B. The A. S. Hansen Study

Much of the criticism of the Senate Labor Subcommittee study is based on a study prepared by A. S. Hansen, Inc. purporting to deal with the same subject. The study itself does not purport to be a cross-section of pension plans, but a cross-section of Hansen's pension plans—those which are managed or structured by the Hansen firm. That is not to say that the study proves nothing; it simply does not represent plans other than those managed by Hansen—and we cannot know how representative of other plans that sample is. Further, the statistical approach taken in the Hansen study is based on assumptions, not facts. First, they directed their study to the number of *current employees* covered by their plans and purported to ascertain the number of *those* current employees who could be "expected to vest". Out of 864 plans surveyed, with 881,281 current active participants, Hansen asserted that 132,466 were retired and vested, 265,817 were vested, 319,239 were "expected to vest". Thus, the percentage vested and expected to vest is 66%; the percentage expected to forfeit is 34%. With respect to the percentage expected to forfeit, Hansen asserts that it is anticipated that these employees will "find future employment with firms with pension coverage". Aside from the fact that the percentage expected to forfeit (34%) is not exactly insubstantial, and that many of these may very well be long service employees, we think the major defects in the Hansen study are these:

1. Since it is only directed at current employees, it necessarily results in exaggerating the quota for vesting, because the total number "expected to vest" is stated as a percentage of current employees, instead of being stated as a percentage of the *much larger number of participants who will come into and pass out of the plans during the years ahead, when these current employees are earning their vested interest.* Those employees who pass through will never show up in the Hansen study, but they were the primary emphasis of the Senate-Labor Subcommittee study, which took account of *all* participants who *flowed through* the plans over a period of time.

2. In determining the number of employees "expected to vest", Hansen made *estimates* on the basis of "typical" employee turnover rates which Hansen itself characterizes as "arm-chair" assumptions which can be made applicable to all plans regardless of specific experience. The Labor Subcommittee study did not "assume" turnover, forfeiture, or anything else: it simply added up the statistics supplied by the plans themselves.

C. The Griffin-Trowbridge Study

A study of some substantial significance was issued by the Pension Research Council, written by Griffin and Trowbridge, in 1969, and entitled "Status of Funding under Private Pension Plans." That study has had substantial and wide circulation tending to show that private pension plans are already well-funded and that funding regulation is therefore not necessary.

There is reason to question the validity of the data supplied by Griffin and Trowbridge, in so far as it shows what it *says* it is showing. But the chief economist of the Bureau of Labor Statistics stated in 1969, with respect to the data in the study, which had been supplied by a number of actuaries: "The actuaries who supplied the data for the study succeeded in persuading their client plans to adopt conscientious funding programs. But the actuaries who did not supply any data—particularly those who advise multi-employer plans—may not have been as successful. In other words, it is impossible to determine whether the plans included in the survey are representative of those who by the nature of the survey had to be excluded." [2]

We take the data as *some* evidence that funding is improving. It suggests that most plans would not have any difficulty in complying with a reasonable funding schedule set forth in a statute. It also shows us that these plans ought not to complain when the few "fly by night" plans are required, as a matter of law, to fly by day.

D. Banker's Trust Company: 1970 Study of Industrial Retirement Plans

In 1970 the Bankers Trust Company of New York issued a 300 page analysis of a group of retirement pension plans. The overall sample is in the vicinity of 200 plans, although parts of the analysis are based upon segments of that overall sample. The introduction to the study makes it clear that the information in the study is not information gleaned from Bankers Trust's own knowledge, but is simply taken from "material . . . received from employers, pension consultants, insurance companies, actuarial firms, and various published sources." Data in the study compare plans during the period 1960 through 1965, with plans during the period 1965 through 1970, and show some liberalization of vesting. For example, one table in the study shows that, in the earlier period, 12% of the plans provided vesting in ten years or less, with improvement to 21% during the later period. 10% provided vesting in 15 years in the earlier period, and this improved to 11% in the later period. The study also shows some lowering of the age requirements, which were coupled with service requirements, as time went by.

This data is of some value, but subject to certain qualifications: First, the sample is based only upon the information supplied to Bankers Trust by other firms. Second, the study is of plans, not people, and so it does not show who worked how long and got something or nothing under the various plans in the study. There is no doubt that the study *does* show a trend, in the right direction. Whether that trend has substantially ameliorated the problems arising from growing labor mobility in this nation cannot be proven or disproven by the results of the study.

E. *Davis and Strasser: Private Pension Plans 1960–1969—An Overview (Monthly Labor Review, July 1970)*

In 1970, the Labor Department published a study, done by Harry E. Davis and Arnold Strasser, of a good sample—1,433 plans—which analyzed coverage and benefit formulas. It did not analyze "who gets what from private pension plans", in the sense that it did not count people, only plans. That is to say it counted people "covered", but it did not count people who actually vested, or who actually forfeited. As to coverage, the study concluded that, although there had been a substantial expansion in coverage over the ten year period, "most of the added coverage under both multi-employer and single employer plans resulted from increased employment in firms already having plans and, to a *lesser* extent, from the establishment of new plans covering workers who had previously been without private pension coverage."

As to vesting, the general conclusion was: "under the 1969 provisions, if these workers, who represent all covered workers, remain with their plan for ten years, only 31 (out of 100 who entered covered employment at age 25) of them will have gained a non-forfeitable right to a pension benefit; if they remained for 15 years, 51 of them will have achieved such a right; and after 20 years, only 57 of them would attain a non-forfeitable right to a pension benefit." Looking at the negative side of it, what that means is that on the average, after 20 years, 43% of "covered employees" would get nothing. That result seems to me put in question the validity of the limited findings of the Banker Trust study.

F. *Fischer: Vesting and Termination Provisions in Private Pension Plans (American Enterprise Institute for Public Policy Research, 1970)*

In 1970, the American Enterprise Institute for Public Policy Research published a study by Carl H. Fischer, Professor of Insurance and Actuarial Mathematics at the Graduate School of Business Administration, the University of Michigan, entitled "Vesting and Termination Provisions in Private Pension Plans." This study is based upon a sample of 320 private pension plans, of which 39 were multi-employer and 281 were single employer. The study contains a percentage analysis of *plans* (not employees) which shows that in the single employer category, 28% vest in ten years or less, 45% vest between 11 and 20 years, and 25% vest in 21 years or more. In multi-employer plans, 7% vest in ten years or less, 35% vest between 11 and 20 years, and 58% vest after 21 years or more. The statistics speak for themselves: there is some good vesting, some "fair" vesting and just as much very poor vesting or no vesting. The findings seem fairly consistent with the Labor Department's findings.

G. *American Enterprise Institute: Legislative Analysis—"Issues Affecting Private Pensions" (April 1971)*

In April 1971, the American Enterprise Institute for Public Policy Research published a legislative analysis, "Issues Affecting Private Pensions" prepared by the Institute with the advice of its Advisory Committee on Pension Studies.

After surveying the various studies which had been done in the field on vesting, the analysis concludes that the gist of all the findings, in general terms, is that a great deal of change has occurred toward reasonably early vesting of private pension rights. Nevertheless, the data show that substantial numbers of the pension plans still elect to defer vesting for individual employees until they have worked for the same employer for nearly half or more of their lifetime working spans.

[2] American Enterprise Institute, *Private Pensions and the Public Interest* 165–66 (1970).

COACHING RECORD OF STEWART McWHORTER CHAMPION, HEAD FOOTBALL COACH, MONROEVILLE ACADEMY

Mr. ALLEN. Mr. President, in these days of football superbowls and super college and professional football coaches, the accomplishments of the high school coach and his tremendous influence upon the young men who become the college and professional football stars of tomorrow are, quite understandably, often overlooked or missed entirely.

I am pleased to invite the attention of the Senate to the remarkable, almost un-

believable, coaching record of Stewart McWhorter Champion, headmaster and head football coach at Monroe Academy, Monroeville, Ala.

In 10 years of high school coaching, Mac Champion has amassed a staggering record of 99 wins, four losses, and one tie, a record that undoubtedly would make, say, Alabama's Paul "Bear" Bryant, Nebraska's Bob Devaney, or even Washington Redskins Coach George Allen drool with envy. To those who know him and to those in Alabama's sports circles who are familiar with Coach Champion's decade of football success, they are surprised, not that he has won 99 games, but that somewhere along the line his teams have lost four times.

Off and on the gridiron, Mac Champion believes in unity of purpose and dedication. Without it, he feels that his players and his students would have little to prepare them for life after graduation. In an interview last year, Coach Champion said:

All we have talked about is football, but you know we try to run a good school out here. Our policy at all times is to be firm and fair with our students. We let them know what to expect. They all know our standards, and we expect them to live up to them. I am always ready to listen to any student, but not necessarily to agree with him. He must respect me as an adult seeking the truth.

Our teachers are asked to teach a "purpose in life" as well as their subject. We expect teachers to be an example for our children.

Classes should be 50 minutes of learning to live. I believe students are proud of their learning accomplishments when they know how it will help them in life. Another goal is that of learning how to learn as well as to think as students prepare to accept the responsibilities of living in the world of today.

In conclusion, Coach Champion said:

There's really nothing new under the sun. We try to teach children in school to have confidence by learning how to do things well. Once they learn how, then they realize nothing can hold them back. It is just the same as with our team.

Mr. President, the Birmingham Post Herald of December 27, 1971, published an article containing the account of Mac Champion's outstanding coaching career. 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:

MAC CHAMPION: SUPER ALL-STATE COACH

(By Roy Riley)

Once upon a time a team coached by Mac Champion lost a football game. At least, it seems that somewhere back in the dim, dark past that Champion was the loser, rather than the winner. Perhaps his losses have been mirages.

Perhaps he never has lost a game. The record book shows that high school football teams coached by the former Auburn quarterback (1957 national champion team) have lost four games.

That averages out to .25 losses per year.

He's been at it 10 years.

He's won 99 times. There has been one tie.

Seven times his teams have been unbeaten.

Champion, the head coach at Monroe Academy of the Alabama Private School Association, started his coaching career at his hometown school of Hayneville and went from there to Lowndes Academy, a private school a stone's throw from Hayneville High.

Then he made the switch to Monroe Academy when the private school league was formed and Monroe has won the state title both years.

"We like to win them all," Champion said of his philosophy in coaching. "If we don't, we haven't accomplished our goal. We don't like an 8–1 or a 9–1 season.

"This puts a lot of pressure on our players. We have played 28 straight now without a loss and we're shooting for more. Everybody talks about our winning streak and some people ask if anybody will ever beat Monroe. It takes a lot of courage to go on the field every game thinking you can win them all.

"Our team this year didn't have a lot of super college prospects. We just put 11 players together who believed in themselves and we went through 13 games without a loss (there was one tie)."

Champion started his coaching career at Floyd Junior High School in South Montgomery. He was the first coach in the school's history and after losing two games his first year, he finished with a 21–3 slate, winning the city title his third year with an unbeaten record.

He went from there to Hayneville High where his teams were awesome. He lost one game his first year 14–13 and in that one a man dropped a TD pass in the end zone. The other game he lost at Hayneville was 6–0 against Linden.

The only teams who beat Champion while he was coach at Lowndes Academy were Meridian, Miss. (a big school) and Robert E. Lee of Montgomery.

The Lee game was the worst loss ever inflicted on a Champion team and Lee had to do it in the second half, 36–0. It was 7–0 at the half and Lee just wore them down in the second half.

When he moved to Lowndes Academy, the school did not have a football field or even plans for one. So Champion gave them one. He donated his own land.

"It was about 10 acres worth of land," he said. "Somebody had to do it."

"When I first started out as a coach, I wanted to be the best coach in the state," Champion said. "But that's something you can never measure. But I didn't know my teams would win 99 games in 10 years.

"We want to beat the state winning streak record of 57. We got up to 49 one time before we lost. In modern times it's difficult to put together a winning streak that long and it's a credit to the players I've had over the years."

Champion has never coached at a big school. But rumors are always rampant that he is headed to one school or another. Some rumors even put him in a college position.

"I'd like to coach in college some day," he said. "And I'm sure the time will come. After coaching 10 years and having seven unbeaten teams you'd think somebody would be interested. But I've never had an offer but I've never really gone out to get one, either."

So what about next year?

"We've got half of our boys back," he said. "I think we'll still be in business."

THE EMANCIPATION OF BLACK SCHOLARS

Mr. HOLLINGS. Mr. President, I call the Senate's attention to the December issue of the respected publication, Saturday Review. In an article titled "The Emancipation of Black Scholars," writer Roger M. Williams observes that today many black scholars are choosing teaching careers at black institutions, forgoing the sometimes better pay and "more prestigious" jobs at well-known white schools. I am proud that he finds "an outstanding example of the trend" at Benedict College in South Carolina. After studying this article, it is clear why Benedict's President Payton has recently won a South Carolina Citizen of the Year citation. I ask that the following excerpt from Mr. Williams' article be printed in today's RECORD.

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

While younger men and women have led the way, the movement involves established middle-aged scholars as well. Few of them, it is interesting to note, cite racial discrimination or racial slights as a reason for shifting; service to black people, including involvement with the black community, is the reason most often given.

An outstanding example of the trend is found at Benedict College in Columbia, South Carolina. In the past two years, Benedict has lured several black academics away from jobs at white institutions. Among them are political scientist Freddie Colston, from Ohio State; economist Ivory Lyons, from Northeastern; "community education" specialist Dan Young, from the University of Washington; and William Owens, who was chairman of the speech department at the State University of New York at Brockport. The luring was done by Benedict's thirty-eight-year-old president, Benjamin Payton, who has mounted a quiet campaign to bring top-notch blacks to his faculty. "For a period," says Payton, "the brightest blacks were heading for jobs at white schools. Now bright, well-trained black people are deliberately choosing black institutions. It is no stampede, nor do I want it to be one. And it is not a question of choosing an incompetent black teacher over a competent white one. But if white schools can attract black scholars, doggone it, we should be able to do so too."

Part of the attraction at Benedict is an improved salary scale; Payton has raised the top salary from $10,000 to $19,700. (Benedict and other black colleges soon should be able to raise salaries considerably higher, thanks to a recent Ford Foundation grant of $100-million over a six-year period.) A larger part is Payton's commitment to a broad, active role for black colleges in the local community. Then there is the powerful appeal, which Payton does not need to articulate, of being able to impart knowledge and skills to other black people, providing students with what Payton calls "healthy role models" that they can pattern themselves after. White missionary-educators provided role models in the early decades of the Negro colleges, but they were hardly models for black students to emulate.

Ivory Lyons, who went to Benedict in 1971 after twelve years at Northeastern, was drawn there largely by its record of community involvement. "Many of us thought we would have an impact at the black schools in that respect," says Lyons, "but they are oriented toward the idea that the college does not play an important role in the community. They are still dealing fundamentally with the classroom and lecture situation. I was getting rather fed up with that." Lyons still lectures at Benedict, of course, but he also directs the college's Community Development Institute, which works with local blacks in economic development, social welfare, and education; students and faculty members, for instance, instruct black businessmen in modern accounting, cooperative warehousing, and the like, and they also study ways to remedy such tangible and pressing problems as the displacement of black teachers and principals by school desegregation. One result of Payton's campaign has been a dramatic upgrading of

the Benedict faculty: When Payton arrived in 1967, the faculty included only one black Ph.D.; now there are twenty.

THE 1971 HEW SCHOOL ENROLLMENT SURVEY

Mr. STENNIS. Mr. President, on November 9, 1971, I wrote to the Secretary of Health, Education, and Welfare requesting that the results of the survey of racial enrollment in public schools for the current year be made available as soon as possible, so that they could be used by the Congress in considering pending legislation.

On November 23, not having received a reply to my letter, I commented on the Senate floor on the need for this data, and placed in the RECORD a copy of my letter to Secretary Richardson.

Later, I received a reply from the Secretary, bearing the date of November 23, but I felt that it fell short of being responsive to the needs of Congress with respect to providing necessary and available data on school enrollment for the 1971–72 school year. I so stated in remarks in the Senate on December 11. The Secretary's letter, however, afforded me an opportunity to request specific data from Mr. J. Stanley Pottinger, which I did, under date of December 7, and that letter was placed in the RECORD on December 11. I simplified the request as much as possible, asking for only a part of the format of the previous HEW surveys in 1968 and 1970. I requested data in three categories—Negro enrollment in majority-white schools, in 80 to 100 percent Negro schools, and in 95 to 100 percent Negro schools—and I asked for it by region and for the 100 largest school districts.

On January 11, I received the data from HEW, and on the following day it was contained in a press release by Secretary Richardson. I ask unanimous consent that the tabular data on racial enrollment in public schools be printed in the RECORD at the conclusion of my remarks, so that it will be available for ready reference when the education bill is considered later this month.

The data is very useful, and I wish to thank Mr. Pottinger for taking the necessary steps to make it available. In one respect it falls somewhat short of what I requested, in that the information on schools of 100 percent Negro enrollment is provided, in lieu of that for schools of 95 to 100 percent Negro enrollment. The latter category was used to eliminate any distortions of data that might have resulted from token desegregations of 1 or 2 percent, to get out of the category of being a 100 percent minority school. However, I have been told that it would take several weeks to get the additional category I requested, and unfortunately conclude that we must do without it. Nevertheless, as I said, the data provided will be useful to our purposes.

Mr. President, I wish to comment on some of the more meaningful figures in the school survey. They illustrate vividly a premise that I have been emphasizing to the Members of this body. Over the last several years I have been speaking regularly on the Senate floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on Southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

The HEW school survey figures illustrate that the dual standard still exists; that token steps are seen in the Northern and Western States, while the South is obliged to follow standards of great rigidity, regardless of the effect on elementary and secondary education.

Comparing the last two surveys, the regional figures indicate only minimal desegregation took place in the 32 Northern and Western States. In every category the change was less than 1 percent. The six border States and the District of Columbia showed even less progress. In fact, there was an actual increase in the percentage of Negro students in 80 to 100 percent Negro schools, and in 100 percent Negro schools.

In the South, on the contrary, extensive desegregation continued. On a percentage basis, comparing the 11 Southern States with the 32 Northern and Western States, there was 16 times as much change in the South in the percentage of Negro students in majority-white schools. There was 14 times as much decrease in the South in Negroes enrolled in 80 to 100 percent black schools and seven times as much decrease in all-black schools. In numbers, rather than percentage, the contrast is even more striking. In the 1-year period, about 147,000 black students were enrolled in majority-white schools as against about 17,000 in the North. In the South, Negro enrollment in 80 to 100 percent black schools decreased by 230,000, but in the North only by about 1,100.

Bear in mind that in the Southern States the proportion of the school population that is black is three times what it is in the Northern and Western States. Nevertheless, the South has a smaller percentage of Negroes enrolled in all-black schools.

For the entire continental United States, the percentage figures show desegregation continuing in each of the three categories. However, if the figures for the 11 Southern States are taken out of the total, the changes for the rest of the country drop to about a seventh of what is shown to around a half of 1 percent in each category.

Examinations of the figures for the 100 largest school districts confirm little or no change in the North and West, while the South is obliged to tear up its schools for the sake of racial balance.

This year, Boston has fewer black students in majority-white schools than last year. Charlotte-Mecklenburg County, in North Carolina, has the same proportion of black to white in their school system as Boston but 97.9 percent of the blacks are in majority-white schools. In Compton, Calif., 97.8 percent of the Negroes are in schools that are more than 80 percent black, and in Gary, Ind., it is 95.7 percent; in Detroit and Dayton it is 78 percent; in Kansas City and Los Angeles 86 percent; in Newark, Cleveland, and St. Louis 90 percent. But in Tampa, 97.8 percent of the blacks are in majority-white schools and in Clearwater, Fla., it is 94.8 percent, with no Negroes in schools that are 80 percent or more black. Winston-Salem and Toledo are quite similar in the size and composition of the pupil population, but Winston-Salem has about 96 percent of their Negro students in majority-white schools; while in Toledo about 60 percent of the Negroes are in schools that are more than 80 percent black. In Los Angeles, Cleveland, Detroit, and other Northern and Western cities, there are fewer Negroes in majority-white schools than in those that are all-black schools, let alone majority-black schools.

There is much more that could be said about the figures, but they are there for all to see.

Mr. President, the continuance of this dual standard—this national hypocrisy based upon alleged differences between de facto and de jure systems—should not continue, and I do not believe that it will. The U.S. Supreme Court, on January 17, agreed for the first time to hear arguments on a northern school segregation case. Action is long overdue by the Supreme Court. Action is long overdue by Congress. Action is long overdue by the administration. Each candidate for President should make his position clear with respect to a constitutional amendment submitting this question to the people. When these actions are taken, the school systems of our country will be on the way back to a moderate and sensible policy that is based on the neighborhood school concept, and the attentions and energies of children, parents, and teachers can turn again toward education as the purpose of schools.

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

TABLE 1.—FALL 1971 ESTIMATED PROJECTIONS OF PUBLIC SCHOOL NEGRO ENROLLMENT COMPARED WITH FINAL FALL 1968 AND 1970 DATA [1]

Geographic area	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:									
1968	43,353,568	6,282,173	14.5	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7
1970	44,877,547	6,707,411	14.9	2,223,506	33.1	3,311,372	49.4	941,111	14.0
1971 estimate	44,691,675	6,724,956	15.0	2,393,824	35.6	3,084,785	45.9	778,832	11.6
Difference 1970–71	−185,782	17,000	.1	170,318	2.5	−226,587	−3.5	−162,279	−2.4
32 North and West: [2]									
1968	28,579,766	2,703,056	9.5	746,030	27.6	1,550,440	57.4	332,408	12.3
1970	29,451,976	2,889,858	9.8	793,979	27.5	1,665,926	57.6	343,629	11.9
1971 estimate	29,299,586	2,913,047	9.9	810,985	27.8	1,664,771	57.1	325,874	11.2
Difference 1970–71	−152,390	23,189	.1	16,916	.3	−1,155	−.5	−17,755	.7
11 South: [3]									
1968	11,043,485	2,942,960	26.6	540,692	18.4	2,317,850	78.8	2,000,486	68.0
1970	11,570,351	3,150,192	27.2	1,230,868	39.1	1,241,050	39.4	443,073	14.1
1971 estimate	11,551,697	3,139,436	27.2	1,377,847	43.9	1,010,558	32.2	290,390	9.2
Difference 1970–71	−18,654	−10,756	0	146,979	4.8	−230,492	−7.2	−152,683	−4.9
6 border and District of Columbia: [4]									
1968	3,730,317	636,157	17.1	180,569	28.4	406,171	63.8	160,504	25.2
1970	3,855,221	667,362	17.3	198,659	29.8	404,396	60.6	154,409	23.1
1971 estimate	3,840,392	672,473	17.5	205,082	30.5	409,456	60.9	162,568	24.2
Difference 1970–71	−14,829	5,111	.2	6,423	.7	5,060	.3	8,159	1.1

[1] 1971 figures are estimations based on latest available data and are subject to change upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Akron, Ohio:									
1970	56,426	15,413	27.3	5,624	36.5	7,594	49.3	0	0
1971	55,570	15,454	27.8	5,208	33.7	6,214	40.2	454	2.9
Albuquerque, N. Mex.:									
1970	83,781	2,048	2.4	742	36.2	779	38.0	0	0
1971	85,473	2,180	2.6	750	34.4	1,022	46.9	0	0
Anne Arundel County, Md. (Annapolis):									
1970	74,021	9,587	13.0	7,547	78.7	335	3.5	0	0
1971	75,654	9,783	12.9	7,716	78.9	305	3.1	0	0
Atlanta, Ga.:									
1970	105,598	72,523	68.7	4,777	6.6	63,111	87.0	24,332	33.6
1971	100,316	72,321	72.1	5,768	8.0	62,131	85.9	15,625	21.6
Austin, Tex.:									
1970	54,974	8,284	15.1	1,323	16.0	6,507	78.5	1,216	14.7
1971	55,565	8,147	14.7	2,938	36.1	4,735	58.1	697	8.6
Boston, Mass.:									
1970	96,696	28,822	29.8	5,174	18.0	18,757	65.1	3,172	11.0
1972	96,583	30,654	31.7	4,574	14.9	19,381	63.2	398	1.3
Brevard County, Fla. (Titusville):									
1970	61,908	6,618	10.7	5,876	88.8	742	11.2	0	0
1971	61,979	6,872	11.1	6,151	89.5	721	10.5	0	0
Broward County, Fla. (Fort Lauderdale):									
1970	117,324	27,230	23.2	14,189	52.1	11,201	41.1	4,303	15.8
1971	122,376	28,554	23.3	22,467	78.7	2,291	8.0	650	2.3
Caddo Parish, La. (Shreveport):									
1970	53,866	26,401	49.0	6,777	25.7	17,959	68.0	11,740	44.5
1971	53,420	26,489	49.6	6,748	25.5	17,653	66.6	8,023	30.3
Charleston County, S.C.:									
1970	57,410	27,059	47.1	8,332	30.8	16,197	59.9	3,675	13.6
1971	57,128	27,445	48.0	7,866	28.7	17,113	62.4	6,838	24.9
Charlotte-Mecklenburg County, N.C.:									
1970	82,507	25,404	30.8	23,050	90.7	1,053	4.1	0	0
1971	81,042	25,796	31.8	25,253	97.9	399	1.5	0	0
Chatham County, Ga. (Savannah):									
1970	40,897	17,963	43.9	3,499	19.5	12,058	67.1	2,804	15.6
1971	37,712	18,195	48.2	10,809	59.4	1,385	7.6	0	0
Cincinnati, Ohio:									
1970	84,199	37,853	45.0	6,399	16.9	20,661	54.6	5,924	15.7
1971	81,879	37,731	46.1	5,159	13.7	20,696	54.9	3,986	10.6
Clark County, Nev. (Las Vegas):									
1970	73,822	9,567	13.0	5,960	62.3	2,870	30.0	515	5.4
1971	73,745	9,499	12.9	6,420	67.6	1,774	18.7	353	3.7
Cleveland, Ohio:									
1970	153,619	88,558	57.6	3,725	4.2	80,505	90.9	30,852	34.8
1971	148,854	85,291	57.3	3,931	4.6	77,841	91.3	30,232	35.4
Cobb County, Ga. (Marietta):									
1970	44,504	1,397	3.1	1,397	100.0	0	0	0	0
1971	45,661	1,336	2.9	1,336	100.0	0	0	0	0
Columbus, Ohio:									
1970	109,329	29,440	26.9	7,614	25.9	15,604	53.0	655	2.2
1971	110,735	31,279	28.2	8,788	28.1	16,862	53 9	205	.7
Compton, Calif.:									
1970	40,364	33,486	83.0	0	0	31,056	92.7	5,303	15.8
1971	39,356	33,471	84.0	0	0	32,740	97.8	2,483	7.4
Corpus Christi, Tex.:									
1970	46,292	2,590	5.6	71	2.7	2,176	84.0	12	.5
1971	45,900	2,601	5.7	143	5.5	2,080	80.0	15	.6
Dade County, Fla. (Miami):									
1970	240,447	60,957	25.4	13,254	21.7	32,352	53.1	7,498	12.3
1971	244,765	62,974	25.7	14,507	23.0	33,485	53.2	8,129	12.9
Dallas, Tex.:									
1970	164,736	55,648	33.8	1,528	2.7	52,380	94.1	12,899	23.2
1971	157,799	57,338	36.3	8,617	15.0	47,843	83.4	6,028	10.5

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Dayton, Ohio:									
1970	56,609	23,013	40.7	2,990	13.0	17,900	77.8	2,183	9.5
1971	55,041	23,489	42.7	3,670	15.6	18,343	78.1	3,431	14.6
De Kalb County, Ga. (Decatur):									.9
1970	85,859	5,379	6.3	3,793	70.5	793	14.7	48	0
1971	88,012	6,351	7.2	4,462	70.3	1,412	22.2	0	
Denver, Colo.:									
1970	97,928	14,434	14.7	6,431	44.6	6,426	44.5	0	0
1971	94,808	14,901	15.7	6,755	45.3	5,443	36.5	0	0
Des Moines, Iowa:									
1970	45,375	3,751	8.3	2,193	58.5	24	0.6	0	0
1971	44,340	3,738	8.4	2,137	57.2	298	8.0	0	0
Detroit, Mich:									
1970	284,396	181,538	63.8	10,618	5.8	143,946	79.3	24,809	13.7
1971	282,076	183,262	65.0	11,629	6.3	143,992	78.6	22,105	12.1
Duval County, Fla. (Jacksonville):									
1970	122,493	36,054	29.4	9,237	25.6	20,747	57.5	13,345	37.0
1971	117,576	36,769	31.3	13,229	36.0	14,042	38.2	8,549	23.3
East Baton Rouge Parish, La.:									
1970	64,198	24,785	38.6	5,457	22.0	17,810	71.9	7,211	29.1
1971	65,906	25,723	39.0	5,897	22.9	18,531	72.0	5,399	21.0
El Paso, Tex.:									
1970	62,545	1,887	3.0	1,090	57.8	383	20.3	60	3.2
1971	62,960	1,915	3.0	1,358	70.9	355	18.5	0	0
Escambia County, Fla. (Pensacola):									
1970	46,987	13,443	28.6	5,548	41.3	2,225	16.6	0	0
1971	44,723	12,713	28.4	5,391	42.4	1,938	15.2	1	0
Flint, Mich.:									
1970	45,659	18,475	40.5	3,512	19.0	7,051	38.2	385	2.1
1971	41,899	17,116	40.9	3,494	20.4	7,973	46.6	319	1.9
Fort Wayne, Ind.:									
1970	43,400	6,492	15.0	1,921	29.6	3,194	49.2	0	0
1971	42,963	6,720	15.6	3,440	51.2	2,429	36.1	0	0
Fort Worth, Tex.:									
1970	88,095	23,542	26.7	2,309	9.8	18,845	80.0	11,399	48.4
1971	82,418	23,311	28.3	4,993	21.4	15,623	67.0	4,767	20.4
Fresno, Calif.:									
1970	57,508	5,133	8.9	1,255	24.4	3,441	67.0	16	3
1971	55,783	5,190	9.3	1,506	29.0	3,322	64.0	13	3
Garden Grove, Calif.:									
1970	52,684	110	0.2	110	100.0	0	0	0	0
1971	51,983	170	.3	170	100.0	0	0	0	0
Gary, Ind.:									
1970	46,595	30,169	64.7	1,060	3.5	27,673	91.7	11,781	39.1
1971	45,332	30,593	67.5	1,177	3.8	29,272	95.7	5,336	17.4
Greenville County, S.C.:									
1970	57,222	12,788	22.3	12,594	98.5	72	.6	0	0
1971	57,559	12,770	22.2	12,654	99.1	0	0	0	0
Hillsborough County, Fla. (Tampa):									
1970	105,347	20,417	19.4	4,771	23.4	12,832	62.8	2,303	11.3
1971	101,298	19,769	19.5	19,335	97.8	90	.5	0	0
Houston, Tex.:									
1970	241,139	85,965	35.6	7,202	8.4	73,373	85.4	7,604	8.8
1971	225,681	85,276	37.8	7,398	8.7	73,351	86.0	7,391	8.7
Indianapolis, Ind.:									
1970	106,239	38,044	35.8	7,785	20.5	22,925	60.3	3,318	8.7
1971	102,326	38,542	37.7	9,060	23.5	23,180	60.1	4,889	12.7
Jefferson County, Ala. (Birmingham area):									
1970	59,717	16,776	28.1	3,240	19.3	13,159	78.4	8,020	47.8
1971	56,573	15,110	26.7	5,952	39.4	8,563	56.7	4,528	30.0
Jefferson County, Ky. (Louisville):									
1970	93,454	3,382	3.6	2,738	81.0	644	19.0	0	0
1971	95,660	3,590	3.8	3,082	85.8	508	14.2	0	0
Jefferson Parish, La. (Gretna):									
1970	63,572	13,201	20.8	6,425	48.7	4,791	36.3	2,577	19.5
1971	61,763	12,790	20.7	12,015	93.9	80	.6	0	0
Kanawha County, W. Va. (Charleston):									
1970	52,888	3,404	6.4	2,934	86.2	0	0	0	0
1971	52,617	3,450	6.6	3,017	87.4	0	0	0	0
Kansas City, Mo.:									
1970	70,503	35,375	50.2	3,301	9.3	29,504	83.4	5,275	14.9
1971	68,335	35,657	52.2	3,468	9.7	30,793	86.4	8,871	24.9
Long Beach, Calif.:									
1970	69,927	6,349	9.1	2,219	35.0	0	0	0	0
1971	69,205	6,972	10.1	2,405	34.5	0	0	0	0
Los Angeles, Calif.:									
1970	642,895	154,926	24.1	9,121	5.9	134,889	87.1	13,551	8.7
1971	633,951	157,589	24.9	10,712	6.8	136,459	86.6	12,046	7.6
Louisville, Ky.:									
1970	53,197	25,674	48.3	3,013	11.7	19,884	77.4	1,094	4.3
1971	50,440	24,591	48.8	3,120	12.7	20,246	82.3	3,830	15.6
Milwaukee, Wis.:									
1970	132,349	34,355	26.0	4,197	12.2	26,193	76.2	0	0
1971	131,815	36,930	28.0	5,467	14.8	29,111	78.8	2,059	5.6
Minneapolis, Minn.:									
1970	66,938	5,935	8.9	3,416	57.6	0	0	0	0
1971	65,201	6,351	9.7	4,118	64.8	428	6.7	0	0
Muscogee County, Ga. (Columbus):									
1970	42,010	13,074	31.1	1,564	12.0	11,214	85.8	8,093	61.9
1971	40,341	13,126	32.5	12,602	96.0	211	1.6	211	1.6
Nashville-Davidson County, Tenn.:									
1970	95,313	23,473	24.6	5,877	25.0	15,727	67.0	4,942	21.1
1971	88,190	23,963	27.2	19,820	82.7	0	0	0	0
Newark, N.J.:									
1970	78,456	56,651	72.2	1,620	2.9	51,685	91.2	11,217	19.8
1971	79,661	57,358	72.0	1,463	2.6	52,359	91.3	12,888	22.5
Norfolk, Va.:									
1970	55,117	24,757	44.9	8,139	32.9	13,827	55.9	6,457	26.1
1971	50,791	24,341	47.9	12,280	50.4	285	1.2	0	0
Oakland, Calif.:									
1970	67,830	38,567	56.9	2,498	6.5	28,988	75.2	991	2.6
1971	67,323	39,102	58.1	2,480	6.3	28,582	73.1	634	1.6
Oklahoma City, Okla.:									
1970	70,042	16,109	23.0	3,442	21.4	12,095	75.1	3,672	22.8
1971	69,130	16,309	23.6	3,576	21.9	11,135	68.3	5,235	32.1

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)—Continued

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS—Continued

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Orange County, Fla. (Orlando):									
1970	85,270	15,398	18.1	6,265	40.7	8,005	52.0	2,553	16.6
1971	84,928	15,638	18.4	8,173	52.3	4,428	28.3	772	4.9
Orleans Parish, La. (New Orleans):									
1970	109,856	76,388	69.5	5,925	7.8	62,567	81.9	37,053	48.5
1971	108,969	77,538	71.2	5,079	6.6	62,669	80.8	36,587	47.2
Pinellas County, Fla. (Clearwater):									
1970	85,117	13,766	16.2	6,264	45.5	2,881	20.9	667	4.8
1971	86,878	14,137	16.3	13,408	94.8	0	0	0	0
Polk County, Fla. (Bartow):									
1970	54,380	11,899	21.9	8,622	72.5	1,444	12.1	0	0
1971	55,343	12,217	22.1	9,761	79.9	1,433	11.7	0	0
Portland, Oreg.:									
1970	76,206	7,008	9.2	4,352	62.1	1,494	21.3	0	0
1971	72,694	7,103	9.8	3,721	52.4	1,504	21.2	0	0
Prince George's County, Md. (District of Columbia area):									
1970	160,897	31,994	19.9	13,040	40.8	11,190	35.0	724	2.3
1971	162,828	36,450	22.4	14,093	38.7	14,510	39.8	550	1.5
Richmond, Calif.:									
1970	41,492	11,389	27.4	5,730	50.3	3,781	33.2	343	3.0
1971	41,390	11,699	28.3	5,704	48.8	3,598	30.8	345	2.9
Richmond, Va.:									
1970	47,988	30,785	64.2	3,609	11.7	17,485	56.8	2,954	9.6
1971	44,989	31,101	69.1	1,901	6.1	11,363	36.5	32	.1
Rochester, N.Y.:									
1970	45,500	15,082	33.1	6,161	40.9	6,661	44.2	0	0
1971	44,152	15,747	35.7	7,709	49.0	5,303	33.7	0	0
Rockford, Ill.:									
1970	43,116	5,300	12.3	2,965	55.9	412	7.8	0	0
1971	42,131	5,385	12.8	2,999	55.7	449	8.3	0	
Sacramento, Calif.:									
1970	52,218	8,012	15.3	5,273	65.8	302	3.8	0	0
1971	49,658	8,070	16.3	5,166	64.0	540	6.7	0	0
San Antonio, Tex.:									
1970	77,253	11,853	15.3	1,099	9.3	7,950	67.1	1,310	11.1
1971	74,955	11,600	15.5	958	8.3	8,260	71.2	1,463	12.6
Shawnee Mission, Kan. (Kansas City area):									
1970	45,289	140	.3	140	100.0	0	0	0	0
1971	41,936	157	.4	144	91.7	3	1.9	3	1.9
St. Louis, Mo.:									
1970	111,233	72,965	65.6	1,827	2.5	64,166	87.9	36,316	49.8
1971	107,986	73,149	67.7	1,545	2.1	65,668	89.8	34,717	47.5
St. Paul, Minn.:									
1970	49,732	3,163	6.4	2,043	64.6	340	10.7	0	0
1971	50,589	3,541	7.0	2,421	68.4	339	9.6	0	0
Toledo, Ohio:									
1970	61,699	16,407	26.6	3,954	24.1	9,725	59.3	579	3.5
1971	62,597	17,052	27.2	3,838	22.5	10,121	59.4	448	2.6
Virginia Beach, Va.:									
1970	45,245	4,793	10.6	4,187	87.4	606	12.6	0	0
1971	46,802	4,793	10.2	4,793	100.0	0	0	0	0
Washington, D.C.:									
1970	145,330	137,502	94.6	1,674	1.2	133,421	97.0	46,117	33.5
1971	141,806	135,068	95.2	455	.3	131,844	97.6	47,516	35.2
Wichita, Kans.:									
1970	63,811	9,362	14.7	6,025	64.4	2,950	31.5	371	4.0
1971	59,868	9,274	15.5	9,247	99.7	0	0	0	0
Winston-Salem-Forsyth County, N.C.:									
1970	49,514	13,727	27.7	5,077	37.0	7,884	57.4	6,015	43.8
1971	47,937	14,097	29.4	13,494	95.7	383	2.7	0	0

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be recognized to speak on S. 2515 when the Senate reconvenes today, following the state of the Union address by the President; and I ask unanimous consent that the unfinished business be laid down at this time.

Mr. JAVITS. Mr. President, let us hear the statement about S. 2515.

Mr. MANSFIELD. The Senator from Pennsylvania (Mr. SCHWEIKER) is to be recognized after the state of the Union message.

Mr. JAVITS. Mr. President, I want to offer an amendment. I have not yet been recognized as the ranking minority member to make my opening statement on this matter. I would like to do that. I will arrange to have the Senator from Pennsylvania yield to me.

Mr. MANSFIELD. That will be satisfactory.

The PRESIDING OFFICER. Without objection it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? There being no objection, the Senate proceeded to consider the bill.

JOINT SESSION OF THE TWO HOUSES, THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, the time for the Senate to reassemble to be as soon as possible after the conclusion of the state of the Union message of the President of the United States to the joint session.

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

(At 12:11 p.m., the Senate took a recess subject to the call of the Chair.)

(Thereupon, the Senate, in a body, preceded by the Sergeant at Arms (Robert G. Dunphy), the Secretary of the Senate (Francis R. Valeo), the President pro tempore (Mr. ELLENDER), and the Vice President, proceeded to the Hall of the House of Representatives to meet in joint session, to be addressed by the President of the United States on the state of the Union.)

(The address delivered by the President of the United States at the joint ses-

sion of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

(On the close of the joint session, the Senate, in a body, returned to the Senate Chamber.)

(At 1:20 p.m., at the expiration of the recess, the Senate was called to order by the Presiding Officer (Mr. HUGHES).

COMMUNICATION FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, D.C., January 20, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully request that the written message I have handed to you and to the Speaker of the House be considered a part of my annual report to the Congress on the State of the Union.

Sincerely,

RICHARD NIXON.

Mr. BYRD of West Virginia subsequently said:

Mr. President, I ask unanimous consent that the 15,000-word message of the President referred to in his state of the Union message be referred jointly to all of the standing committees for their consideration of the subject matter therein falling within their respective jurisdictions.

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

The message from the President is as follows:

To the Congress of the United States:

It was just 3 years ago today that I took the oath of office as President. I opened my address that day by suggesting that some moments in history stand out "as moments of beginning," when "courses are set that shape decades or centuries." I went on to say that "this can be such a moment."

Looking back 3 years later, I would suggest that it was such a moment—a time in which new courses were set on which we now are traveling. Just how profoundly these new courses will shape our decade or our century is still an unanswered question, however, as we enter the fourth year of this administration. For moments of beginning will mean very little in history unless we also have the determination to follow up on those beginnings.

Setting the course is not enough. Staying the course is an equally important challenge. Good government involves both the responsibility for making fresh starts and the responsibility for perseverance.

The responsibility for perseverance is one that is shared by the President, the public, and the Congress.

—We have come a long way, for example, on the road to ending the Vietnam war and to improving relations with our adversaries. But these initiatives will depend for their lasting meaning on our persistence in seeing them through.

—The magnificent cooperation of the American people has enabled us to make substantial progress in curbing inflation and in reinvigorating our economy. But the new prosperity we seek can be completed only if the public continues in its commitment to economic responsibility and discipline.

—Encouraging new starts have also been made over the last 3 years in treating our domestic ills. But continued progress now requires the Congress to act on its large and growing backlog of pending legislation.

America's agenda for action is already well established as we enter 1972. It will grow in the weeks ahead as we present still more initiatives. But we dare not let the emergence of new business obscure the urgency of old business. Our new agenda will be little more than an empty gesture if we abandon—or even de-emphasize—that part of the old agenda which is yet unfinished.

GETTING OURSELVES TOGETHER

One measure of the Nation's progress in these first years of the seventies is the improvement in our national morale. While the 1960's were a time of great accomplishment, they were also a time of growing confusion. Our recovery from that condition is not complete, but we have made a strong beginning.

Then we were a shaken and uncertain people, but now we are recovering our confidence. Then we were divided and suspicious, but now we are renewing our sense of common purpose. Then we were surrounded by shouting and posturing, but we have been learning once again to lower our voices. And we have also been learning to listen.

A history of the 1960's was recently published under the title, *Coming Apart*. But today we can say with confidence that we are coming apart no longer. The "center" of American life has held, and once again we are getting ourselves together.

THE SPIRIT OF REASON AND REALISM

Under the pressures of an election year, it would be easy to look upon the legislative program merely as a political device and not as a serious agenda. We must resist this temptation. The year ahead of us holds precious time in which to accomplish good for this Nation and we must not, we dare not, waste it. Our progress depends on a continuing spirit of partnership between the President and the Congress, between the House and the Senate, between Republicans and Democrats. That spirit does not require us always to agree with one another but it does require us to approach our tasks, together, in a spirit of reason and realism.

Clear words are the great servant of reason. Intemperate words are the great enemy of reason. The cute slogan, the glib headline, the clever retort, the appeal to passion—these are not the way to truth or to good public policy.

To be dedicated to clear thinking, to place the interests of all above the interests of the few, to hold to ultimate values and to curb momentary passions, to think more about the next generation and less about the next election—these are now our special challenges.

ENDING THE WAR

The condition of a nation's spirit cannot be measured with precision, but some of the factors which influence that spirit can. I believe the most dramatic single measurement of the distance we have traveled in the last 36 months is found in the statistics concerning our involvement in the war in Vietnam.

On January 20, 1969 our authorized troop ceiling in Vietnam was 549,500. And there was no withdrawal plan to bring these men home. On seven occasions since that time, I have announced withdrawal decisions—involving a total of 480,500 troops. As a result, our troop ceiling will be only 69,000 by May 1. This means that in 3 years we will have cut our troop strength in Vietnam by 87 percent. As we proceed toward our goal of a South Vietnam fully able to defend itself, we will reduce that level still further.

In this same period, expenditures connected with the war have been cut drastically. There has been a drop of well over 50 percent in American air activity in all of Southeast Asia. Our ground combat role has been ended. Most importantly, there has been a reduction of 95 percent in combat deaths.

Our aim is to cut the death and casualty toll by 100 percent, to obtain the release of those who are prisoners of war, and to end the fighting altogether.

It is my hope that we can end this tragic conflict through negotiation. If we cannot, then we will end it through Vietnamization. But end it we shall—in a way which fulfills our commitment to the people of South Vietnam and which gives them the chance for which they have already sacrificed so much—the chance to choose their own future.

THE LESSONS OF CHANGE

The American people have learned many lessons in the wake of Vietnam—some helpful and some dangerous. One important lesson is that we can best serve our own interests in the world by setting realistic limits on what we try to accomplish unilaterally. For the peace of the world will be more secure, and its progress more rapid, as more nations come to share more fully in the responsibilities for peace and for progress.

At the same time, to conclude that the United States should now withdraw from all or most of its international responsibilities would be to make a dangerous error. There has been a tendency among some to swing from one extreme to the other in the wake of Vietnam, from wanting to do too much in the world to wanting to do too little. We must resist this temptation to over-react. We must stop the swinging pendulum before it moves to an opposite position, and forge instead an attitude toward the world which is balanced and sensible and realistic.

America has an important role to play in international affairs, a great influence to exert for good. As we have throughout this century, we must continue our profound concern for advancing peace and freedom, by the most effective means pos-

sible, even as we shift somewhat our view of what means are most effective.

This is our policy:

—We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

—We will help other nations develop the capability of defending themselves.

—We will faithfully honor all of our treaty commitments.

—We will act to defend our interests whenever and wherever they are threatened any place in the world.

—But where our interests or our treaty commitments are not involved our role will be limited.

—We will not intervene militarily.

—But we will use our influence to prevent war.

—If war comes we will use our influence to try to stop it.

—Once war is over we will do our share in helping to bind up the wounds of those who have participated in it.

OPENING NEW LINES OF COMMUNICATION

Even as we seek to deal more realistically with our partners, so we must also deal more realistically with those who have been our adversaries. In the last year we have made a number of notable advances toward this goal.

In our dealings with the Soviet Union, for example, we have been able, together with our allies, to reach an historic agreement concerning Berlin. We have advanced the prospects for limiting strategic armaments. We have moved toward greater cooperation in space research and toward improving our economic relationships. There have been disappointments such as South Asia and uncertainties such as the Middle East. But there has also been progress we can build on.

It is to build on the progress of the past and to lay the foundations for greater progress in the future that I will soon be visiting the capitals of both the Peoples Republic of China and the Soviet Union. These visits will help to fulfill the promise I made in my Inaugural address when I said "that during this administration our lines of communication will be open," so that we can help create "an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation." It is in this spirit that I will undertake these journeys.

We must also be realistic, however, about the scope of our differences with these governments. My visits will mean not that our differences have disappeared or will disappear in the near future. But peace depends on the ability of great powers to live together on the same planet despite their differences. The important thing is that we talk about these differences rather than fight about them.

It would be a serious mistake to say that nothing can come of our expanded communications with Peking and Moscow. But it would also be a mistake to expect too much too quickly.

It would also be wrong to focus so much attention on these new opportunities that we neglect our old friends. That is why I have met in the last few weeks with the leaders of two of our hemisphere neighbors, Canada and Brazil, with the leaders of three great European nations, and with the Prime Minister of Japan. I believe these meetings were extremely successful in cementing our understandings with these governments as we move forward together in a fast changing period.

Our consultations with our allies may not receive as much attention as our talks with potential adversaries. But this makes them no less important. The cornerstone of our foreign policy remains—and will remain—our close bonds with our friends around the world.

A STRONG DEFENSE: THE GUARDIAN OF PEACE

There are two additional elements which are critical to our efforts to strengthen the structure of peace.

The first of these is the military strength of the United States.

In the last 3 years we have been moving from a wartime to a peacetime footing, from a period of continued confrontation and arms competition to a period of negotiation and potential arms limitation, from a period when America often acted as policeman for the world to a period when other nations are assuming greater responsibility for their own defense. I was recently encouraged, for example, by the decision of our European allies to increase their share of the NATO defense budget by some $1 billion.

As a part of this process, we have ended the production of chemical and biological weaponry and have converted two of our largest facilities for such production to humanitarian research. We have been able to reduce and in some periods even to eliminate draft calls. In 1971, draft calls—which were as high as 382,000 at the peak of the Vietnam war—fell below 100,000, the lowest level since 1962. In the coming year they will be significantly lower. I am confident that by the middle of next year we can achieve our goal of reducing draft calls to zero.

As a result of all these developments, our defense spending has fallen to 7 percent of our gross national product in the current fiscal year, compared with 8.3 percent in 1964 and 9.5 percent in 1968. That figure will be down to 6.4 percent in fiscal year 1973. Without sacrificing any of our security interests, we have been able to bring defense spending below the level of human resource spending for the first time in 20 years. This condition is maintained in my new budget—which also, for the first time, allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

But just as we avoid extreme reactions in our political attitudes toward the world, so we must avoid over-reacting as we plan for our defense. We have reversed spending priorities, but we have never compromised our national security and we never will. For any step which weakens America's defenses will also weaken the prospects for peace.

Our plans for the next year call for an increase in defense spending. That increase is made necessary in part by rising research and development costs, in part by military pay increases—which, in turn, will help us eliminate the draft—and in part by the need to proceed with new weapon systems to maintain our security at an adequate level. Even as we seek with the greatest urgency stable controls on armaments, we cannot ignore the fact that others are going forward with major increases in their own arms programs.

In the year ahead we will be working to improve and protect, to diversify and disperse our strategic forces in ways which make them even less vulnerable to attack and more effective in deterring war. I will request a substantial budget increase to preserve the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force. I recently directed the Department of Defense to develop a program to build additional missile launching submarines, carrying a new and far more effective missile. We will also proceed with programs to reoutfit our Polaris submarines with the Poseidon missile system, to replace older land-based missiles with Minuteman III, and to deploy the Safeguard Antiballistic Missile System.

At the same time, we must move to maintain our strength at sea. The Navy's budget was increased by $2 billion in the current fiscal year, and I will ask for a similar increase next year, with particular emphasis on our shipbuilding programs.

Our military research and development program must also be stepped up. Our budget in this area was increased by $594 million in the current fiscal year and I will recommend a further increase for next year of $838 million. I will also propose a substantial program to develop and procure more effective weapons systems for our land and tactical air forces, and to improve the National Guard and Reserves, providing more modern weapons and better training.

In addition, we will expand our strong program to attract volunteer career soldiers so that we can phase out the draft. With the cooperation of the Congress, we have been able to double the basic pay of first time enlistees. Further substantial military pay increases are planned. I will also submit to the Congress an overall reform of our military retirement and survivor benefit programs, raising the level of protection for military families. In addition, we will expand efforts to improve race relations, to equalize promotional opportunities, to control drug abuse, and generally to improve the quality of life in the Armed Forces.

As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world—to achieve an arms control agreement, for example—depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace.

In my Inaugural address 3 years ago I called for cooperation to reduce the bur-

den of arms—and I am encouraged by the progress we have been making toward that goal. But I also added this comment: ". . . to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be." Today I repeat that reminder.

A REALISTIC PROGRAM OF FOREIGN ASSISTANCE

Another important expression of America's interest and influence in the world is our foreign assistance effort. This effort has special significance at a time when we are reducing our direct military presence abroad and encouraging other countries to assume greater responsibilities. Their growing ability to undertake these responsibilities often depends on America's foreign assistance.

We have taken significant steps to reform our foreign assistance programs in recent years, to eliminate waste and to give them greater impact. Now three further imperatives rest with the Congress:

—to fund in full the levels of assistance which I have earlier recommended for the current fiscal year, before the present interim funding arrangement expires in late February;

—to act upon the fundamental aid reform proposals submitted by this administration in 1971;

—and to modify those statutes which govern our response to expropriation of American property by foreign governments, as I recommended in my recent statement on the security of overseas investments.

These actions, taken together, will constitute not an exception to the emerging pattern for a more realistic American role in the world, but rather a fully consistent and crucially important element in that pattern.

As we work to help our partners in the world community develop their economic potential and strengthen their military forces, we should also cooperate fully with them in meeting international challenges such as the menace of narcotics, the threat of pollution, the growth of population, the proper use of the seas and seabeds, and the plight of those who have been victimized by wars and natural disasters. All of these are global problems and they must be confronted on a global basis. The efforts of the United Nations to respond creatively to these challenges have been most promising, as has the work of NATO in the environmental field. Now we must build on these beginnings.

AMERICA'S INFLUENCE FOR GOOD

The United States is not the world's policeman nor the keeper of its moral conscience. But—whether we like it or not—we still represent a force for stability in what has too often been an unstable world, a force for justice in a world which is too often unjust, a force for progress in a world which desperately needs to progress, a force for peace in a world that is weary of war.

We can have a great influence for good in our world—and for that reason we bear a great responsibility. Whether we fulfill that responsibility—whether we fully use our influence for good—these are questions we will be answering as we reshape our attitudes and policies toward other countries, as we determine our defensive capabilities, and as we make fundamental decisions about foreign assistance. I will soon discuss these and other concerns in greater detail in my annual report to the Congress on foreign policy.

Our influence for good in the world depends, of course, not only on decisions which touch directly on international affairs but also on our internal strength—on our sense of pride and purpose, on the vitality of our economy, on the success of our efforts to build a better life for all our people. Let us turn then from the state of the Union abroad to the state of the Union at home.

THE ECONOMY: TOWARD A NEW PROSPERITY

Just as the Vietnam war occasioned much of our spiritual crisis, so it lay at the root of our economic problems 3 years ago. The attempt to finance that war through budget deficits in a period of full employment had produced a wave of price inflation as dangerous and as persistent as any in our history. It was more persistent, frankly, than I expected it would be when I first took office. And it only yielded slowly to our dual efforts to cool the war and to cool inflation.

Our challenge was further compounded by the need to reabsorb more than 2 million persons who were released from the Armed Forces and from defense-related industries and by the substantial expansion of the labor force.

In short, the escalation of the Vietnam war in the late 1960's destroyed price stability. And the de-escalation of that war in the early 1970's impeded full employment.

Throughout these years, however, I have remained convinced that both price stability and full employment were realistic goals for this country. By last summer it became apparent that our efforts to eradicate inflation without wage and price controls would either take too long or—if they were to take effect quickly—would come at the cost of persistent high unemployment. This cost was unacceptable. On August 15th I therefore announced a series of new economic policies to speed our progress toward a new prosperity without inflation in peacetime.

These policies have received the strong support of the Congress and the American people, and as a result they have been effective. To carry forward these policies, three important steps were taken this past December—all within a brief 2-week period—which will also help to make the coming year a very good year for the American economy.

On December 10, I signed into law the Revenue Act of 1971, providing tax cuts over the next 3 years of some $15 billion, cuts which I requested to stimulate the economy and to provide hundreds of thousands of new jobs. On December 22, I signed into law the Economic Stabilization Act Amendments of 1971, which will allow us to continue our program of wage and price restraints to break the back of inflation.

Between these two events, on December 18, I was able to announce a major breakthrough on the international economic front—reached in cooperation with our primary economic partners. This breakthrough will mitigate the intolerable strains which were building up in the world's monetary and payments structure and will lead to a removal of trade barriers which have impeded American exports. It also sets the stage for broader reforms in the international monetary system so that we can avoid repeated monetary crises in the future. Both the monetary realignment—the first of its scope in history—and our progress in readjusting trade conditions will mean better markets for American goods abroad and more jobs for American workers at home.

A BRIGHTER ECONOMIC PICTURE

As a result of all these steps, the economic picture—which has brightened steadily during the last 5 months—will, I believe, continue to grow brighter. This is not my judgment alone; it is widely shared by the American people. Virtually every survey and forecast in recent weeks shows a substantial improvement in public attitudes about the economy—which are themselves so instrumental in shaping economic realities.

The inflationary psychology which gripped our Nation so tightly for so long is on the ebb. Business and consumer confidence has been rising. Businessmen are planning a 9.1 percent increase in plant and equipment expenditures in 1972, more than four times as large as the increase in 1971. Consumer spending and retail sales are on the rise. Home building is booming—housing starts last year were up more than 40 percent from 1970, setting an all-time record. Interest rates are sharply down. Both income and production are rising. Real output in our economy in the last 3 months of 1971 grew at a rate that was about double that of the previous two quarters.

Perhaps most importantly, total employment has moved above the 80 million mark—to a record high—and is growing rapidly. In the last 5 months of 1971, some 1.1 million additional jobs were created in our economy and only a very unusual increase in the size of our total labor force kept the unemployment rate from falling.

But whatever the reason, 6 percent unemployment is too high. I am determined to cut that percentage—through a variety of measures. The budget I present to the Congress next week will be an expansionary budget—reflecting the impact of new job-creating tax cuts and job-creating expenditures. We will also push to increase employment through our programs for manpower training and public service employment, through our efforts to expand foreign markets, and through other new initiatives.

Expanded employment in 1972 will be different, however, from many other periods of full prosperity. For it will come without the stimulus of war—and it will come without inflation. Our program of wage and price controls is working. The consumer price index, which rose at a yearly rate of slightly over 6 percent during 1969 and the first half of 1970, rose at a rate of only 1.7 percent from August through November of 1971.

I would emphasize once again, how-

ever, that our ultimate objective is lasting price stability without controls. When we achieve an end to the inflationary psychology which developed in the 1960's, we will return to our traditional policy of relying on free market forces to determine wages and prices.

I would also emphasize that while our new budget will be in deficit, the deficit will not be irresponsible. It will be less than this year's actual deficit and would disappear entirely under full employment conditions. While Federal spending continues to grow, the rate of increase in spending has been cut very sharply—to little more than half that experienced under the previous administration. The fact that our battle against inflation has led us to adopt a new policy of wage and price restraints should not obscure the continued importance of our fiscal and monetary policies in holding down the cost of living. It is most important that the Congress join now in resisting the temptation to overspend and in accepting the discipline of a balanced full employment budget.

I will soon present a more complete discussion of all of these matters in my Budget Message and in my Economic Report.

A NEW ERA IN INTERNATIONAL ECONOMICS

Just as we have entered a new period of negotiation in world politics, so we have also moved into a new period of negotiation on the international economic front. We expect these negotiations to help us build both a new international system for the exchange of money and a new system of international trade. These accomplishments, in turn, can open a new era of fair competition and constructive interdependence in the global economy.

We have already made important strides in this direction. The realignment of exchange rates which was announced last month represents an important forward step—but now we also need basic long-range monetary reform. We have made an important beginning toward altering the conditions for international trade and investment—and we expect further substantial progress. I would emphasize that progress for some nations in these fields need not come at the expense of others. All nations will benefit from the right kind of monetary and trade reform.

Certainly the United States has a high stake in such improvements. Our international economic position has been slowly deteriorating now for some time—a condition which could have dangerous implications for both our influence abroad and our prosperity at home. It has been estimated, for example, that full employment prosperity will depend on the creation of some 20 million additional jobs in this decade. And expanding our foreign markets is a most effective way to expand domestic employment.

One of the major reasons for the weakening of our international economic position is that the ground rules for the exchange of goods and money have forced us to compete with one hand tied behind our back. One of our most important accomplishments in 1971 was our progress in changing this situation.

COMPETING MORE EFFECTIVELY

Monetary and trade reforms are only one part of this story. The ability of the United States to hold its own in world competition depends not only on the fairness of the rules, but also on the competitiveness of our economy. We have made great progress in the last few months in improving the terms of competition. Now we must also do all we can to strengthen the ability of our own economy to compete.

We stand today at a turning point in the history of our country—and in the history of our planet. On the one hand, we have the opportunity to help bring a new economic order to the world, an open order in which nations eagerly face outward to build that network of interdependence which is the best foundation for prosperity and for peace. But we will also be tempted in the months ahead to take the opposite course—to withdraw from the world economically as some would have us withdraw politically, to build an economic "Fortress America" within which our growing weakness could be concealed. Like a child who will not go out to play with other children, we would probably be saved a few minor bumps and bruises in the short run if we were to adopt this course. But in the long run the world would surely pass us by.

I reject this approach. I remain committed to that open world I discussed in my Inaugural address. That is why I have worked for a more inviting climate for America's economic activity abroad. That is why I have placed so much emphasis on increasing the productivity of our economy at home. And that is also why I believe so firmly that we must stimulate more long-range investment in our economy, find more effective ways to develop and use new technology, and do a better job of training and using skilled manpower.

An acute awareness of the international economic challenge led to the creation just one year ago of the Cabinet-level Council on International Economic Policy. This new institution has helped us to understand this challenge better and to respond to it more effectively.

As our understanding deepens, we will discover additional ways of improving our ability to compete. For example, we can enhance our competitive position by moving to implement the metric system of measurement, a proposal which the Secretary of Commerce presented in detail to the Congress last year. And we should also be doing far more to gain our fair share of the international tourism market, now estimated at $17 billion annually, one of the largest factors in world trade. A substantial part of our balance of payments deficit results from the fact that American tourists abroad spend $2.5 billion more than foreign tourists spend in the United States. We can help correct this situation by attracting more foreign tourists to our shores—especially as we enter our Bicentennial era. I am therefore requesting that the budget for the United States Travel Service be nearly doubled in the coming year.

THE UNFINISHED AGENDA

Our progress toward building a new economic order at home and abroad has been made possible by the cooperation and cohesion of the American people. I am sure that many Americans had misgivings about one aspect or another of the new economic policies I introduced last summer. But most have nevertheless been ready to accept this new effort in order to build the broad support which is essential for effective change.

The time has now come for us to apply this same sense of realism and reasonability to other reform proposals which have been languishing on our domestic agenda. As was the case with our economic policies, most Americans agree that we need a change in our welfare system, in our health strategy, in our programs to improve the environment, in the way we finance State and local government, and in the organization of government at the Federal level. Most Americans are not satisfied with the status quo in education, in transportation, in law enforcement, in drug control, in community development. In each of these areas—and in others—I have put forward specific proposals which are responsive to this deep desire for change.

And yet achieving change has often been difficult. There has been progress in some areas, but for the most part, as a nation we have not shown the same sense of self-discipline in our response to social challenges that we have developed in meeting our economic needs. We have not been as ready as we should have been to compromise our differences and to build a broad coalition for change. And so we often have found ourselves in a situation of stalemate—doing essentially nothing even though most of us agree that nothing is the very worst thing we can do.

Two years ago this week, and again one year ago, my messages on the state of the Union contained broad proposals for domestic reform. I am presenting a number of new proposals in this year's message. But I also call once again, with renewed urgency, for action on our unfinished agenda.

WELFARE REFORM

The first item of unfinished business is welfare reform.

Since I first presented my proposals in August of 1969, some 4 million additional persons have been added to our welfare rolls. The cost of our old welfare system has grown by an additional $4.2 billion. People have not been moving as fast as they should from welfare rolls to payrolls. Too much of the traffic has been the other way.

Our antiquated welfare system is responsible for this calamity. Our new program of "workfare" would begin to end it.

Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement. Today, more than ever, we need a new program which helps hold families together rather than driving them apart, which provides day care services so that low income mothers can

trade dependence on government for the dignity of employment, which relieves intolerable fiscal pressures on State and local governments, and which replaces 54 administrative systems with a more efficient and reliable nationwide approach.

I have now given prominent attention to this subject in three consecutive messages on the state of the Union. The House of Representatives has passed welfare reform twice. Now that the new economic legislation has been passed, I urge the Senate Finance Committee to place welfare reform at the top of its agenda. It is my earnest hope that when this Congress adjourns, welfare reform will not be an item of pending business but an accomplished reality.

REVENUE SHARING: RETURNING POWER TO THE PEOPLE

At the same time that I introduced my welfare proposals 2½ years ago, I also presented a program for sharing Federal revenues with State and local governments. Last year I greatly expanded on this concept. Yet, despite undisputed evidence of compelling needs, despite overwhelming public support, despite the endorsement of both major political parties and most of the Nation's Governors and mayors, and despite the fact that most other nations with federal systems of government already have such a program, revenue sharing still remains on the list of unfinished business.

I call again today for the enactment of revenue sharing. During its first full year of operation our proposed programs would spend $17.6 billion, both for general purposes and through six special purpose programs for law enforcement, manpower, education, transportation, rural community development, and urban community development.

As with welfare reform, the need for revenue sharing becomes more acute as time passes. The financial crisis of State and local government is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

Revenue sharing can help us meet these challenges. It can help reverse what has been the flow of power and resources toward Washington by sending power and resources back to the States, to the communities, and to the people. Revenue sharing can bring a new sense of accountability, a new burst of energy and a new spirit of creativity to our federal system.

I am pleased that the House Ways and Means Committee has made revenue sharing its first order of business in the new session. I urge the Congress to enact in this session, not an empty program which bears the revenue sharing label while continuing the outworn system of categorical grants, but a bold, comprehensive program of genuine revenue sharing.

I also presented last year a $100 million program of planning and management grants to help the States and localities do a better job of analyzing their problems and carrying out solutions. I hope this program will also be quickly accepted. For only as State and local governments get a new lease on life can we hope to bring government back to the people—and with it a stronger sense that each individual can be in control of his life, that every person can make a difference.

OVERHAULING THE MACHINERY OF GOVERNMENT: EXECUTIVE REORGANIZATION

As we work to make State and local government more responsive—and more responsible—let us also seek these same goals at the Federal level. I again urge the Congress to enact my proposals for reorganizing the executive branch of the Federal Government. Here again, support from the general public—as well as from those who have served in the executive branch under several Presidents—has been most encouraging. So has the success of the important organizational reforms we have already made. These have included a restructured Executive Office of the President—with a new Domestic Council, a new Office of Management and Budget, and other units; reorganized field operations in Federal agencies; stronger mechanisms for interagency coordination, such as Federal Regional Councils; a new United States Postal Service; and new offices for such purposes as protecting the environment, coordinating communications policy, helping the consumer, and stimulating voluntary service. But the centerpiece of our efforts to streamline the executive branch still awaits approval.

How the government is put together often determines how well the government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. Since that time, however, and especially in recent decades, new responsibilities and new constituencies have caused the structure they established to expand enormously—and in a piecemeal and haphazard fashion.

As a result, our Federal Government today is too often a sluggish and unresponsive institution, unable to deliver a dollar's worth of service for a dollar's worth of taxes.

My answer to this problem is to streamline the executive branch by reducing the overall number of executive departments and by creating four new departments in which existing responsibilities would be refocused in a coherent and comprehensive way. The rationale which I have advanced calls for organizing these new departments around the major purposes of the government—by creating a Department of Natural Resources, a Department of Human Resources, a Department of Community Development, and a Department of Economic Affairs. I have revised my original plan so that we would not eliminate the Department of Agriculture but rather restructure that Department so it can focus more effectively on the needs of farmers.

The Congress has recently reorganized its own operations, and the Chief Justice of the United States has led a major effort to reform and restructure the judicial branch. The impulse for reorganization is strong and the need for reorganization is clear. I hope the Congress will not let this opportunity for sweeping reform of the executive branch slip away.

A NEW APPROACH TO THE DELIVERY OF SOCIAL SERVICES

As a further step to put the machinery of government in proper working order, I will also propose new legislation to reform and rationalize the way in which social services are delivered to families and individuals.

Today it often seems that our service programs are unresponsive to the recipients' needs and wasteful of the taxpayers' money. A major reason is their extreme fragmentation. Rather than pulling many services together, our present system separates them into narrow and rigid categories. The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling. A community finds that it cannot transfer Federal funds from one program area to another area in which needs are more pressing.

Meanwhile, officials at all levels of government find themselves wasting enormous amounts of time, energy, and the taxpayers' money untangling Federal red tape—time and energy and dollars which could better be spent in meeting people's needs.

We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit. We need to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

The Allied Services Act which will soon be submitted to the Congress offers one set of tools for carrying out that new approach in the programs of the Department of Health, Education, and Welfare. It would strengthen State and local planning and administrative capacities, allow for the transfer of funds among various HEW programs, and permit the waiver of certain cumbersome Federal requirements. By streamlining and simplifying the delivery of services, it would help more people move more rapidly from public dependency toward the dignity of being self-sufficient.

Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

PROTECTING THE ENVIRONMENT

A central theme of both my earlier messages on the state of the Union was the state of our environment—and the importance of making "our peace with nature." The last few years have been a time in which environmental values have become firmly embedded in our attitudes—and in our institutions. At the Federal level, we have established a new Environmental Protection Agency, a new Council on Environmental Quality and a

new National Oceanic and Atmospheric Administration, and we have proposed an entire new Department of Natural Resources. New air quality standards have been set, and there is evidence that the air in many cities is becoming less polluted. Under authority granted by the Refuse Act of 1899, we have instituted a new permit program which, for the first time, allows the Federal Government to inventory all significant industrial sources of water pollution and to specify required abatement actions. Under the Refuse Act, more than 160 civil actions and 320 criminal actions to stop water pollution have been filed against alleged polluters in the last 12 months. Major programs have also been launched to build new municipal waste treatment facilities, to stop pollution from Federal facilities, to expand our wilderness areas, and to leave a legacy of parks for future generations. Our outlays for inner city parks have been significantly expanded, and 62 Federal tracts have been transferred to the States and to local governments for recreational uses. In the coming year, I hope to transfer to local park use much more Federal land which is suitable for recreation but which is now underutilized. I trust the Congress will not delay this process.

The most striking fact about environmental legislation in the early 1970's is how much has been proposed and how little has been enacted. Of the major legislative proposals I made in my special message to the Congress on the environment last winter, 18 are still awaiting final action. They include measures to regulate pesticides and toxic substances, to control noise pollution, to restrict dumping in the oceans, in coastal waters, and in the Great Lakes, to create an effective policy for the use and development of land, to regulate the siting of power plants, to control strip mining, and to help achieve many other important environmental goals. The unfinished agenda also includes our National Resource Land Management Act, and other measures to improve environmental protection on federally owned lands.

The need for action in these areas is urgent. The forces which threaten our environment will not wait while we procrastinate. Nor can we afford to rest on last year's agenda in the environmental field. For as our understanding of these problems increases, so must our range of responses. Accordingly, I will soon be sending to the Congress another message on the environment that will present further administrative and legislative initiatives. Altogether our new budget will contain more than three times as much money for environmental programs in fiscal year 1973 as we spent in fiscal year 1969. To fail in meeting the environmental challenge, however, would be even more costly.

I urge the Congress to put aside narrow partisan perspectives that merely ask "whether" we should act to protect the environment and to focus instead on the more difficult question of "how" such action can most effectively be carried out.

ABUNDANT CLEAN ENERGY

In my message to the Congress on energy policy, last June, I outlined additional steps relating to the environment which also merit renewed attention. The challenge, as I defined it, is to produce a sufficient supply of energy to fuel our industrial civilization and at the same time to protect a beautiful and healthy environment. I am convinced that we can achieve both these goals, that we can respect our good earth without turning our back on progress.

In that message last June, I presented a long list of means for assuring an ample supply of clean energy—including the liquid metal fast breeder reactor—and I again emphasize their importance. Because it often takes several years to bring new technologies into use in the energy field, there is no time for delay. Accordingly, I am including in my new budget increased funding for the most promising of these and other clean energy programs. By acting this year, we can avoid having to choose in some future year between too little energy and too much pollution.

KEEPING PEOPLE HEALTHY

The National Health Strategy I outlined last February is designed to achieve one of the Nation's most important goals for the 1970's, improving the quality and availability of medical care, while fighting the trend toward runaway costs. Important elements of that strategy have already been enacted. The Comprehensive Health Manpower Training Act and the Nurse Training Act, which I signed on November 18, represent the most far-reaching effort in our history to increase the supply of doctors, nurses, dentists and other health professionals and to attract them to areas which are experiencing manpower shortages. The National Cancer Act, which I signed on December 23, marked the climax of a year-long effort to step up our campaign against cancer. During the past year, our cancer research budget has been increased by $100 million and the full weight of my office has been given to our all-out war on this disease. We have also expanded the fight against sickle cell anemia by an additional $5 million.

I hope that action on these significant fronts during the first session of the 92d Congress will now be matched by action in other areas during the second session. The Health Maintenance Organization Act, for example, is an essential tool for helping doctors deliver care more effectively and more efficiently with a greater emphasis on prevention and early treatment. By working to keep our people healthy instead of treating us only when we are sick, Health Maintenance Organizations can do a great deal to help us reduce medical costs.

Our National Health Insurance Partnership legislation is also essential to assure that no American is denied basic medical care because of inability to pay. Too often, present health insurance leaves critical outpatient services uncovered, distorting the way in which facilities are used. It also fails to protect adequately against catastrophic costs and to provide sufficient assistance for the poor. The answer I have suggested is a comprehensive national plan—not one that nationalizes our private health insurance industry but one that corrects the weaknesses in that system while building on its considerable strengths.

A large part of the enormous increase in the Nation's expenditures on health in recent years has gone not to additional services but merely to meet price inflation. Our efforts to balance the growing demand for care with an increased supply of services will help to change this picture. So will that part of our economic program which is designed to control medical costs. I am confident that with the continued cooperation of those who provide health services, we will succeed on this most important battlefront in our war against inflation.

Our program for the next year will also include further funding increases for health research—including substantial new sums for cancer and sickle cell anemia—as well as further increases for medical schools and for meeting special problems such as drug addiction and alcoholism. We also plan to construct new veterans hospitals and expand the staffs at existing ones.

In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart disease, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some Scandinavian countries.

I will shortly assign a panel of distinguished experts to help us determine why heart disease is so prevalent and so menacing and what we can do about it. I will also recommend an expanded budget for the National Heart and Lung Institute. The young father struck down by a heart attack in the prime of life, the productive citizen crippled by a stroke, an older person tortured by breathing difficulties during his later years—these are tragedies which can be reduced in number and we must do all that is possible to reduce them.

NUTRITION

One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition. With the increases in our new budget, expenditures on our food stamp program will have increased ninefold since 1969, to the $2.3 billion level. Spending on school lunches for needy children will have increased more than sevenfold, from $107 million in 1969 to $770 million in 1973. Because of new regulations which will be implemented in the year ahead, we will be able to increase further both the equity of our food stamp program and the adequacy of its benefits.

COPING WITH ACCIDENTS—AND PREVENTING THEM

Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million were temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrad-

ing our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.

To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

One of the significant joint accomplishments of the Congress and this administration has been a vigorous new program to protect against job-related accidents and illnesses. Our occupational health and safety program will be further strengthened in the year ahead—as will our ongoing efforts to promote air traffic safety, boating safety, and safety on the highways.

In the last 3 years, the motor vehicle death rate has fallen by 13 percent, but we still lose some 50,000 lives on our highways *each year*—more than we have lost in combat in the entire Vietnam war.

Fully one-half of these deaths were directly linked to alcohol. This appalling reality is a blight on our entire Nation—and only the active concern of the entire Nation can remove it. The Federal Government will continue to help all it can, through its efforts to promote highway safety and automobile safety, and through stronger programs to help the problem drinker.

YESTERDAY'S GOALS: TOMORROW'S ACCOMPLISHMENTS

Welfare reform, revenue sharing, executive reorganization, environmental protection, and the new national health strategy—these, along with economic improvement, constituted the six great goals I emphasized in my last State of the Union address—six major components of a New American Revolution. They remain six areas of great concern today. With the cooperation of the Congress, they can be six areas of great accomplishment tomorrow.

But the challenges we face cannot be reduced to six categories. Our problems—and our opportunities—are manifold, and action on many fronts is required. It is partly for this reason that my State of the Union address this year includes this written message to the Congress. For it gives me the chance to discuss more fully a number of programs which also belong on our list of highest priorities.

ACTION FOR THE AGING

Last month, I joined with thousands of delegates to the White House Conference on Aging in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans. Today I call on the Congress to join me in that pledge. For unless the American dream comes true for our older generation it cannot be complete for any generation.

We can begin to make this a year of action for the aging by acting on a number of proposals which have been pending since 1969. For older Americans, the most significant of these is the bill designated H.R. 1. This legislation, which also contains our general welfare reform measures, would place a national floor under the income of all older Americans, guarantee inflation-proof social security benefits, allow social security recipients to earn more from their own work, increase benefits for widows, and provide a 5-percent across-the-board increase in social security. Altogether, H.R. 1—as it now stands—would mean some $5.5 billion in increased benefits for America's older citizens. I hope the Congress will also take this opportunity to eliminate the $5.80 monthly fee now charged under Part B of Medicare—a step which would add an additional $1.5 billion to the income of the elderly. These additions would come on top of earlier social security increases totaling some $3 billion over the last 3 years.

A number of newer proposals also deserve approval. I am requesting that the budget of the Administration on Aging be increased five-fold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes. I am recommending substantially larger budgets for those programs which give older Americans a better chance to serve their countrymen—Retired Senior Volunteers, Foster Grandparents, and others. And we will also work to ease the burden of property taxes which so many older Americans find so inequitable and so burdensome. Other initiatives, including proposals for extending and improving the Older Americans Act, will be presented as we review the recommendations of the White House Conference on Aging. Our new Cabinet-level Domestic Council Committee on Aging has these recommendations at the top of its agenda.

We will also be following up in 1972 on one of the most important of our 1971 initiatives—the crackdown on substandard nursing homes. Our follow-through will give special attention to providing alternative arrangements for those who are victimized by such facilities.

The legislation I have submitted to provide greater financial security at retirement, both for those now covered by private pension plans and those who are not, also merits prompt action by the Congress. Only half the country's work force is now covered by tax deductible private pensions; the other half deserve a tax deduction for their retirement savings too. Those who are now covered by pension plans deserve the assurance that their plans are administered under strict fiduciary standards with full disclosure. And they should also have the security provided by prompt vesting—the assurance that even if one leaves a given job, he can still receive the pension he earned there when he retires. The legislation I have proposed would achieve these goals, and would also raise the limit on deductible pension savings for the self-employed.

The state of our Union is strong today because of what older Americans have so long been giving to their country. The state of our Union will be stronger tomorrow if we recognize how much they still can contribute. The best thing our country can give to its older citizens is the chance to be a part of it, the chance to play a continuing role in the great American adventure.

EQUAL OPPORTUNITY FOR MINORITIES

America cannot be at its best as it approaches its 200th birthday unless all Americans have the opportunity to be at their best. A free and open American society, one that is true to the ideals of its founders, must give each of its citizens an equal chance at the starting line and an equal opportunity to go as far and as high as his talents and energies will take him.

The Nation can be proud of the progress it has made in assuring equal opportunity for members of minority groups in recent years. There are many measures of our progress.

Since 1969, we have virtually eliminated the dual school system in the South. Three years ago, 68 percent of all black children in the South were attending all black schools; today only 9 percent are attending schools which are entirely black. Nationally, the number of 100 percent minority schools has decreased by 70 percent during the past 3 years. To further expand educational opportunity, my proposed budget for predominantly black colleges will exceed $200 million next year, more than double the level of 3 years ago.

On the economic front, overall Federal aid to minority business enterprise has increased threefold in the last 3 years, and I will propose a further increase of $90 million. Federal hiring among minorities has been intensified, despite cutbacks in Federal employment, so that one-fifth of all Federal employees are now members of minority groups. Building on strong efforts such as the Philadelphia Plan, we will work harder to ensure that Federal contractors meet fair hiring standards. Compliance reviews will be stepped up to a level more than 300 percent higher than in 1969. Our proposed budget for the Equal Employment Opportunity Commission will be up 36 percent next year, while our proposed budget for enforcing fair housing laws will grow by 20 percent. I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

Overall, our proposed budget for civil rights activities is up 25 percent for next year, an increase which will give us nearly three times as much money for advancing civil rights as we had 3 years ago. We also plan a 42 percent increase in the budget for the Cabinet Committee on Opportunities for the Spanish Speaking. And I will propose that the Congress extend the operations of the Civil Rights Commission for another 5-year period.

SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new era in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin

dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

EQUAL RIGHTS FOR WOMEN

This administration will also continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it.

We have already moved vigorously against job discrimination based on sex in both the private and public sectors. For the first time, guidelines have been issued to require that Government contractors in the private sector have action plans for the hiring and promotion of women. We are committed to strong enforcement of equal employment opportunity for women under Title VII of the Civil Rights Act. To help carry out these commitments I will propose to the Congress that the jurisdiction of the Commission on Civil Rights be broadened to encompass sex-based discrimination.

Within the Government, more women have been appointed to high posts than ever before. As the result of my directives issued in April 1971, the number of women appointed to high-level Federal positions has more than doubled—and the number of women in Federal middle management positions has also increased dramatically. More women than ever before have been appointed to Presidential boards and commissions. Our vigorous program to recruit more women for Federal service will be continued and intensified in the coming year.

OPPORTUNITY FOR VETERANS

A grateful nation owes its servicemen and servicewomen every opportunity it can open to them when they return to civilian life. The Nation may be weary of war, but we dare not grow weary of doing right by those who have borne its heaviest burdens.

The Federal Government is carrying out this responsibility in many ways: through the G.I. Bill for education—which will spend 2½ times more in 1973 than in 1969; through home loan programs and disability and pension benefits—which also have been expanded; through better medical services including strong new drug treatment programs; through its budget for veterans hospitals, which is already many times the 1969 level and will be stepped up further next year.

We have been particularly concerned in the last 3 years with the employment of veterans—who experience higher unemployment rates than those who have not served in the Armed Forces. During this past year I announced a six-point national program to increase public awareness of this problem, to provide training and counseling to veterans seeking jobs and to help them find employment opportunities. Under the direction of the Secretary of Labor and with the help of our Jobs for Veterans Committee and the National Alliance of Businessmen, this program has been moving forward. During its first five months of operation, 122,000 Vietnam-era veterans were placed in jobs by the Federal-State Employment Service and 40,000 were enrolled in job training programs. During the next six months, we expect the Federal-State Employment Service to place some 200,000 additional veterans in jobs and to enroll nearly 200,000 more in manpower training programs.

But let us never forget, in this as in so many other areas, that the opportunity for any individual to contribute fully to his society depends in the final analysis on the response—in his own community—of other individuals.

GREATER ROLE FOR AMERICAN YOUTH

Full participation and first class citizenship—these must be our goals for America's young people. It was to help achieve these goals that I signed legislation to lower the minimum voting age to 18 in June of 1970, and moved to secure a court validation of its constitutionality. And I took special pleasure a year later in witnessing the certification of the amendment which placed this franchise guarantee in the Constitution.

But a voice at election time alone is not enough. Young people should have a hearing in government on a day-by-day basis. To this end, and at my direction, agencies throughout the Federal Government have stepped up their hiring of young people and have opened new youth advisory channels. We have also convened the first White House Youth Conference—a wide-open forum whose recommendations have been receiving a thorough review by the Executive departments.

Several other reforms also mean greater freedom and opportunity for America's young people. Draft calls have been substantially reduced, as a step toward our target of reducing them to zero by mid-1973. The lottery system and other new procedures and the contributions of youth advisory councils and younger members on local boards have made the draft far more fair than it was. My educational reform proposals embody the principle that no qualified student who wants to go to college should be barred by lack of money—a guarantee that would open doors of opportunity for many thousands of deserving young people. Our new career education emphasis can also be a significant springboard to good jobs and rewarding lives.

Young America's "extra dimension" in the sixties and seventies has been a drive to help the less fortunate—an activist idealism bent on making the world a better place to live. Our new ACTION volunteer agency, building on the successful experiences of constituent units such as the Peace Corps and Vista, has already broadened service opportunities for the young—and more new programs are in prospect. The Congress can do its part in forwarding this positive momentum by assuring that the ACTION programs have sufficient funds to carry out their mission.

THE AMERICAN FARMER

As we face the challenge of competing more effectively abroad and of producing more efficiently at home, our entire Nation can take the American farmer as its model. While the productivity of our nonfarm industries has gone up 60 percent during the last 20 years, agricultural productivity has gone up 200 percent, or nearly 3½ times as much. One result has been better products and lower prices for American consumers. Another is that farmers have more than held their own in international markets. Figures for the last fiscal year show nearly a $900 million surplus for commercial agricultural trade.

The strength of American agriculture is at the heart of the strength of America. American farmers deserve a fair share in the fruits of our prosperity.

We still have much ground to cover before we arrive at that goal—but we have been moving steadily toward it. In 1950 the income of the average farmer was only 58 percent of that of his non-farm counterpart. Today that figure stands at 74 percent—not nearly high enough, but moving in the right direction.

Gross farm income reached a record high in 1971, and for 1972 a further increase of $2 billion is predicted. Because of restraints on production costs, net farm income is expected to rise in 1972 by 6.4 percent or some $1 billion. Average income per farm is expected to go up 8 percent—to an all-time high—in the next 12 months.

Still there are very serious farm problems—and we are taking strong action to meet them.

I promised 3 years ago to end the sharp skid in farm exports—and I have kept that promise. In just 2 years, farm exports climbed by 37 percent, and last year they set an all-time record. Our expanded marketing programs, the agreement to sell 2 million tons of feed grains to the Soviet Union, our massive aid to South Asia under Public Law 480, and our efforts to halt transportation strikes—by doing all we can under the old law and by proposing a new and better one—these efforts and others are

moving us toward our $10 billion farm export goal.

I have also promised to expand domestic markets, to improve the management of surpluses, and to help in other ways to raise the prices received by farmers. I have kept that promise, too. A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November. Prices received by dairy farmers, at the highest level in history last year, will continue strong in 1972. Soybean prices will be at their highest level in two decades. Prices received by farmers for hogs, poultry and eggs are all expected to go higher. Expanded Government purchases and other assistance will also provide a greater boost to farm income.

With the close cooperation of the Congress, we have expanded the farmers' freedom and flexibility through the Agricultural Act of 1970. We have strengthened the Farm Credit System and substantially increased the availability of farm credit. Programs for controlling plant and animal disease and for soil and water conservation have also been expanded. All these efforts will continue, as will our efforts to improve the legal climate for cooperative bargaining—an important factor in protecting the vitality of the family farm and in resisting excessive government management.

DEVELOPING RURAL AMERICA

In my address to the Congress at this time 2 years ago, I spoke of the fact that one-third of our counties had lost population in the 1960's, that many of our rural areas were slowly being emptied of their people and their promise, and that we should work to reverse this picture by including rural America in a nationwide program to foster balanced growth.

It is striking to realize that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Clearly, our problems are not so much those of numbers as they are of distribution. We must work to revitalize the American countryside.

We have begun to make progress on this front in the last 3 years. Rural housing programs have been increased by more than 450 percent from 1969 to 1973. The number of families benefiting from rural water and sewer programs is now 75 percent greater than it was in 1969. We have worked to encourage sensible growth patterns through the location of Federal facilities. The first biennial Report on National Growth, which will be released in the near future, will further describe these patterns, their policy implications, and the many ways we are responding to this challenge.

But we must do more. The Congress can begin by passing my $1.1 billion program of Special Revenue Sharing for Rural Community Development. In addition, I will soon present a major proposal to expand significantly the credit authorities of the Farmers Home Administration, so that this agency—which has done so much to help individual farmers—can also help spur commercial, industrial and community development in rural America. Hopefully, the FHA will be able to undertake this work as a part of a new Department of Community Development.

In all these ways, we can help ensure that rural America will be in the years ahead what it has been from our Nation's beginning—an area which looks eagerly to the future with a sense of hope and promise.

A COMMITMENT TO OUR CITIES

Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population. I discussed these challenges in my special message to the Congress on Population Growth and the American Future in the summer of 1969—and I have often discussed them since. My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas touch directly on community development.

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposes a $300 million increase over the full year level which we proposed for this program a year ago.

The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways. A Planned Variation concept has been introduced into the Model Cities program which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970.

The Federal Government is only one of many influences on development patterns across our land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good.

IMPROVING TRANSPORTATION

Although the executive branch and the Congress have been led by different parties during the last 3 years, we have cooperated with particular effectiveness in the field of transportation. Together we have shaped the Urban Mass Transportation Assistance Act of 1970—a 12-year, $10 billion effort to expand and improve our common carriers and thus make our cities more livable. We have brought into effect a 10-year $3 billion ship construction program as well as increased research efforts and a modified program of operating subsidies to revamp our merchant marine. We have accelerated efforts to improve air travel under the new Airport and Airway Trust Fund and have been working in fresh ways to save and improve our railway passenger service. Great progress has also been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking.

I hope this strong record will be even stronger by the time the 92nd Congress adjourns. I hope that our Special Revenue Sharing program for transportation will by then be a reality—so that cities and States can make better long-range plans with greater freedom to achieve their own proper balance among the many modes of transportation. I hope, too, that our recommendations for revitalizing surface freight transportation will by then be accepted, including measures both to modernize railway equipment and operations and to update regulatory practices. By encouraging competition, flexibility and efficiency among freight carriers, these steps could save the American people billions of dollars in freight costs every year, helping to curb inflation, expand employment and improve our balance of trade.

One of our most damaging and perplexing economic problems is that of massive and prolonged transportation strikes. There is no reason why the public should be the helpless victim of such strikes—but this is frequently what happens. The dock strike, for example, has been extremely costly for the American people, particularly for the farmer for whom a whole year's income can hinge on how promptly he can move his goods. Last year's railroad strike also dealt a severe blow to our economy.

Both of these emergencies could have been met far more effectively if the Congress had enacted my Emergency Public Interest Protection Act, which I proposed in February of 1970. By passing this legislation in this session, the Congress can give us the permanent machinery so badly needed for resolving future disputes.

Historically, our transportation systems have provided the cutting edge for our development. Now, to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning. This is why we are placing more emphasis and spending more money this year on transportation research and development. For this reason, too, I will propose a 65 percent increase—to the $1 billion level—in our budget for mass transportation. Highway building has been our first priority—and our greatest success story—in the past two decades. Now we must write a similar success story for mass transportation in the 1970's.

PEACE AT HOME: FIGHTING CRIME

Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilizing developments on the international scene has been matched by a growing sense of stability in America. Civil disorders no longer engulf our cities. Colleges and universities have again become places of learning. And while crime is still increasing, the rate of increase has slowed to a 5-year low. In the one city for which the Federal Government has a special responsibility—Washington, D.C.—the picture is even brighter, for here serious crime actually fell by 13 percent in the last year. Washington was one of the 52 major cities which recorded a net reduction in crime in the first nine months of 1971, compared to 23 major cities which made comparable progress a year earlier.

This encouraging beginning is not something that has just happened by itself—I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by State and local governments.

Federal expenditures on crime have increased 200 percent since 1969 and we are proposing another 18 percent increase in our new budget. The Organized Crime Control Act of 1970, the District of Columbia Court Reform Act, and the Omnibus Crime Control Act of 1970 have all provided new instruments for this important battle. So has our effort to expand the Federal strike force program as a weapon against organized crime. Late last year, we held the first National Conference on Corrections—and we will continue to move forward in this most critical field. I will also propose legislation to improve our juvenile delinquency prevention programs. And I again urge action on my Special Revenue Sharing proposal for law enforcement.

By continuing our stepped up assistance to local law enforcement authorities through the Law Enforcement Assistance Administration, by continuing to press for improved courts and correctional institutions, by continuing our intensified war on drug abuse, and by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation's capital can be achieved in a growing number of other communities throughout the Nation.

COMBATING DRUG ABUSE

A problem of modern life which is of deepest concern to most Americans—and of particular anguish to many—is that of drug abuse. For increasing dependence on drugs will surely sap our Nation's strength and destroy our Nation's character.

Meeting this challenge is not a task for government alone. I have been heartened by the efforts of millions of individual Americans from all walks of life who are trying to communicate across the barriers created by drug use, to reach out with compassion to those who have become drug dependent. The Federal Government will continue to lead in this effort. The last 3 years have seen an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in program levels for research, education and training. I will propose further substantial increases for these programs in the coming year.

In order to develop a national strategy for this effort and to coordinate activities which are spread through nine Federal agencies, I asked Congress last June to creater a Special Action Office for Drug Abuse Prevention. I also established an interim Office by Executive order, and that unit is beginning to have an impact. But now we must have both the legislative authority and the funds I requested if this Office is to move ahead with its critical mission.

On another front, the United States will continue to press for a strong collective effort by nations throughout the world to eliminate drugs at their source. And we will intensify the world-wide attack on drug smugglers and all who protect them. The Cabinet Committee on International Narcotics Control—which I created last September—is coordinating our diplomatic and law enforcement efforts in this area.

We will also step up our program to curb illicit drug traffic at our borders and within our country. Over the last 3 years Federal expenditures for this work have more than doubled, and I will propose a further funding increase next year. In addition, I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nationwide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

STRENGTHENING CONSUMER PROTECTION

Our plans for 1972 include further steps to protect consumers against hazardous food and drugs and other dangerous products. These efforts will carry forward the campaign I launched in 1969 to establish a "Buyer's Bill of Rights" and to strengthen consumer protection. As a part of that campaign, we have established a new Office of Consumer Affairs, directed by my Special Assistant for Consumer Affairs, to give consumers greater access to government, to promote consumer education, to encourage voluntary efforts by business, to work with State and local governments, and to help the Federal Government improve its consumer-related activities. We have also established a new Consumer Product Information Coordinating Center in the General Services Administration to help us share a wider range of Federal research and buying expertise with the public.

But many of our plans in this field still await Congressional action, including measures to insure product safety, to fight consumer fraud, to require full disclosure in warranties and guarantees, and to protect against unsafe medical devices.

REFORMING AND RENEWING EDUCATION

It was nearly 2 years ago, in March of 1970, that I presented my major proposals for reform and renewal in education. These proposals included student assistance measures to ensure that no qualified person would be barred from college by a lack of money, a National Institute of Education to bring new energy and new direction to educational research, and a National Foundation for Higher Education to encourage innovation in learning beyond high school. These initiatives are still awaiting final action by the Congress. They deserve prompt approval.

I would also underscore my continuing confidence that Special Revenue Sharing for Education can do much to strengthen the backbone of our educational system, our public elementary and secondary schools. Special Revenue Sharing recognizes the Nation's interest in their improvement without compromising the principle of local control. I also call again for the enactment of my $1.5 billion program of Emergency School Aid to help local school districts desegregate wisely and well. This program has twice been approved by the House and once by the Senate in different versions. I hope the Senate will now send the legislation promptly to the conference committee so that an agreement can be reached on this important measure at an early date.

This bill is designed to help local school districts with the problems incident to desegregation. We must have an end to the dual school system, as conscience and the Constitution both require—and we must also have good schools. In this connection, I repeat my own firm belief that educational quality—so vital to the future of all of our children—is not enhanced by unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

FINANCING OUR SCHOOLS

I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today: how best to finance our schools.

In recent years the growing scope and rising costs of education have so overburdened local revenues that financial crisis has become a way of life in many school districts. As a result, neither the benefits nor the burdens of education have been equitably distributed.

The brunt of the growing pressures has fallen on the property tax—one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

These intolerable pressures—on the property tax and on our schools—led me to establish the President's Commission on School Finance in March of 1970. I charged this Commission with the responsibility to review comprehensively both the revenue needs and the revenue resources of public and non-public elementary and secondary education. The Commission will make its final report to me in March.

At the same time, the Domestic Council—and particularly the Secretaries of the Treasury and of Health, Education, and Welfare—have also been studying this difficult and tangled problem. The entire question has been given even greater urgency by recent court decisions in California, Minnesota, New Jersey, and Texas, which have held the conventional method of financing schools through local property taxes discriminatory and unconstitutional. Similar court actions are pending in more than half of our States. While these cases have not yet been reviewed by the Supreme Court, we cannot ignore the serious questions they have raised for our States, for our local school districts, and for the entire Nation.

The overhaul of school finance involves two complex and interrelated sets of problems: those concerning support of the schools themselves, and also the basic relationships of Federal, State and local governments in any program of tax reform.

We have been developing a set of comprehensive proposals to deal with these questions. Under the leadership of the Secretary of the Treasury, we are carefully reviewing the tax aspects of these proposals; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects. Members of the Congress and of the executive branch, Governors, State legislators, local officials and private citizens comprise this group.

Later in the year, after I have received the reports of both the President's Commission on School Finance and the Advisory Commission on Intergovernmental Relations, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education—consistent with the principle of preserving the control by local school boards over local schools.

A NEW EMPHASIS ON CAREER EDUCATION

Career Education is another area of major new emphasis, an emphasis which grows out of my belief that our schools should be doing more to build self-reliance and self-sufficiency, to prepare students for a productive and fulfilling life. Too often, this has not been happening. Too many of our students, from all income groups, have been "turning off" or "tuning out" on their educational experiences. And—whether they drop out of school or proceed on to college—too many young people find themselves unmotivated and ill equipped for a rewarding social role. Many other Americans, who have already entered the world of work, find that they are dissatisfied with their jobs but feel that it is too late to change directions, that they already are "locked in."

One reason for this situation is the inflexibility of our educational system, including the fact that it so rigidly separates academic and vocational curricula. Too often vocational education is foolishly stigmatized as being less desirable than academic preparation. And too often the academic curriculum offers very little preparation for viable careers. Most students are unable to combine the most valuable features of both vocational and academic education; once they have chosen one curriculum, it is difficult to move to the other.

The present approach serves the best interests of neither our students nor our society. The unhappy result is high numbers of able people who are unemployed, underemployed, or unhappily employed on the one hand—while many challenging jobs go begging on the other.

We need a new approach, and I believe the best new approach is to strengthen Career Education.

Career Education provides people of all ages with broader exposure to and better preparation for the world of work. It not only helps the young, but also provides adults with an opportunity to adapt their skills to changing needs, changing technology, and their own changing interests. It would not prematurely force an individual into a specific area of work but would expand his ability to choose wisely from a wider range of options. Neither would it result in a slighting of academic preparation, which would remain a central part of the educational blend.

Career Education is not a single specific program. It is more usefully thought of as a goal—and one that we can pursue through many methods. What we need today is a nationwide search for such methods—a search which involves every area of education and every level of government. To help spark this venture, I will propose an intensified Federal effort to develop model programs which apply and test the best ideas in this field.

There is no more disconcerting waste than the waste of human potential. And there is no better investment than an investment in human fulfillment. Career Education can help make education and training more meaningful for the student, more rewarding for the teacher, more available to the adult, more relevant for the disadvantaged, and more productive for our country.

MANPOWER PROGRAMS: TAPPING OUR FULL POTENTIAL

Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force is prepared for tomorrow—these are central questions for our country.

They are particularly important questions in a time of stiff economic challenge and burgeoning economic opportunity. At such a time, we must find better ways to tap the full potential of every citizen.

This means doing all we can to open new education and employment opportunities for members of minority groups. It means a stronger effort to help the veteran find useful and satisfying work and to tap the enormous talents of the elderly. It means helping women—in whatever role they choose—to realize their full potential. It also means caring for the unemployed—sustaining them, retraining them and helping them find new employment.

This administration has grappled directly with these assignments. We began by completely revamping the Manpower Administration in the Department of Labor. We have expanded our manpower programs to record levels. We proposed—and the Congress enacted—a massive reform of unemployment insurance, adding 9 million workers to the system and expanding the size and duration of benefits. We instituted a Job Bank to match jobs with available workers. The efforts of the National Alliance of Businessmen to train and hire the hard-core unemployed were given a new nationwide focus. That organization has also joined with our Jobs for Veterans program in finding employment for returning servicemen. We have worked to open more jobs for women. Through the Philadelphia Plan and other actions, we have expanded equal opportunity in employment for members of minority groups. Summer jobs for disadvantaged youths went up by one-third last summer. And on July 12 of last year I signed the Emergency Employment Act of 1971, providing more than 130,000 jobs in the public sector.

In the manpower field, as in others, there is also an important unfinished agenda. At the top of this list is my Special Revenue Sharing program for manpower—a bill which would provide more Federal dollars for manpower training while increasing substantially the impact of each dollar by allowing States and cities to tailor training to local labor conditions. My welfare reform proposals are also pertinent in this context, since they are built around the goal of moving people from welfare rolls to payrolls. To help in this effort, H.R. 1 would provide transitional opportunities in community service employment for another 200,000 persons. The Career Education program can also have an important long-range influence on the way we use our manpower. And so can a major new thrust which I am announcing today to stimulate more imaginative use of America's great strength in science and technology.

MARSHALLING SCIENCE AND TECHNOLOGY

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man.

At least from the time of Benjamin Franklin, American ingenuity has enjoyed a wide international reputation. We have been known as a people who could "build a better mousetrap"—and this capacity has been one important reason for both our domestic prosperity and our international strength.

In recent years, America has focused a large share of its technological energy on projects for defense and for space. These projects have had great value. Defense technology has helped us preserve our freedom and protect the peace. Space technology has enabled us to share unparalleled adventures and to lift our sights beyond earth's bounds.

The daily life of the average man has also been improved by much of our defense and space research—for example, by work on radar, jet engines, nuclear reactors, communications and weather satellites, and computers. Defense and space projects have also enabled us to build and maintain our general technological capacity, which—as a result—can now be more readily applied to civilian purposes.

America must continue with strong and sensible programs of research and development for defense and for space. I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area.

I have also reoriented our space program so that it will have even greater domestic benefits. As a part of this effort, I recently announced support for the development of a new earth orbital vehicle that promises to introduce a new era in space research. This vehicle, the space shuttle, is one that can be recovered and used again and again, lowering significantly both the cost and the risk of space operations. The space shuttle would also open new opportunity in fields such as weather forecasting, domestic and international communications, the monitoring of natural resources, and air traffic safety.

The space shuttle is a wise national investment. I urge the Congress to approve this plan so that we can realize these substantial economies and these substantial benefits.

Over the last several months, this administration has undertaken a major review of both the problems and the opportunities for American technology. Leading scientists and researchers from our universities and from industry have contributed to this study. One important conclusion we have reached is that much more needs to be known about the process of stimulating and applying research and development. In some cases, for example, the barriers to progress are financial. In others they are technical. In still other instances, customs, habits, laws, and regulations are the chief obstacles. We need to learn more about all these considerations—and we intend to do so. One immediate step in this effort will be the White House Conference on the Industrial World Ahead which will convene next month and will devote considerable attention to research and development questions.

But while our knowledge in this field is still modest, there are nevertheless a number of important new steps which we can take at this time. I will soon present specific recommendations for such steps in a special message to the Congress. Among these proposals will be an increase next year of $700 million in civilian research and development spending, a 15 percent increase over last year's level and a 65 percent increase over 1969. We will place new emphasis on cooperation with private research and development, including new experimental programs for cost sharing and for technology transfers from the public to the private sector. Our program will include special incentive for smaller high technology firms, which have an excellent record of cost effectiveness.

In addition, our Federal agencies which are highly oriented toward technology—such as the Atomic Energy Commission and the National Aeronautics and Space Administration—will work more closely with agencies which have a primary social mission. For example, our outstanding capabilities in space technology should be used to help the Department of Transportation develop better mass transportation systems. As has been said so often in the last 2 years, a nation that can send three people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

Finally, we will seek to set clear and intelligent targets for research and development, so that our resources can be focused on projects where an extra effort is most likely to produce a breakthrough and where the breakthrough is most likely to make a difference in our lives. Our initial efforts will include new or accelerated activities aimed at:

—creating new sources of clean and abundant energy;
—developing safe, fast, pollution-free transportation;
—reducing the loss of life and property from earthquakes, hurricanes and other natural disasters;
—developing effective emergency health care systems which could lead to the saving of as many as 30,000 lives each year;
—finding new ways to curb drug traffic and rehabilitate drug users.

And these are only the beginning.

I cannot predict exactly where each of these new thrusts will eventually lead us in the years ahead. But I can say with assurance that the program I have outlined will open new employment opportunities for American workers, increase the productivity of the American economy, and expand foreign markets for American goods. I can also predict with confidence that this program will enhance our standard of living and improve the quality of our lives.

Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

A GROWING AGENDA FOR ACTION

The danger in presenting any substantial statement of concerns and requests is that any subject which is omitted from the list may for that reason be regarded as unimportant. I hope the Congress will vigorously resist any such suggestions, for there are many other important proposals before the House and the Senate which also deserve attention and enactment.

I think, for example, of our program for the District of Columbia. In addition to proposals already before the Congress, I will soon submit additional legislation outlining a special balanced program of physical and social development for the Nation's capital as part of our Bicentennial celebration. In this and other ways, we can make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise.

I think, too, of our program to help small businessmen, of our proposals concerning communications, of our recommendations involving the construction of public buildings, and of our program for the arts and humanities—where the proposed new budget is 6 times the level of 3 years ago.

In all, some 90 pieces of major legislation which I have recommended to the Congress still await action. And that list is growing longer. It is now for the Congress to decide whether this agenda represents the beginning of new progress for America—or simply another false start.

THE NEED FOR REASON AND REALISM

I have covered many subjects in this message. Clearly, our challenges are many and complex. But that is the way things must be for responsible government in our diverse and complicated world.

We can choose, of course, to retreat from this world, pretending that our problems can be solved merely by trusting in a new philosophy, a single personality, or a simple formula. But such a retreat can only add to our difficulties and our disillusion.

If we are to be equal to the complexity of our times we must learn to move on many fronts and to keep many commitments. We must learn to reckon our success not by how much we start but by how much we finish. We must learn to be tenacious. We must learn to persevere.

If we are to master our moment, we must first be masters of ourselves. We must respond to the call which has been a central theme of this message—the call to reason and to realism.

To meet the challenge of complexity we must also learn to disperse and decentralize power—at home and abroad—allowing more people in more places to release their creative energies. We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Above all, we must not lose our capacity to dream, to see, amid the realities of today, the possibilities for tomorrow. And then—if we believe in our dreams—we also must wake up and work for them.

RICHARD NIXON.

THE WHITE HOUSE, *January 20, 1972.*

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate resumed the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Accord-

ing to the previous order, the Senator from Pennsylvania is recognized.

AMENDMENT NO. 797

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 797.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 797

On page 38, line 11, immediately after "shall", insert the following: "so notify the General Counsel who may".

On page 40, line 23, immediately after "Commission" insert the following: "or, after issuance of a complaint, the General Counsel upon approval of the Commission".

On page 43, line 15, immediately after "The" insert the following: "General Counsel, upon the recommendation of the"; immediately after "Commission" insert a comma; and strike out the word "may" and insert in lieu thereof "shall".

On page 43, line 18, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 20, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 22, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 45, line 19, strike out "Commission" and insert in lieu thereof "General Counsel".

One page 46, line 3, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 46, line 4, strike out "its" and insert in lieu thereof "the Commission's".

On page 46, line 21, immediately after "the" insert the following: "the General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 46, line 22, strike out "it" and insert in lieu thereof "he".

On page 46, line 23, strike out "its" and insert in lieu thereof "the Commission's".

On page 47, line 23, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 49, line 6, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 50, line 1, immediately after "and the" insert "General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 50, line 1, strike out "may" and insert in lieu thereof "shall".

On page 56, lines 16 and 17, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 58, line 18, immediately after "and", insert the following: ", except as provided in subsection (b),".

On page 58, line 22, immediately after "employees", insert the following: ", except that regional directors of the Commission shall be appointed by the Chiarman with the concurrence of the General Counsel.".

On page 59, immediately after line 22, insert a new subsection (e) as follows:

"(e) (1) Section 705 of the Act is amended by inserting the following new subsection (b):

"'(b) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the issuance of complaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law. The General Counsel shall appoint regional attorneys with the concurrence of the Chairman, and shall appoint such other employees in the Office of the General Counsel as may be necessary to assist in carrying out the General Counsel's responsibilities and functions under this title. In accordance with the provisions of section 554(d) of title 5, United States Code, no employee or agent of the Commission may engage in the performance of prosecutorial functions for the Commission in a case or any factually related case, and also participate or advise in the decision, recommended decision, or Commission review of a decision, except as a witness in public proceedings. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.'

"(2) Subsections (b) through (j) of section 705 of such Act are redesignated as subsections (c) through (k), respectively."

On page 59, line 23, strike out "(e)" and insert in lieu thereof "(f)".

On page 60, line 3, strike out "(f)" and insert in lieu thereof "(g)".

On page 60, line 7, strike out "(g)" and insert in lieu thereof "(h)".

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(i)".

On page 61, following line 23, add the following new subsection 9(d), as follows:

"(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

Mr. SCHWEIKER. Mr. President, it is my intention to ask for the yeas and nays on the amendment upon the conclusion of the debate on the amendment.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Richard D. Siegel of the staff of the Committee on Labor and Public Welfare be permitted the privilege of the floor during the debate on S. 2515.

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

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) may be recognized for the purpose of offering opening remarks on the bill, and that when he has finished his opening remarks I be permitted to continue with the presentation of my amendment.

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

Mr. SCHWEIKER. 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 am grateful to the Senator from Pennsylvania for yielding to me so that I may make my opening statement with respect to this measure, with which I have been very heavily involved, as I am the ranking minority member of the Committee on Labor and Public Welfare, which has reported the measure to the floor.

Mr. President, I fully support S. 2515 as reported out by the Committee on Labor and Public Welfare. This is a landmark measure, an effort to bring up to date the historic Civil Rights Act of 1964.

S. 2515 is a piece of unfinished national business which has been before us several times in past years. A similar bill passed the Senate during the last Congress, only to die in the House Rules Committee; and in 1966 a similar bill passed the House of Representatives, only to die in the Senate. We are now, however, finally at the point where both the House and the Senate can both act during the same Congress, for during the first session of this Congress the House passed an EEOC bill. It is now up to the Senate to act on S. 2515 to set the stage for a conference report and final enactment into law.

Mr. President, it is well known that throughout my service in the Senate I have been devoted to the issue of equal opportunity and I have stayed with that interest in many measures and through many struggles waged here and outside of this Chamber. I feel that, in a sense, this bill is the capstone of everything I have done in Congress in the civil rights field.

I come from a State which has a number of large cities, particularly New York City. I am a slum child myself, having been born and raised in the slums of New York City. I think I understand what makes the members of minorities and the poor, and those who are otherwise badly used in our society, have a failing of incentive, we hope that they will move forward into the normal ranks of aspiring and effective American society and there is nothing that is more important than employment to achieve that result. Indeed, employment is, in my judgment, the very key to the whole problem that we still face in this country, the most critical kind of emergency in respect of our relations with minorities, and especially the black minority of the United States. The critical element, whether we will or will not be successful or whether our country will be torn with strife, as it has been in the recent past, is employment.

A man who has a job and a little money in his pocket is capable of everything: better housing, emergence from the slums, participation, better educational opportunity, a cessation of the rates of dependence on public agencies, including brushes with the law; but a man who does not have that kind of substance and status is a man who is not only bereft but also adrift, and it is the root of all our troubles.

I emphasize this because it is critically important that we understand the ambit of this bill and what it is meant to do. It seeks to correct the major defects in title VII of the landmark Civil Rights Act of 1964.

Its deficiencies are lack of enforce-

ment power in the Equal Opportunities Commission to effectuate the equal employment guarantees which we gave in title VII. Also, we seek to correct failure of our law to cover as many employees as it should in terms of business establishments and to cover employees at the State and local level, and, as the bill now reads, to centralize the administration of pattern and practice and the Federal contractor equal opportunity program into EEOC. I deal with these now briefly, and in turn.

ENFORCEMENT POWER FOR THE EEOC

In title 7 of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established the Equal Employment Opportunity Commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had to agree to strip the Commission of any effective power to enforce the act.

The main architect of the bill in this Chamber was Senator Everett Dirksen of Illinois, the minority leader. I believe history will both justify the compromise which had to be made and will not be unfair to Senator Dirksen. He followed what he thought were his deepest beliefs. The bill would not have passed or would not have been possible at all without him. There are many sections or parts of the bill which are absolutely critical to the achievement of social justice in the United States and adherence to the Constitution, but, even with respect to equal employment, the door was opened, albeit not as wide as I should have wished.

So what I say is not in any way derogating from the historic performance of Senator Dirksen in bringing about enactment. I think he was the most important single personality who had most to do with enactment of the Civil Rights Act of 1964, notwithstanding my feeling that a grave injustice and deficiency remained with respect to the enactment of enforcement machinery for equal employment opportunity.

Under the compromise fashioned in 1964 and embodied in present law, if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who is the subject of the unlawful discrimination to institute his own lawsuit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

The purpose of S. 2515 is to remedy this wide gap in the Civil Rights Act of 1964 by granting to the Equal Employment Opportunity Commission the power to issue administrative cease-and-desist orders similar to those issued by other administrative agencies, such as the National Labor Relations Board.

When the 1964 act was under consideration, I and a number of other Senators were convinced that a governmental agency with some form of enforcement power was absolutely necessary to guarantee the fulfillment of the basic rights created by title 7 of the act. Yet, we had to accept the emasculation of the Commission's powers necessary to secure the votes needed for cloture.

This is not very new. We tried to get it done in 1964. We knew our experience would be that of deprivation as a result of our failure to have that remedy. As I said, we had to compromise in order to get a law. We did, and I am glad we did it. I hope now, given the opportunity to pass this bill, we repair what was so lacking then.

Sadly enough, experience under title 7 to date has borne out our concerns. Conciliation alone has not succeeded in ending discriminatory employment practices, nor does it show any reasonable promise of doing so.

The failure of the conciliation approach was strongly emphasized by many witnesses who testified before the committee, including William H. Brown III, present Chairman of the Commission. The failure of the conciliation approach is summarized very well on page 5 of the committee report as follows:

> The failure of the voluntary conciliation approach is reflected in the present EEOC workload statistics presented by its Chairman, William H. Brown, III. Since its inception, the Commission has received 81,000 charges. Of this number, the Commission has been able to achieve a totally, or even partially satisfactory conciliation in less than half. This means that in a significant number of cases the aggrieved individual was not able to achieve any satisfactory settlement of his claim through the EEOC, and was forced to either give up his or her claim or, if the necessary funds and time were available, to pursue the case through the Federal courts.
>
> While the above-noted number of charges is disturbing by its very size, it becomes even more significant when considered in light of the fact that each year the number of charges filed with the Commission continues to increase. For example, in FY 1970, 14,129 charges were filed with EEOC; in FY 1971, this number increased to 22,920 charges; and current estimates submitted by the Commission indicate that more than 32,000 charges will be filed this year. It is obvious that without effective enforcement powers, the EEOC will become little more than a receptacle for charges of violations of Title VII, and that an ever-increasing number of aggrieved individuals will be left without an adequate remedy for violations which are clearly prohibited by the law.

Another indication of the need to give the Commission effective enforcement power is the statistical evidence of the disparate employment situation faced by women and members of minority races throughout the Nation. For example, during 1970 the unemployment rate for whites was 5.4 percent, while unemployment rate for blacks was 6.3 percent. Similarly, in 1969 while the overall unemployment rate was 3.5 percent, unemployment for Spanish-speaking people was 6.0 percent.

Insofar as women are concerned, the evidence indicates that despite the Equal Pay Act and title 7 of the Civil Rights Act of 1964, women are still paid less than men for doing the same job. Thus, while the median salary for all scientists was $13,200, for women scientists it was $10,000.

I do not mean to imply that title 7 of the 1964 Civil Rights Act has had no effect. Some of the successful lawsuits brought by private litigants and the Justice Department under its pattern-or-practice authority have resulted in important and far-reaching changes in the practices of the employers or unions involved. Equally important, the threat of such lawsuits and the general change in social attitudes throughout the country have resulted in the end of many of the more blatant and overtly discriminatory hiring practices which at one time existed throughout American industry. But this does not mean that employment discrimination has ended; rather, it means that in many instances it has become more sophisticated and subtle. Indeed, inevitably, as attention turns away from entry level jobs to the question of promotions and highest management positions, where judgments by necessity are much more subjective, proving actual discrimination becomes more and more difficult.

There is substantial agreement on the need to put teeth into title 7 by granting the Commission some sort of enforcement power. The only issue really before us is what kind of enforcement power shall it be.

Predictions that enforcement power will be used as an imposition upon private business, to harass employers, and so forth, are absolutely invalid and not shown by experience. I was a party to the enactment of the Ives-Quinn bill in New York, the first antidiscrimination statute against discrimination in employment, in 1945, when I first got out of the Army. We heard the same predictions then—that there would be thousands upon thousands of cases of terrible harassment, the inability of business to operate at all, and so forth, and so forth. No such thing happened. It is now accepted, after 26 years, as an absolutely fundamental element of the law of the State of New York.

So it has been to the extent of the limited powers of the commission under the Federal law, and will be if we give the appropriate powers to the commission—to wit, the cease and desist power.

APPROPRIATENESS OF CEASE-AND-DESIST POWER

I believe that the most appropriate type of power for the Commission is the traditional cease-and-desist order remedy available to other administrative agencies with essentially quasi-judicial functions, such as the NLRB. This leads me to disagree with the administration proposal to permit the Commission to initiate proceedings in the Federal district courts, although I recognize that even that procedure would be a great step forward over existing law.

All of the traditional arguments usually advanced to justify the administrative order approach are fully applicable to the EEOC. Thus, there is clearly a need for uniformity in decisions under title 7 which a single decisionmaking agency can much better insure—at least until the Supreme Court decides a number of cases—than the different Federal courts can. There is also a great need for expertise in interpreting and applying the provisions of title 7 which only a specialized agency can insure. For example, one of the most critical areas under title 7 is testing of applicants for employment. Whether or not a given test is appropriate in a given case presents difficult psychological and sociological is-

sues, as well as difficult problems in the analysis of job content and personnel policy. The Commission has already initiated important work in this area, but under the administration's proposal it will have to educate not only itself, but every Federal judge in the country on the proper resolution of these issues.

There is also the question of speed in case handling. While it is true that the Commission now has a large backlog of cases, its calendar is certainly no worse than that in some of our busier district courts. The committee bill includes provisions encouraging the Commission to dispose of cases within 6 months; that figure will rarely, if ever, be attained in Federal district courts.

Insofar as the question of fairness is concerned, some of those who support a court enforcement approach seem to argue that the administrative process is somehow inherently unfair and that the only way that due process can be obtained is through trials in the district courts. I cannot accept that premise. In the first place, the Administrative Procedures Act, as well as various specific provisions of S. 2515, guarantee procedural due process for all parties to Commission proceedings. Under the APA and the bill, all parties will have the right to be represented by counsel, to examine and cross-examine witnesses, to have a hearing conducted by an independent trial examiner, et cetera. Second, as a further safeguard for procedural due process, there will shortly be offered an amendment, which I understand is acceptable to the chairman of the committee, to provide for an independent general counsel. This will serve to guarantee the separation of prosecutorial and decisional functions within the Commission, which the APA requires. The adoption of this amendment should completely allay any remaining fears that employers, or anyone else for that matter, will not receive the fullest possible due process in proceedings before the Commission.

For these reasons, I support the granting of cease-and-desist power to the EEOC, as S. 2515 does, and shall oppose the amendment to permit direct court enforcement.

EXPANSION OF COVERAGE—EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Mr. President, I wish to address myself briefly now to the other desirable changes in existing law, to wit, the expansion of coverage to employers with eight or more employees, thereby materially reducing the present requirement and reaching more of small business, which, in fact, is somewhat more likely, if anything, because of the smallness of the enterprises and the lack of sophisticated personnel techniques, to be in danger of discriminating than even larger businesses upon whom the public eye is fixed.

So I am very strongly for including employers with eight or more employees, and also opening the law to employees of State and local governments and educational institutions.

I have long urged the coverage of employees of State and local governments, of whom there are over 10 million in the United States. The employment discrimination problem is especially acute in areas where there is heavy minority population. This goes for law enforcement, for education, and for the administration of justice.

Of all the classes of employment which should be subject to title 7 the most obvious, it seems to me, is employment in State and local government which, under the 14th amendment, must be free from arbitrary discrimination.

As noted in the committee report on the bill, the employment discrimination problem is particularly acute in those governmental activities which are most visible to the minority communities—notably education, law enforcement, and the administration of justice—with the result that the credibility of Government's claim to exist "for all the people—by all the people" is called into serious question. This point was made particularly strong by the Civil Rights Commission in its 1969 report on equal opportunity in State and local government employment. The Commission found that minorities are denied equal access to State and local government jobs through both institutional and overt discriminatory practices. Perpetuation of past discriminatory practices through de facto segregated job ladders, invalid selection techniques, and stereotyped supervisory opinions as to the capabilities of minorities as a class were found to be widespread, and if anything more pervasive than in private employment.

When the special nature of the State and local governmental activity involved is considered, the case for ending this kind of discrimination is even stronger. As the Commission pointed out in the introduction to its report:

> State and local governments are the nearly constant companions of every citizen of the United States. Most personal contacts with governments—so routine as to be taken for granted—are with State or local government. Policemen, firemen, and garbage collectors are included in its work force. From the time a birth is recorded at the city or county health department, to the time a burial permit is issued by the city or county, the daily activities of the citizen—education, employment, commerce, recreation—bring him into constant contact with State and local governments.

The committee bill does treat employees of State and local governments differently from other employees in one respect, however. Because of the strong feelings which this issue generated concerning the propriety of a Federal agency passing on the conduct of State and local officials, the committee adopted an amendment under which the Attorney General would litigate contested cases in the Federal district courts if conciliation by the Commission proved unsuccessful. I believe that in this area, involving as it may delicate problems of Federal-State relationships, it is desirable to have the judiciary, rather than an agency in the executive branch, even though it is independent, hear and determine contested cases.

TRANSFER OF PATTERN-OR-PRACTICE SUITS

The committee bill transfers the authority of the Justice Department to bring pattern-or-practice suits under section 707 to the EEOC. As a result of an amendment which I cosponsored and which was adopted by the committee, however, there is a 2-year hiatus during which the Justice Department will retain concurrent jurisdiction with the Commission to bring such suits. I believe that retention of concurrent jurisdiction for 2 years is an excellent way of insuring that we do not waste the extremely valuable expertise which has been gained by Justice Department lawyers prosecuting pattern-or-practice suits during the time it will take the Commission to tool up to meet its new responsibilities.

TRANSFER OF OFCC

The committee bill also transfers the functions of the Office of Federal Contract Compliance under Executive Order 11246. The Executive order deals with nondiscrimination and affirmative action requirements which must be complied with by Federal contractors. It is the Executive order program under which such controversial directives as the Philadelphia plan and Order No. 4 have been promulgated.

I have had some serious questions concerning the desirability of this particular transfer, at least at this time, and I am reserving my position on any amendment which I or others may offer to strike or delay it. Some of the reasons which have caused me to question the desirability of transferring OFCC at this time are as follows:

First, the Commission presently has a large backlog of cases. It is almost 2 years behind in processing its caseload. Giving the Commission enforcement power under title 7 will further increase its workload greatly. Under these circumstances would it be appropriate to give the Commission the added responsibility for enforcement of Executive Order 11246 right now?

Second, the nature of the Executive order program, involving as it does the cooperation of every single Federal executive agency, requires that its implementation come from the highest level of Government, that is, a Cabinet officer.

Third, concentration of all equal employment opportunity activity in one agency could make it easier for those who are opposed to the achievement of full equality of employment opportunity in America to curtail the program through a limitation on appropriations.

Fourth, the problems of coordination which existed among the various Federal programs dealing with equal employment opportunity have largely been solved through the steps which this administration has taken to insure much closer harmony among the Civil Rights Division of the Justice Department, the OFCC, and the EEOC. In particular, the EEOC and the OFCC have entered into a memorandum of understanding designed to avoid overlap, conflict, and duplication of the kind which regrettably did exist in prior years.

Fifth, proper implementation of the Executive order program requires a close working relationship between the Manpower Administration—which is in the Labor Department also—the contracting agencies, and the Federal contractors, for special manpower training and edu-

cation programs are frequently an integral part of compliance programs.

Last, and by no means least, during the past few years under the present administration, OFCC has gone to great lengths to establish the concept of affirmative action as required under the Executive order program as something much more than just the duty not to engage in active discrimination in hiring. Under this concept of affirmative action OFCC has been able to promulgate plans, such as the Philadelphia plan, and numerous similar plans in other cities throughout the country, under which contractors agree to undertake good faith efforts to increase the utilization of minority group employees and women without reference to whether they are actually guilty of illegal discrimination. Many Senators will recall that in 1969 I vigorously, and ultimately successfully defended the Philadelphia plan on the Senate floor. I am happy to say that the legality of the plan was completely vindicated by the Third Circuit Court of Appeals in its decision—*Contractors Association of Eastern Pennsylvania v. Secretary of Labor*, 442 F. 2d 1959 (3d Cir. 1971).

Title 7 of the Civil Rights Act of 1964, on the other hand, is strictly a nondiscrimination law. Affirmative action may be ordered, but only as a remedy in a case of proven discrimination.

As I understand it, the committee report so states on pages 29–30, the committee does not intend, by approving the transfer of the functions of OFCC to EEOC, to alter in any way the scope or meaning of the Executive order program. Thus, if this transfer were to be made, the same agency—EEOC—would be administering different standards under title 7 and the Executive order. The result might be confusion in the agency and confusion in the minds of Federal contractors in dealing with the agency, or a watering down of the Executive order program so that it and the title 7 program become indistinguishable.

The reason I have hesitated thus far in offering an amendment to delay or strike the transfer provision is that despite some of OFCC's good initiatives during the past 3 years, I must confess that I am far from satisfied with the manner in which OFCC has discharged its administrative and management functions under the Executive order so far. While the affirmative action concept looks good, and plans like the Philadelphia plan also promise a great deal, OFCC was unable to supply to the committee staff concrete information showing the actual results of some of the programs they have initiated, or that it is actually applying the Executive order in a manner differently than title 7 would be applied. Thus, when the committee staff sought to ascertain whether the allegations of "motorcycle compliance" which have been made by some critics of the Philadelphia plan were valid, OFCC was unable to supply any information to show that a substantial number of the additional black employees working under Federal contract had not simply been pulled off other jobs to satisfy the requirements of the Philadelphia plan. Also, OFCC was unable to produce accurate information dealing with the number of employers supposedly "passed over" for failure to submit acceptable affirmative action plans.

Even more serious than any of OFCC's management deficiencies in my judgment, is the fact that during the 7 years the program has been administered by the OFCC, just one debarment order has been issued against a Federal contractor—with 10 employees. In the face of numerous court decisions in actions brought by the Justice Department and private parties in which employers have been found guilty of discrimination, and the knowledge we all share that employment discrimination is still a fact in this country, it is almost beyond understanding that with that one exception, not a single debarment order has ever been issued under the OFCC program.

I think it is unfortunate indeed, that for whatever reasons, and they are inexplicable to me, OFCC has been unable or unwilling to take the actions necessary to establish its credibility in effectuating an Executive order.

Thus, one of the matters I am exploring with the Labor Department at this time is the possibility of obtaining appropriate assurances that the necessary changes will be made in OFCC so that if, in fact, the transfer provision is stricken or delayed we can be sure that OFCC will more effectively administer the Executive Order 11246.

I know that organized labor is very desirous of having the transfer made of these Federal contractor equal employment opportunity matters to the Commission. I am very understanding of that, and would like to respond to it if possible. But I have felt it my duty to voice these doubts to the Senate, so that we may come to a collective decision upon it, and within the next few days I shall hope to propose to the Senate the way in which I think this ought to go, or to state to the Senate that I have been persuaded and will stand by the committee bill as submitted. As I say, I reserve that question.

To sum up, Mr. President, I feel that on the basic provisions of this bill, to wit, added enforcement power in the Commission of a traditional character, which we have given to other commissions, a reduction of the size of the establishment to which the law shall be applicable, and the bringing under the protection of the Commission of State and local employment, there is no question that I shall do my utmost to persuade the Senate that this is absolutely essential to complete the historic promise of the Civil Rights Act of 1964. Indeed, it has been too long deferred.

For the Office of Federal Contract Compliance, I shall present my own recommendations to the Senate, insofar as the Senate may be interested in receiving them, well before any action is necessary on that section of the bill.

Again, I express my appreciation to the Senator from Pennsylvania for yielding, and I hope to join him in the amendment he intends to propose.

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. SCHWEIKER. 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. SCHWEIKER. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Maryland (Mr. BEALL), and myself. I am offering this amendment today in behalf of the distinguished Senator from Ohio, as one of its cosponsors, as a result of his inability to be here because of pressing business in his home State.

This amendment would establish the Office of General Counsel, under the EEOC, who would be appointed by the President, with the advice and consent of the Senate, for a 4-year term. Under existing law the EEOC has a General Counsel's office but that office is clearly subordinate to the Chairman and other Commissioners. We feel, however, that since this bill, S. 2515, is going to turn the EEOC into a body very much like a court, this court should not either exercise control over its prosecutors or provide its own prosecutors. Instead, the prosecuting arm of the EEOC should be separate and distinct from the judicial arm. Hence, the reason for our amendment.

Our amendment, by setting up an independent General Counsel's office, would accomplish this. Thus, the Commission would not be able to sit as prosecutor, judge, and jury combined. The prosecuting attorneys would serve under an independent, presidentially appointed general counsel not tied to the rest of the agency. This would free the Commission members to concentrate on their work of hearing cases brought before them, much as judges would do in a regular court. The General Counsel and his staff attorneys would issue complaints, prosecute those complaints before the Commission, and conduct litigation both on individual cases and the "pattern and practice" type of suits. When we separate the prosecuting function from the EEOC's judicial function in this way, we are safeguarding due process of law before the EEOC for all parties concerned.

While the Administrative Procedure Act does require as a general policy that these functions shall be separate within a particular agency, our amendment underscores this in the case of the EEOC as a matter of congressional intent.

Under S. 2515, the EEOC would take on powers similar to those of the National Labor Relations Board. It is significant, Mr. President, that the National Labor Relations Board has since 1947 had an independent General Counsel's office as an entity separate from the Board itself. Congress decided, in the case of the NLRB, that that Board had sufficient power in its own right without also being in control of the prosecuting arm. This is the way I feel about the new EEOC that we are chartering in S. 2515. As we increase the powers of this agency, and with good reason for doing so, nevertheless we should clearly observe the tradi-

tional "separation of powers" doctrine that has always operated to protect all citizens from the abuse of Government power.

In order to explain in laymen's terms exactly what we are trying to do, I should say, first of all, that this bill, S. 2515, attempts to expedite the cases brought to the EEOC by citizens who feel they have been discriminated against for one reason or another in their search for employment.

The bill, S. 2515, as the distinguished Senator from New Jersey said yesterday and my colleague on this side of the aisle, the distinguished Senator from New York, said today, gives enforcement powers to the EEOC, namely the power to hear complaints and issue cease-and-desist orders. These orders are reviewable by the circuit courts of appeals, so we have in effect provided proceedings within the EEOC at the trial level, instead of holding these trials in the Federal district courts. After EEOC hears the case and issues an order, it is still subject to review by a court of appeals and then the Supreme Court. So we still have three distinct steps in resolving equal employment opportunities cases.

Because the bill is substituting the Equal Employment Opportunities Commission as a hearing body for the district court, our amendment is intended to provide the normal safeguards found in a court of law. Our amendment underscores that the EEOC prosecutor shall be separate and independent from the EEOC judge and the jury. The judge and the jury in this case will be the members of the Equal Employment Opportunities Commission.

But under our amendment, the prosecutor, a General Counsel will be appointed by the President, will be directly responsible to the President, and will be separate and independent from the judge and the jury, or the EEOC Commission. So that by the amendment we are offering today, we make it crystal clear that even though we are substituting what we believe is a fast, a fair, and a more efficient procedure—the EEOC hearing procedure—for the logjammed Federal courts, with their lengthy delays and great time consuming judicial processes, this will provide due process of law because the prosecutor and the judge are two distinct entities. So that this amendment, in a nutshell, would simply provide that the prosecutor and the judge shall not be the same person, shall not be in the same line of command, and shall not be responsible to the same people.

This amendment would give the President the right to name an independent EEOC General Counsel who would report solely to him. It would be his duty and his function to decide what cases to prosecute and what cases not to prosecute from the cases presented tc him where injustice is alleged on the basis of race, color, creed, or sex. This would assure that once the prosecutor makes the decision to prosecute on the basis of discrimination, the judge and the jury in this case would be separate and distinct and will be, in effect, the new Equal Employment Opportunities Commission.

I can think of no better way to insure that the new and hopefully faster, more efficient system in S. 2515 will operate justly toward all Americans. Our amendment will protect the parties on both sides of the dispute and assure that the prosecutor and the judge come from two different appointment procedures and have two different responsibilities. In this case the prosecutor goes directly to the President himself for his appointment, and for advice and consent of the Senate.

This is a fair amendment. It is in keeping with our Nation's judicial history, judicial customs and our judicial system. It makes crystal clear the fact that we are trying to achieve, by this bill, and this amendment, a fast, efficient, and fair way to determine where alleged injustices exist in our society and to provide a way whereby, once proven to exist, they can be decided expeditiously so that the people most involved will know they can get a quick and fair hearing, for "justice delayed is justice denied."

I urge, Mr. President, the adoption of this amendment giving to the Equal Employment Opportunities Commission under our bill a new, independent General Counsel's Office.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Ohio.

Mr. WILLIAMS. Mr. President, I first want to state that, as manager of the bill, I am in agreement with the amendment which has been offered by the Senator from Ohio and fully explained by the Senator from Pennsylvania. It will make a substantial contribution to the substance of this legislation. It certainly meets many of the anxieties felt about the bill as it now exists.

This amendment calls for the establishment of a General Counsel's Office in the Equal Employment Opportunity Commission, which, though a part of the Commission and empowered to act in its name, is to be independent of its control. The purpose of the amendment is to insure that the prosecutorial and decisional functions of the Commission will be firmly separated and to eliminate any lingering notion that the Commission would be involved in a conflict of acting as prosecutor and judge.

Under the scheme of the Civil Rights Act of 1964, the Commission was established as an investigative body to facilitate a statutory scheme emphasizing voluntary compliance through the processes of conference, conciliation, and persuasion. To this end the Commission was empowered, after investigation, to determine only whether reasonable cause existed to believe that an employer, employment agency, or labor organization had violated the act. In essence, then, the Commission's primary present function—deciding whether to proceed on charges filed by aggrieved persons or individual Commissioners—has been wholly prosecutorial in nature. Likewise, the Commission's function in administering the day-to-day work of its component sections has involved the Commissioners, particularly the chairman, deeply in investigation, conciliation, case handling, and even litigation in title VII cases before the district courts.

The bill under consideration vests the Commission with extensive quasi-judicial powers similar to those possessed by many other administrative agencies, such as the Occupational Safety and Health Commission and the National Labor Relations Board. This amendment would reorganize the Commission along the lines of the NLRB which has an independent office of General Counsel created by Congress in the Taft-Hartley Act.

The Commission's present organization is devoted entirely to investigation and other prosecutorial functions. The preparation of reasonable cause decisions is closely tied to the work of investigative officials, who prepare draft decisions for the consideration of the Commission in many instances. It would be difficult for the Commission to abandon all its current practices and procedures immediately; to suddenly drop the reins of its present prosecutorial functions and withdraw to a purely decisional role as the Administrative Procedure Act requires. Indeed, the several functions of the Commission have become so commingled under present law that exceptional measures are necessary to assure that a firm dividing line is drawn between the Commission's prosecutorial and decisional functions in the future.

While the Administrative Procedures Act would mandate the separation of functions in any event, one way to accomplish this goal is to draw upon the time-tested experience of the NLRB and establish an independent General Counsel to exercise authority, on behalf of the Commission, over the issuance of complaints, conciliation efforts, and prosecution of complaints before the Commission and litigation in the courts.

Moreover, vesting an independent General Counsel with these powers will free the Commission from many of its administrative chores, thus enabling it to devote its time to quasi-judicial duties. The task of formulating policy, of course, would be left to the Commission.

The amendment assures charging parties of expert representation before the Commission because the charge will be prosecuted by attorneys in the General Counsel's Office instead of by appointed counsel.

It should be noted that this amendment contains a significant check on the powers of the General Counsel in respect to the issuance of complaints. If he decides not to process a charge of its conclusion, the charging party may nonetheless file an action in the appropriate district court seeking relief on his own behalf.

Therefore, this amendment would accomplish the goal of insuring that separation of powers basic fairness requires. It would facilitate the Commission's work in eradicating employment discrimination by enhancing public confidence in the fairness of its procedures. It will also permit the Commission to devote its time to its quasi-judicial duties. At the same time the integrity of the Commission is protected by its retention of its central policymaking role. And, finally, minority

group members are assured of competent representation by employees of the General Counsel's Office, yet they are also protected against an undue concentration of power over the complaint process in the General Counsel by the ability to seek judicial relief when he refuses to act.

SUMMARY OF AMENDMENT

The amendment provides for the appointment by the President of the Commission's General Counsel for a 4-year term. It gives the General Counsel responsibility over the Commission's main prosecutorial functions: Issuance of complaints, their prosecution before the Commission, and conduct of all litigation in the Federal courts as well as other duties the Commission prescribes or the law provides. It does not give the General Counsel authority over the investigation of charges, the efforts of the Commission to achieve voluntary conciliation with respondents, except after a complaint has been issued, and supervision over Commission personnel except for the appointment of Regional Attorneys and concurrence in the Chairman's appointment of Regional Directors.

Furthermore, it contains the key language of section 5(c) of the Administrative Procedure Act which prohibits the same agency personnel engaged in the prosecution of a case or any similar case from having anything to do with the decision in such case or cases. The amendment also provides for the continuation of the General Counsel or Acting General Counsel in that position after enactment of this bill until a new appointee can take over. This will maintain some continuity in this important position.

RATIONALE OF THE AMENDMENT

The purpose of this amendment is to ensure fundamental fairness for respondents, integrity of the Commission's decisions, and confidence in the eyes of the public regarding such decisions. This is accomplished by the separation of functions that I have here described.

The appointment of the General Counsel by the President guarantees that he will not be the pawn of the Commission in carrying out his prosecutorial responsibilities. Those functions which are strictly prosecutional are, accordingly, made the responsibility of the General Counsel. It must be remembered, however, that the evil to be guarded against is the contaimination of the judicial function by the prosecutorial one. This would occur only when the same persons are actually engaged in both functions.

It is also necessary to avoid the creation of a two-headed agency with dual authority to make policy. Therefore, supervision and authority of agency personnel remains under the Chairman, with the exception of the appointment of Regional Attorneys, so that Commission policy will be effectively carried out. The exception as well as the requirement that the General Counsel concur in the appointment of the Regional Directors is to better enable the General Counsel to carry out his prosecutorial responsibilities in the field. The Commission and not the General Counsel oversees the conciliation endeavors under the bill. Since fundamental policy decisions may be made at this juncture, the Commission should be responsible for the conciliation endeavors. The General Counsel may, however, after a complaint has been issued, engage in conciliation attempts—like any lawyer—in performance of his prosecutorial duties. Any agreement he may reach must be approved by the Commission before it has any effect. In this way the Commission exercises control over the policy regarding conciliation agreements. Likewise, investigations are left under the supervision of the Comsion so that the Commission will be the responsible party for the initial contact made with a respondent in the field as well as for the manner, timing, and conduct of the investigation as well as of the investigators.

Mr. President, as I indicated at the outset, I am in agreement with the amendment. The proposed change in the bill, in my judgment, is an improvement in the bill as reported to the Senate by the committee.

Two years ago when basically the same measure was before the Senate, I stood in the same position. An amendment with reference to General Counsel was offered, and again I indicated support. That amendment was agreed to. And we are in just about the same situation as this bill is before the Senate this year.

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

Mr. WILLIAMS. I yield.

Mr. ALLEN. Mr. President, do I understand the distinguished manager of the bill to state that he is going to recommend the acceptance of this amendment to set up a General Council for the EEOC?

Mr. WILLIAMS. The Senator is correct.

Mr. ALLEN. In the absence of the amendment, who would do the legal work for the Commission?

Mr. WILLIAMS. The General Counsel. It is not set up in a procedural way under the bill with what we call an independent General Counsel. There is General Counsel, and under the Administrative Procedure Act the functions must be separated. The pending amendment, I think, could be accurately described as formalizing the separation of functions otherwise required under the law.

Mr. ALLEN. In other words, without the pending amendment, the General Counsel for the Commission would do the legal work for the Commission; and, with the pending amendment, the General Counsel of the Commission would do the legal work for the Commission.

Mr. WILLIAMS. Without, again, the precision of stating the separation of functions that this amendment does achieve.

Mr. ALLEN. How does it separate the functions? Just how does the amendment separate the functions?

Mr. WILLIAMS. Under its provisions, the President appoints an independent General Counsel.

Mr. ALLEN. Yes, but who makes the policy? Will not the Commission continue to make the policy?

Mr. WILLIAMS. It depends on what policy the Senator is inquiring about.

Mr. ALLEN. The General Counsel is not to be a policymaking official, is he?

Mr. WILLIAMS. Could I in part reply with a question? Would the Senator from Alabama believe it to be a policy decision when the General Counsel makes a decision to prosecute a complaint?

Mr. ALLEN. That is what I am trying to find out.

Mr. WILLIAMS. If that is a policy decision, that is what the General Counsel does. He makes the decision to prosecute the complaint.

Mr. ALLEN. Then he becomes, in effect, the Commission; is that correct?

Mr. WILLIAMS. No. It is just the opposite. He becomes the prosecutor.

Mr. ALLEN. I am trying to find out in whom the policymaking power reposes.

Mr. WILLIAMS. The policy decision to bring the charges, to prosecute, is made by the General Counsel. The General Counsel makes that policy decision.

Mr. ALLEN. The General Counsel would file any such proceeding in the name of the Commission; would he not?

Mr. WILLIAMS. I think that is correct. Insofar as the nomenclature is concerned, the answer would be "yes."

Mr. ALLEN. It is difficult for me to see just what change has been wrought here except that the administration would appoint a General Counsel under the terms of the pending amendment. Who would appoint the General Counsel without the pending amendment?

Mr. WILLIAMS. The General Counsel, without the pending amendment, would be appointed by the Commission.

Mr. ALLEN. So, the only change then is as to who appoints the General Counsel.

Mr. WILLIAMS. No; the answer to that question is "no." The bill provides on page 38:

> The commission shall issue and cause to be served upon any respondent . . . a complaint . . .

The pending amendment provides a change in the bill to read "the General Counsel may issue and cause to be served."

This is a clear distinction.

Mr. ALLEN. He would issue it in the name of the Commission.

Mr. WILLIAMS. It is his decision. He can make it or not, but it is the General Counsel's decision.

Mr. ALLEN. Are not the complaints filed with the Commission, or are they filed with the General Counsel?

Mr. WILLIAMS. The original charges go to the Commission. Their responsibility is to investigate and, again, try to conciliate.

Mr. ALLEN. After that investigation, would they then make their investigation available to the General Counsel so that he could determine whether a complaint should be filed, or would the Commission tell the General Counsel to file it?

Mr. WILLIAMS. The Commission submits to the General Counsel its work, whereupon the General Counsel would decide whether he will prosecute the charges.

Mr. ALLEN. Then, the initiation of the prosecution would continue to be in the hands of the Commission, would it not?

Mr. WILLIAMS. No.

Mr. ALLEN. I understood the Senator to say the complaint is filed with the Commission, which then makes the investigation.

Mr. WILLIAMS. The prosecution would be in the hands of the General Counsel.

Mr. ALLEN. But who makes the investigation to turn it over to him?

Mr. WILLIAMS. The Commission.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Who, then, directs the work of the General Counsel? Would the Commission have any control over the General Counsel?

Mr. WILLIAMS. That is the whole point. I am glad the Senator asked it exactly that way. That is why the amendment is being offered, to give this "prosecutorial" function an independence within the law.

In other words, the question and this response clearly establishes that independent General Counsel, so that the judge and the prosecutor are clearly separate and distinct. I think that would happen at any rate, as a matter of legal guidance under the Administrative Procedure Act. But I am happy this is being offered to make it crystal clear.

It is not my amendment. The amendment is offered by the Senator from Ohio and has been debated very effectively and completely by the Senator from Ohio.

I believe that this colloquy with the Senator from Alabama has fortified the support for this independent General Counsel to handle the prosecution of these charges.

Mr. ALLEN. That is what I am trying to ascertain. Is he, in fact, independent?

Mr. WILLIAMS. That is exactly what I think has been established.

Mr. ALLEN. Would he have the right to refuse to prosecute on a matter turned over to him by the Commission?

Mr. WILLIAMS. Yes. Exactly.

Mr. ALLEN. The Commission makes the investigation.

Mr. WILLIAMS. Yes.

Mr. ALLEN. Complaints are filed with it.

Mr. WILLIAMS. Yes.

Mr. ALLEN. And the General Counsel, if he saw fit—in other words, he, in effect, would be a grand jury. Is that correct? He would determine whether to go on with the proceedings.

Mr. WILLIAMS. It has been so long since I practiced law, but I would say there is an analogy here—something in the nature of the General Counsel and the U.S. attorney.

Mr. ALLEN. So the Senator would take it that he would serve in the capacity of a grand jury?

Mr. WILLIAMS. Well, would it not be more in the nature of a U.S. attorney taking a matter to the grand jury? Then, of course, the U.S. attorney does take it before the district court.

Mr. ALLEN. Would it be the duty of the Commission to turn every single complaint and investigation over to the General Counsel for determination as to whether discrimination existed, or would the Commission have the authority at some stage of the proceeding to say that there had been no discrimination and, therefore, that there is nothing to lay before the General Counsel?

Mr. WILLIAMS. The Commission does not have to take every charge and investigate it and refer it to the General Counsel. The answer to that question is no. It has its discretion.

Mr. ALLEN. The Commission, then, would still continue to have discretion, after having made its investigation, to determine whether there had been discrimination; they would then have discretion whether to turn it over to the General Counsel.

Mr. WILLIAMS. The answer is crystal clear, yes.

Mr. ALLEN. Who is the General Counsel for the Commission now?

Mr. WILLIAMS. The General Counsel now is a Commission-appointed counsel to the committee. As I understand it, at this particular point in time he is an acting General Counsel. If my memory serves me correctly, it is Mr. Pemberton. I believe that is his name.

Mr. ALLEN. If the purpose of the bill is to see that there is fairness, fair play, and due process, I wonder why the sponsors of the bill were not satisfied to leave jurisdiction over pattern and practice suits in the Department of Justice and why the sponsors saw fit to try to transfer under this bill the pattern and practice suits over to this Commission.

Mr. WILLIAMS. Let me try to state it fairly and simply.

Mr. ALLEN. Would not the Justice Department be independent of the EEOC, and would not that independence have the same desirability as the creation of the Office of General Counsel would have?

Mr. WILLIAMS. There are other reasons. The situation with respect to pattern and practice suits is similar to other changes made by this bill, and that is the thought that in this area of discrimination in employment, as complex as the whole systemic national discrimination is shown to be, it requires an expertness, and it should be centered in one place. There should be one agency of Government which has the sole responsibility to deal with discrimination in employment. Therefore, they become experts in all the complex questions. That is one of the reasons why this fragmentation is sought to be eliminated.

The pattern and practice suits have been effectively handled by the Department of Justice, by the Attorney General.

Mr. ALLEN. In effect is there not an independent counsel there now?

Mr. WILLIAMS. Yes. But here is another problem that is developing. I refer to the heavy burden that creates a degree of inequity and unfairness where people across the country can be subject to investigation and lawsuit from many quarters. We are trying to make a potential respondent—in this area respondent is like a defendant—know he has one place in Government to respond to and not to many. That is one of the basic reasons for bringing pattern and practice suits under the Equal Employment Opportunity Commission where the expert knowledge there resides and to relieve the Nation of the duplication of being in three courts at one time.

Mr. ALLEN. Could not that duplication be avoided by, in effect, making the Justice Department General Counsel for the Commission and leaving the pattern and practice jurisdiction over in the Justice Department and putting the duties of the General Counsel over there? Would it not be the feeling of the employers who have as few as eight people under the bill that there would be more impartiality in the Justice Department than a General Counsel who would be nothing more, in my judgment, than an in-house lawyer?

Mr. WILLIAMS. I think it would be the view of many people that if all the prosecution and judicial decisions went over there it would bring greater deliberateness to the job, and the job might be put off and put off, and it might not get done.

Yes, many employers would like to have it that way, but those who want to see an acceleration of the elimination of discrimination would prefer it this way.

Mr. ALLEN. What has been the record of the EEOC in its 7 years of existence? Has it not accomplished a great deal in removing discrimination?

Mr. WILLIAMS. Well, the number of charges that have been brought has just doubled every year. This year it is anticipated there will be 32,000 charges. Three years ago it was 12,000 charges. Conciliation and agreement between the parties will cover only a fraction of that number of cases.

As it is now, the EEOC has to stop. In so many cases the Commission has to say to those who are having bread taken from the tables of their families, because they cannot get the jobs they are entitled to, "We cannot do anything more. You can pick the whole thing up and take it to the district court."

These days, going to a district court is indeed taking a heavy burden on the individual in the way of time, expense, and the whole long process of reaching a fair decision—a decision, not a fair decision. When he gets it, he will get a fair decision, but to get to a decision in a district court is a long, long, and expensive journey. That is the way it is today.

That is why the committee is suggesting that we bring to the EEOC the tools that will make the promise of equal employment a more real thing. It is as simple as that.

I am particularly pleased that the Senator from Alabama has raised this question and that we have had this colloquy.

Mr. ALLEN. The general counsel would be a part of the same Commission. He would be an integral part of it and would be housed, doubtless, in the same Department and the same building, with the work directed by the Commission. It is difficult for the junior Senator from Alabama to see that there is going to be a great deal of independence on the part of the general counsel.

The point the junior Senator from Alabama wishes to make is that he does not feel this amendment removes the objection to the bill, that the EEOC will in effect will still be prosecutor, judge, and jury, even though this amendment is adopted. It does not accomplish what the proponents of the amendment and what the distinguished manager of the bill seem to feel that it will accomplish, in the humble judgment of the junior Senator from Alabama.

Mr. WILLIAMS. I respectfully, of course, disagree. I do not know whether there is any use in words of assurance from the Senator from New Jersey that the Senator need not fear. I do not know that I am being very persuasive this afternoon to the junior Senator from Alabama, much as I enjoy the opportunity for the RECORD to reflect our colloquy.

Mr. ALLEN. I would like to make one further inquiry. Would the Commissioner's complaint that can be filed under the proposed bill, which would allow him to file a complaint without giving the name of the aggrieved party—more or less an anonymous shot in the dark—continue to be filed by a Commissioner, or would it be filed, if at all, by the General Counsel? What effect would it have on the commissioner's complaint?

Mr. WILLIAMS. The Commissioner's complaint is not included.

Mr. ALLEN. That brings on a little more talk, then, the Commissioner's complaint would not be controlled or governed by the General Counsel. Is that correct?

Mr. WILLIAMS. I do not want to be brief with the Senator. There would no longer be a Commissioner's complaint. The officer or employee of the Commission obviously possessing knowledge of the facts of possible discrimination could make a complaint. Then it would go to the general counsel, who would make the decision for prosecution.

Mr. ALLEN. Where is that provision? Is that provision in the amendment?

Mr. WILLIAMS. Let us review this together.

Mr. ALLEN. The Senator said it would be referred to the General Counsel. The office of general counsel is just now being set up by the amendment.

Mr. WILLIAMS. Let us read together page 55 of the report. Can we read section 706(a) together?

Mr. ALLEN. Yes.

Mr. WILLIAMS. I read:

SEC. 706(a). The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in sections 703 or 704 of this title.

There appears (a) in heavy brackets; (a) comes out and we go to (b):

Whenever it is charged in writing under oath by a . . .

Is stricken out to read:

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the commission . . .

If the Senator is following it closely, he can see that the heavy bracketed parts take out "a member" so the charge is filed by an officer or employee of the Commission. That does not include a member of the Commission.

It is that charge that goes forward, under this amendment, to the General Counsel, and there, as the amendment changes the language on page 38 of the bill, "the commission shall so notify the General Counsel who may issue, and cause to be served on any respondent," and so forth. That brings it together. It is an awkward way to explain it, but it is an accurate way.

Mr. ALLEN. The Senator would not feel that an officer of the Commission, then, could be construed to be a commissioner himself?

Mr. WILLIAMS. He is not a commissioner himself.

Mr. ALLEN. A commissioner is not an officer of the Commission, then, in the judgment of the distinguished Senator?

Mr. WILLIAMS. No. I think our committee records and the record will make that very clear.

Mr. ALLEN. After the complaint is filed with the Commission, if they see fit they turn it over to the General Counsel to determine if there is discrimination from the evidence that they present to him. He makes no investigation on his own. Is that right?

Mr. WILLIAMS. I believe here we will draw on some experience in other agencies. This is not a situation that is sui generis. There are other agencies that do this. He should have, and I am saying he would, if this becomes the method of prosecution, I would think, in making an intelligent decision whether to prosecute the charge, have to satisfy himself beyond or in addition to the material constituting it.

Mr. ALLEN. I understood the Senator to state earlier that the General Counsel would not investigate, but that the investigation would be by the Commission.

Mr. WILLIAMS. The basic investigation is by the Commission.

Mr. ALLEN. And they could turn over to him such evidence as they wanted to turn over?

Mr. WILLIAMS. And then he makes the decision whether to proceed with the prosecution.

Mr. ALLEN. Based on the evidence that they saw fit to lay before him. Is that correct?

Mr. WILLIAMS. That is basically it, but I do not believe there is anything here. I would think that he would have to do or might have to do some inquiry beyond that.

Mr. ALLEN. Yes, but I understood that that was not planned by the amendment, but that he would just pass on what was handed to him.

Mr. WILLIAMS. Well, I would think a reasonable General Counsel in this independent situation, if he had any questions, would go out and make some inquiry himself. That is the way I look at it.

Mr. ALLEN. But the Commission receives these complaints, they make the investigation, they turn the information over to the General Counsel, he may or may not—it seems uncertain—make an independent investigation, and then a complaint is filed by the General Counsel of the Commission with the Commission itself. It comes back to them; is that right? It goes the full circle back to them.

Mr. WILLIAMS. It is brought and filed, and is prosecuted before the Commission.

Mr. ALLEN. Yes. That is what makes it so difficult.

Mr. WILLIAMS. Again, of course, as we have in so many areas of other agencies and departments, it is prosecuted before another independent office, that of the hearing examiner.

Mr. ALLEN. Yes.

Mr. WILLIAMS. And this is time-honored. As long as I have been interested in administrative law, I have had respect for the trial examiner, the hearing examiner. In the Federal Trade Commission, the FCC, all of the agencies have this position, within our system in this country, of a unique, quasi-judicial, independent hearing officer.

Mr. ALLEN. Yes. I was interested in hearing the Senator, though, state that the Commission was not required to turn over to the General Counsel all of the complaints that it receives.

Mr. WILLIAMS. Yes.

Mr. ALLEN. In other words, it sifts the complaints that have been filed, and only where the Commission, one feels, felt that there has been discrimination would they turn it over to the General Counsel to go through the routine of filing a complaint back with the very agency which received the complaint originally, and then the Commission, having received the complaint, having weighed it and decided that it should be turned over to the General Counsel, then puts on another hat and sits, then, as judge of the complaint originally received by it, and then merely turned over to the General Counsel for the drafting of a complaint. That is what makes it so difficult for the junior Senator from Alabama to see where there is any independence, and where the Commission will be other than prosecutor, judge, and jury.

Mr. SCHWEIKER. Mr. President, will the Senator from New Jersey yield to me for the purpose of answering the Senator's question?

Mr. WILLIAMS. I shall certainly yield. I have tried and I have not succeeded in clarification. I am happy to yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator from New Jersey for yielding.

I should like to point out two things to the distinguished Senator from Alabama. First of all, the independent General Counsel has his own investigative resources.

Mr. ALLEN. That was not made clear in the colloquy.

Mr. SCHWEIKER. May I finish my point? He has his own investigative resources, so that if at any point they want to run a separate investigation, or check the investigators, they have that option. This gives the defendants more right of protection for due process than under the arrangement the Senator is talking about.

We have three steps that have to be gone through here. Each step of the way, someone may decide the defendant is not guilty. From the field office personnel

who look into the case, and to the independent General Counsel's office that decides whether to issue a complaint, to the Commission itself, you have three steps where the defendant has the chance to have the charges "thrown out of court" because the facts are not there. Far from restricting the rights of the defendant, we are giving the defendant more rights, because there are three distinct points where information has to go: First to the field office, then to the independent General Counsel, and then, of course, to EEOC itself, and in the middle step of those three is a totally independent individual who reports to the President. This insures more protection than if you had a straight line authority. It is just like the three branches of our Government, with its checks and balances. I do not see the Senator's point at all. I think the defendant, or respondent as he is called in these proceedings, has three cracks to show he is not guilty if he is really not guilty. I do not think the Senator understands the issue.

Mr. ALLEN. The Senator from Alabama is not making the point that the amendment offered by the distinguished Senator from Pennsylvania does not make the bill more palatable, but it does not make it palatable enough. That is the point I am making. It does not solve the problem of making the Commission other than a prosecutor, judge, and jury.

The distinguished Senator from Pennvania points out that the General Counsel is going to have a bunch of investigators. So we have a bunch of investigators over under the Commission, and they investigate the complaint, and then they turn it over to the General Counsel, who is working hand in glove with the Commission, and his army of investigators investigates it still further, further harassing the employers and the employees, and then, if he agrees with the Commission that there is a valid complaint of discrimination, he will file a complaint, which is to be heard by the very same Commission that received the complaint originally and felt there was enough justification to turn it over to the counsel for prosecution.

The junior Senator from Alabama suggests that the Commission has already prejudged the matter when they turned it over to the General Counsel for the filing of a complaint to be heard by the Commission itself.

Mr. SCHWEIKER. I would like to ask the distinguished Senator from Alabama a question. In the normal course of proceeding, if you give a defendant three times to have an opportunity to be proven not guilty, is that not a fairer system, is it not better for the defendant's right than to give him the opportunity only once or twice? I do not see the Senator's argument. We are giving him three opportunities to show he is not guilty before he is finally judged, and the Senator is complaining about that.

Mr. ALLEN. I will answer the distinguished Senator from Pennsylvania by asking him the same question that I asked the distinguished Senator from New Jersey: Why not leave this authority in the Justice Department, if you want a really independent counsel? Why take the practice and pattern procedure away from the Justice Department and give it to this in-house General Counsel? If you really want independence, why not leave it in the Justice Department, where part of it already is?

Mr. SCHWEIKER. Well, then, of course, we would spread this work into another, larger agency, one more step away from the President. I can answer that very specifically: We would be putting in one more layer of bureaucracy to make a decision when, under our proposal, the independent General Counsel is directly responsible to the President for cases before the EEOC, and therefore, has more authority and independence than if he were even an Assistant Attorney General, going through steps to the President. By giving him a direct presidential appointment for this work, he is insulated from other problems. He does not have to worry about crime prosecutions coming up, about drug prosecutions, or about anything. These are specialized cases and we are giving him more power by giving him the President's ear.

Mr. ALLEN. Do we not already have the Justice Department set up? Why do we have to set up another layer of bureaucracy, as proposed in the Senator's amendment?

Mr. SCHWEIKER. The reason we are changing the whole picture is because we do not think the present pattern is working. The Subcommittee on Employment, Manpower, and Poverty of our full committee, on which I serve with our chairman, the distinguished Senator from New Jersey, recently studied a very important report by the 20th Century Fund, pointing out not only that in many of our central city areas the black youth unemployment rate is 17 or 20 times the white unemployment rate, but also that in many areas when blacks do graduate from high school, when they do have skilled job training, they cannot get the jobs. That is exactly what the 20th Century Fund Task Force showed.

Something is wrong with the system, and we are trying to change it. That is why we are restructuring this procedure, and giving the EEOC stronger enforcement tools.

Mr. ALLEN. Are they going to be aided by putting it in the Office of the General Counsel, rather than in the Justice Department? It is not anywhere now, is it? They do not have cease-and-desist authority, and will not have until this bill is passed, if it ever is passed.

Mr. SCHWEIKER. That is right; it is not anywhere now, and that is our point.

Mr. ALLEN. It is not because it is in the Justice Department; it is because it is not anywhere, is that not right?

Mr. SCHWEIKER. The Government's legal work for equal employment opportunity is in several places now.

Mr. ALLEN. Not on cease and desist. Where is cease and desist authority of the EEOC now?

Mr. SCHWEIKER. Let me answer the Senator's first question before the third question.

The problem I defined is trying to be attacked in three different departments now. We have the EEOC, the Justice Department, and the Office of Federal Contract Compliance in the Labor Department—three separate entities. One objective of this bill is to bring some order out of chaos and to have one responsibility. That is the reason.

That is the first question. What is the next question?

Mr. ALLEN. Is the Senator not, then, splitting it up? The Senator says he wants to put it all in one department. Now he says there is need for a special, separate, independent legal counsel. Is that not in effect splitting up the authority and the power?

Mr. SCHWEIKER. No. The Senator from Alabama again is misconstruing and misinterpreting what we are saying.

Mr. ALLEN. I would be interested in the Senator's answer, then.

Mr. SCHWEIKER. I should like to answer that.

The first thing we are doing, as I pointed out earlier, is to take the fragmented approach we have and put it primarily in one agency, EEOC.

Mr. ALLEN. And then the Senator fragments it again.

Mr. SCHWEIKER. May I answer the question?

Mr. ALLEN. I wish the Senator would.

Mr. SCHWEIKER. If the Senator will let me answer one question at a time, we will get a little further ahead.

I am saying that we are taking the fragmented power from three agencies, putting it in one agency for the sake of efficiency, for speed of handling, to improve the operation of the system. We are also saying that because we are putting new cease-and-desist power in the EEOC, we ought to be sure we protect the rights of the defendants; and to protect the rights of the defendants, we are saying that there are three steps under the cease-and-desist process that somebody has to go through before he is proved guilty.

I see nothing inconsistent, nothing contradictory, nothing in any way opposed to that objective. The distinguished Senator is merely trying to confuse the issue by saying there is, when in fact there is not.

Mr. ALLEN. Does not the Commission eventually serve as judge and jury on the validity of the complaint of discrimination?

Mr. SCHWEIKER. Under the new proposal?

Mr. ALLEN. Yes.

Mr. SCHWEIKER. The EEOC will serve in that way, yes.

Mr. ALLEN. Has it not initiated the complaint, however, by receiving the complaint and then sitting in judgment of the complaint after its investigation, sifting it, and then turning it over to the General Counsel? Has it not already prejudged the issue of discrimination or nondiscrimination?

Mr. SCHWEIKER. No. The Senator is using semantics.

We are separating two different levels of government. There is a regional EEOC office. That office will do the field work and will decide whether to go on from that level. They will make that judgment. That is separate and distinct from the top people who make the final judgment at the other end of the spectrum, the Commissioners in Washington. There are two levels of operations, one making local decisions, funneling infor-

mation and investigating, and the other doing the judicial decision, here in Washington. They are doing two separate things. To say they are all doing the same thing is not an accurate interpretation of what we are proposing.

Mr. ALLEN. In other words, in the Senator's home State there is a great football team, Pennsylvania State——

Mr. SCHWEIKER. The Senator knows my weak point.

Mr. ALLEN. This procedure reminds the junior Senator from Alabama of the procedure in a football game. The Commission receives this complaint originally, it sifts it, it weighs it, it investigates it, it determines there has been discrimination, and it tosses the complaint in a lateral over to the General Counsel. The General Counsel files a complaint with the Commission itself and then tosses the football back to the Commission, which then has the power to judge whether or not discrimination exists.

Is that not a fair analogy?

Mr. SCHWEIKER. Let me begin by saying that the reasoning and logic powers of the distinguished Senator from Alabama improved immeasurably when he talked about the great football team from Penn State. At least we are on the same wavelength and are thinking the same thing. So I concur with that presumption.

Mr. ALLEN. I am talking about the postseason game, not the game with Tennessee.

Mr. SCHWEIKER. We were pretty pleased with the ball game, ourselves.

I agree with the Senator on this point, but I fail to see how that relates to the argument at hand, although I thank him for his compliment.

Mr. ALLEN. The complaint is the football. It is tossed by the Commission over to the General Counsel, and it is tossed, in turn, by the General Counsel back to the Commission, which has already prejudged the matter and which certainly is going to hold that discrimination exists, based on the complaint it had decided initially.

Mr. SCHWEIKER. It is the same football that our Constitution throws from the judicial branch to the legislative branch to the executive branch. That is the fundamental premise on which this country was founded—tossing that football around among the three branches of government.

Mr. ALLEN. It is all over in one branch. It is in the executive branch, is it not?

Mr. SCHWEIKER. But the principle of tossing a football, or balance of powers, was ingrained in our Republic. It is not un-American. It was the whole idea, the way we began, and the way we have continued to shape our laws, even our laws concerning only a specific executive agency.

To answer specifically, the point that the Senator is confusing is that the first step is an investigation. The local level operation at the field office is an investigation; nothing more than that. It is an investigation. In analogy, it is like what a grand jury might decide, and then it goes from the grand jury to the regular jury. This goes from the field office to the General Counsel. There is nothing inconsistent at all.

Mr. ALLEN. And back to the Commission.

Mr. SCHWEIKER. Then it goes upstairs, to the board of directors. Three separate steps protect the rights of the people.

Mr. ALLEN. It gets back, after having prejudged the matter, because it would not turn a complaint over to the general counsel unless it thought that discrimination existed, would it?

Mr. SCHWEIKER. The Senator is confusing two things. He is confusing the fact that he is talking about field investigators——

Mr. ALLEN. That is an arm of the Commission, is it not?

Mr. SCHWEIKER. Not in the matter of judicial judgment, no; only in the matter of investigating.

Mr. ALLEN. That is what they have printed on the door of the office.

Mr. SCHWEIKER. No. I do not agree. This is a matter of the investigation. Then, the top tribunal, the Commission itself, sits in judgment.

Mr. ALLEN. I want to say to the distinguished Senator from Pennsylvania that I am going to support his amendment. All I am saying is that it does not do what the distinguished Senator from Pennsylvania and the manager of the bill claim it will do, to remove the stigma or the onus from the Commission of serving as prosecutor, judge, and jury. That stigma still will be with the Commission after the adoption of this amendment, in my opinion.

Mr. SCHWEIKER. This happens all the time in our legal system. A committing magistrate will send a case to a grand jury for a hearing, and they in turn will send it to still another part of of the judicial system. It is still the same system.

Mr. ALLEN. It would not be the same committing magistrate.

Mr. SCHWEIKER. It is not the EEOC, either. It is the field investigator.

Mr. ALLEN. That is part of the same office.

Mr. SCHWEIKER. No.

Mr. DOMINICK. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am not sure I have the floor.

Mr. WILLIAMS. I yielded to the Senator from Pennsylvania.

Mr. ALLEN. Having assured the distinguished Senator from Pennsylvania that I am going to support his amendment, feeling that it does not go far enough but that it is better than the bill as written, after the amendment is adopted, the junior Senator from Alabama still is going to oppose the bill.

Mr. SCHWEIKER. I thank the distinguished Senator for his support. I was in doubt for some time that this support was forthcoming.

Mr. ALLEN. The Senator from Pennsylvania has convinced the junior Senator from Alabama of the wisdom of his amendment, as far as it goes.

Mr. SCHWEIKER. Alabama has a pretty good football team, too.

Mr. ALLEN. I agree—two great teams in fact—Alabama and Auburn—I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. DOMINICK. I listened to this colloquy with a good deal of interest, once we got past the football range.

It struck me that the Senator from Alabama struck the key point in this matter, and that is that the EEOC, no matter how you slice it, under the bill as it is presently worded, writes most of the rules and regulations, acts as an investigator as to whether the rules are being complied with, acts as a prosecutor in presenting rule violations to the commission. Finally the commission acts, under adjudicatory powers given it under this bill, to decide whether or not its own personnel have acted properly.

It strikes me that one agency cannot shift hats to four independent functions rapidly enough to guarantee the necessary impartiality.

I want to assure the Senator from Alabama that I intend to offer my amendment, which has been printed, which would have the effect of denying the Commission cease-and-desist powers but empowering them to go to the Federal district court to determine whether any employment discrimination has occurred. I would think that this basic philosophy would be just as viable with the creation of an independent counsel as it would be without it, because the independent counsel—as I understand it from reading Senator SCHWEIKER'S amendment, would have the power—when combined with my amendment—to be able to prosecute those cases before the Federal district court. Is that correct?

Mr. SCHWEIKER. For the Federal district court?

Mr. DOMINICK. Yes. If my amendment were adopted.

Mr. SCHWEIKER. "Your" amendment? You are not talking about mine?

Mr. DOMINICK. If we adopt your amendment, the General Counsel as then created would be the agency which would then prosecute these cases before the Federal district court.

Mr. SCHWEIKER. If we adopt your amendment? You are not talking about mine?

Mr. DOMINICK. Well, if yours and mine were combined——

Mr. SCHWEIKER. I must say that I pretend to be knowledgeable on my amendment, but will the Senator explain his amendment because I am not familiar with it.

Mr. DOMINICK. My amendment is simple. The Senator is familiar with it because I offered it in committee. What it would do would be to give true EEOC power to proceed to Federal district court on legitimate, unreconcilable disputes for resolution rather than through cease-and-desist orders issued by the Commission. Under such cases, the General Counsel would then be the one to prosecute that case before the Federal district court.

Mr. SCHWEIKER. As I understand the Senator's amendment, from what he has just said, if the amendment is adopted, there would seem to be far less need to have an independent General Counsel. The Senator's amendment would substitute for our EEOC hearing procedures, trials in a district court. This, by nature

of the judicial system, would eliminate practically all need for an independent legal counsel within the EEOC, since the court system would take over that level.

Mr. DOMINICK. My amendment would take over at the level where conciliations fail but so far as the actual prosecution is concerned on the question of whether an unlawful employment practice occurred, the independent General Counsel would handle that on behalf of the Commission, would he not?

Mr. SCHWEIKER. There would be far less need, because we would then have the full judiciary system at the trial level and most everywhere else where this is operating, there is much less need for an independent General Counsel. It is only utilized in areas where an agency is supplanting the trial court level with its own proceedings, such as in the NLRB.

Mr. DOMINICK. Let me ask the Senator from Pennsylvania——

Mr. SCHWEIKER. Let me ask the Senator from Colorado what instances there are the Senator cites in Government where we have an independent General Counsel in an agency and still go to the district court for trial-level proceedings.

Mr. DOMINICK. In this particular case, since we provide for a review by the circuit court of appeals within the bill, I would presume the independent legal counsel would also coordinate with the Attorney General's Office in representing the Commission before the circuit court of appeals.

Mr. SCHWEIKER. That is correct.

Mr. DOMINICK. If he is doing it, could he not easily and as properly handle it before the district court as he would before the circuit court of appeals?

Mr. SCHWEIKER. Yes, but I do not think the need would be as urgent or as pressing if we adopt my colleague's amendment.

Mr. DOMINICK. I understand that the Senator from Pennsylvania is opposed to my amendment. I understand that fully. What I am trying to say is that it would seem to me the independent legal counsel is not necessarily contrary to what I am trying to do in my amendment. They would appear on behalf of the Commission before the Federal District Court.

Mr. SCHWEIKER. I want to say to the distinguished Senator that I do not think it is antagonistic. I do not mean to imply that it is, but it would be far diminished under your proposal as it would be under mine. I do not think they are necessarily antagonistic.

Mr. DOMINICK. That is interesting. Would the Senator from Pennsylvania object at this point if we had a brief quorum call?

Mr. SCHWEIKER. No.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SAXBE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. 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. BELLMON. Mr. President, I rise to introduce a bill relating to the transportation——

Mr. BYRD of West Virginia. Mr. President—Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment.

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

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Alabama (Mr. SPARKMAN) and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

On this vote, the Senator from Illinois (Mr. STEVENSON) is paired with the Senator from Louisiana (Mr. ELLENDER).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. CRANSTON), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Alaska (Mr. STEVENS) is absent on official committee business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 67, nays 0, as follows:

[No. 2 Leg.]

YEAS—67

Aiken	Fannin	Montoya
Allen	Fong	Nelson
Anderson	Fulbright	Packwood
Baker	Gambrell	Pastore
Beall	Goldwater	Pearson
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Brooke	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Humphrey	Scott
Cannon	Javits	Smith
Case	Jordan, Idaho	Spong
Chiles	Kennedy	Stafford
Church	Long	Stennis
Cooper	Mansfield	Symington
Curtis	Mathias	Talmadge
Dole	McClellan	Tower
Dominick	McGee	Williams
Eagleton	Metcalf	Young
Eastland	Miller	
Ervin	Mondale	

NAYS—0

NOT VOTING—33

Allott	Harris	Mundt
Bayh	Hart	Muskie
Bible	Hartke	Pell
Boggs	Hatfield	Percy
Brock	Inouye	Sparkman
Buckley	Jackson	Stevens
Cook	Jordan, N.C.	Stevenson
Cotton	Magnuson	Taft
Cranston	McGovern	Thurmond
Ellender	McIntyre	Tunney
Gravel	Moss	Weicker

So Mr. SCHWEIKER's amendment (No. 797) was agreed to.

Mr. HUMPHREY. Mr. President, I support the Equal Employment Opportunities Act, S. 2515, as reported by the Committee on Labor and Public Welfare.

The time has now come when we must firmly establish and guarantee the protections provided for under title VII of the Civil Rights Act of 1964. No longer can we permit millions of American citizens—women, blacks, Indian Americans, the Spanish speaking, and other minority groups—to continue suffering the indignities and injustices of discrimination in employment. No longer can we be content with a conciliatory approach to the resolution of complaints of civil rights violations committed against any American

who wants a job or who seeks advancement to a position for which he or she is fully qualified. Nor, in the protection of these civil rights, can we now be satisfied with any enforcement procedure wherein the delay of justice means the denial of justice.

The experience of the past 7 years has shown us that by failing to provide the Equal Employment Opportunity Commission with effective enforcement powers, we established an agency under the 1964 Civil Rights Act which has been very successful in ferreting out the existence of discrimination, and pointing out to us how widespread and entrenched this discrimination is, but which has not been able to provide effective relief to eliminate this discrimination.

Our original view that employment discrimination consists of a series of isolated incidents has been shattered by evidence which shows that employment discrimination is, in most instances, the result of deeply ingrained practices and policies which frequently do not even herald their discriminatory effects on the surface. The EEOC has stressed many times that much of what we previously accepted as sound employment policy does, in effect, promote and perpetuate discriminatory patterns which can be traced back to the Civil War and earlier.

The facts speak for themselves. This Nation's minorities and women continue to be treated like second-class citizens. Their ability to obtain jobs, their ability to advance in these jobs, to receive the same wages as are received by the dominant segment of society, and their higher rate of unemployment continues to indicate the disparate treatment which we accord this segment of our society.

Despite progress over the past decade in America in overcoming disparities in economic position resulting from discrimination, we are still left today with a median-income gap between Negro and white families of $3,957. And the gap is even wider for Spanish-speaking families, whose median income in 1969 was $5,641. The unconscionable discrimination in salary levels for women for the same jobs as are done by men—women scientists who must accept a median salary that is $3,200 less than for their male counterparts, or women factory workers whose median earnings are $2,747 below those of male workers—is compounded by the all-too-frequent denial of opportunity for women to advance to higher paying positions.

And yet, in title VII of the Civil Rights Act of 1964, we have specifically prohibited all discrimination on the basis of "race, religion, color, sex, or national origin."

Mr. President, I submit that we have failed to achieve this goal. The EEOC has documented the persistence of employment discrimination. The Chairman of that Commission has told us that during the last 6 years, the EEOC has received approximately 81,000 charges of discrimination. And the number of charges has been increasing each year. For example, during fiscal year 1970, 14,129 charges were filed with the Commission. In fiscal year 1971, this number rose to 22,920 charges, and the Commission estimates that during the current fiscal year it will receive more than 32,000 charges. Too often, employers have been unwilling to accept the Commission findings where violations are shown, and as a result, the Commission's efforts at conciliation have been ineffective in the vast majority of cases.

The final result of this has been that while we have provided the framework for the elimination of employment discrimination in enacting title VII of the Civil Rights Act, we have not provided the means by which this aim is to be achieved.

During the last Congress, the Senate adopted S. 2453, a bill very similar to the present committee bill, S. 2515, and which would have remedied the present defects in title VII. However, the House failed to act on that measure before the end of its term. This year, however, the House has already acted in this area, and the responsibility now rests with the Senate to insure the civil rights guarantees of title VII.

I would like to note briefly some of the major provisions of S. 2515, and explain why this bill would provide the most effective enforcement procedure for the implementation of title VII.

S. 2515 provides that the EEOC shall be granted administrative cease and desist enforcement powers by which it will be able to issue enforceable orders in cases where violations of the law are established. By this grant, S. 2515 would establish the EEOC with the same kind of enforcement provisions currently granted to most Government agencies and generally recognized as the basic administrative enforcement mechanism.

It is now an admitted fact that title VII litigation is as complex and as subtle as any of the other specialized areas of law presently administered by other Federal agencies. Judicial awareness of the complexity is evident in statements by the courts both in the granting of liberal attorney's fees for title VII lawyers and in allotting the amount of time required to resolve title VII claims. It has become obvious that title VII litigation requires specialized knowledge and expertise. The one agency which has the necessary experience and expertise to deal with the multitude of issues and variations of employment discrimination is the EEOC. Through its experience of the past 6 years, it has developed an experienced staff and a wealth of information which provides the expertise needed to deal with the various aspects of employment discrimination. The courts, while recognizing that the EEOC has no enforcement powers, have nonetheless acknowledged the agency's qualifications and have frequently stated that EEOC opinions are entitled to great weight in subsequent judicial interpretations, and many a case has been decided on the basis of the arguments presented by EEOC attorneys in amicus briefs filed with the courts.

Moreover, the administrative process foreseen by S. 2515 will provide for an inexpensive, efficient, and expeditious means for adjudication for both complainants and respondents. When a charge is received by the Commission, it will retain its present procedures of attempting to secure voluntary compliance. If this should fail, however, and it is the opinion of the Commission that a violation may be present which should be resolved, it will then submit the case to a hearing examiner. He will then conduct, under the provisions of the Administrative Procedures Act, an administrative hearing on the case, will receive evidence, will allow for the examination of witnesses, and will, after the entire case has been presented, make a determination on the facts.

In addition, if either party feels that the hearing has not properly adjudged the facts, then an appeal may be had to the appropriate U.S. court of appeals. I believe the due process provisions of this bill, and an appropriate separation of functions in the administrative process, can effectively assure that the rights of the respondent are fully protected.

This use of the administrative process will expedite the resolution of title VII claims, will guarantee to all parties fair and impartial adjudication of their claims, and will at the same time relieve the courts of the necessity to entertain the ever-increasing number of title VII suits. At the same time, the voluntary settlement of claims will be stimulated. Information available from other Federal agencies with cease-and-desist powers, and from State fair employment practice agencies, shows that the vast majority of cases do not require resort to the hearing process, but are settled voluntarily.

S. 2515 also provides for an expansion of title VII jurisdiction to include all employers, employment agencies and labor organizations with eight or more employees or members, as well as employees of State, county, and local governments, and all employees of educational institutions. The need to expand title VII in these areas is clearly established. As stated by the Chairman of the EEOC in testimony before the committee this year, discrimination should be attacked wherever it is found, and the small business is no less likely to be free from discrimination than the large corporation. The avowed purpose of title VII is the elimination of all vestiges of employment discrimination in the country. Accordingly, employers with fewer than 25 employees, the current jurisdictional minimum, should be subject to the same controls applied to the other segments of business.

Coverage of State and local employees is another area where the existence of employment discrimination has been noted but no adequate remedy has been available. The presence of discrimination in State and local governments has been well documented by the U.S. Commission on Civil Rights in two extensive studies done during the past 2 years. And yet the protection of title VII available to the other segments of society have been denied State and local employees.

This situation is in clear conflict with our concept of government. Democracy is government by the people and for the people—all the people. That fundamental principle must be seen in government itself if it is to be believed. I feel that local governments, which most affect the daily lives of every citizen in the particular community, should be fully com-

mitted to maintaining equal employment opportunity. Any failure to promote this goal at the level of the State and local government can do nothing but breed discontent, mistrust, and harsh cynicism toward the entire process of government.

It is in this respect that S. 2515 extends the protections of title VII to all State and local employees. However, the bill does recognize the sovereign characteristics possessed by States, and accordingly does not extend the administrative process of the EEOC to them. Rather, if a charge against a State or local governmental agency is received by the EEOC, it will investigate that charge and attempt to conciliate. If it should fail, it will then submit the complaint to the U.S. Department of Justice where further legal action may be instituted by that Department. If the Justice Department decides not to act on a complaint, the individual would still have the opportunity to pursue his claim in court.

However, we cannot expect the advancement of equal employment opportunity in State and local governments to occur without establishing a firm example of Federal leadership at the forefront of this effort. The report of the Senate Committee on Labor and Public Welfare states this case with exceptional clarity:

> The federal government, with 2.6 million employees, is the single largest employer in the nation. It also comprises the central policy-making and administrative network for the nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

That is why I regard as of great importance the provisions in the bill giving expanded authority to the Civil Service Commission to eliminate discrimination in Federal employment, and expressly granting to Federal employees a right of private action to obtain relief from such discrimination.

We cannot be satisfied with reports of progress when minorities, representing almost one-fifth of Federal employment, are concentrated in the lower civil service grade levels, and when over three-fourths of the 665,000 women working for the Federal Government have positions below the level of GS–7.

The corrective remedies authorized in S. 2515 go beyond existing Executive order policy pronouncements to get at the real problems of discriminatory practices and effects that are institutional and regional in nature, more than they are the result of private, intentional wrongs.

Serious inadequacies are clearly present in existing Federal employee discrimination complaint procedures, in the credentials associated with civil service selection and promotion techniques and requirements, in procedures to assure bona fide plans and efforts by Federal agencies to accomplish actual results in the promotion of equal employment opportunity, and in the prohibition of employment discrimination at regional and local Federal installations as well as at national offices in Washington, D.C.

There can be no further delay in opening the higher civil service grades to women and minority groups. We must make absolutely clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion, or national origin.

The Equal Employment Opportunities Enforcement Act requires the fulfillment of this obligation. But it also provides for affirmation action to place the same obligation at the door of our educational institutions, employing some 2.8 million teachers and professional staff members and another 1.5 million nonprofessional staff members. In removing the existing exemption of employees of educational institutions from the protection of title VII of the Civil Rights Act of 1964, S. 2515 stipulates that they, too, must be provided an effective Federal remedy to overcome employment discrimination.

Discrimination in America's educational institutions has been well publicized in some of the most famous civil rights cases decided by the courts and in daily articles in the Nation's newspapers. I can find no reason why these institutions should enjoy a special immunity in their employment practices. There is nothing in title VII to suggest that employment in educational institutions is any different from employment anywhere else. If anything, it is our schools which most affect the future development of this country, and should, accordingly, be the leaders in equal opportunity in all respects.

S. 2515 also improves the effectiveness of equal employment opportunity enforcement by consolidating the administration of enforcement functions in one agency. The bill transfers the functions of the Office of Federal Contract Compliance to the EEOC, and over a period of 2 years, also transfers the "pattern or practice" enforcement functions administered by the U.S. Department of Justice to the EEOC. Currently, the Secretary of Labor, through the Office of Federal Contract Compliance, monitors, coordinates, and evaluates the Government-wide contract compliance program and supervises the compliance activities of the 15 Federal contracting agencies.

I am firmly convinced that a single agency must be made responsible for the enforcement of all Federal equal employment opportunity programs. We must eliminate the confusion between policy directives from various Federal agencies, duplicate investigations conducted by several agencies on the same issue, and the maintenance of different sets of statistics and guidelines.

The ultimate transfer of the "pattern or practice" enforcement function from the Justice Department to the EEOC, after 2 years, will similarly consolidate enforcement of civil rights claims. While during the first 2 years after the enactment of the present legislation, the EEOC will have the concurrent power to bring "pattern or practice" claims under its administrative remedies, its ability to do so effectively may be affected by the need to expand its staff, reorganize its structure, and establish effective procedures to deal with the new enforcement provisions. Given a period of adjustment of 2 years, however, I feel that it will then be in a position to handle all claims that are presented to it, and there will no longer be a need for a parallel enforcement system in the Department of Justice.

I strongly urge all Members of the Senate to support the Equal Employment Opportunities Enforcement Act, S. 2515. While the passage of 6 years since the defects of title VII became apparent is an inordinately long period of time in which to correct the shortcomings of the original act, our prompt and favorable action now will firmly reestablish the primacy of equal employment opportunity as a national goal and a basic right, effectively guaranteed, of every American citizen.

RECESS SCHEDULE FOR THE SECOND SESSION OF THE 92D CONGRESS

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

Mr. SCHWEIKER. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a recess schedule for the second session of the 92d Congress.

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

Lincoln's Birthday (Saturday, February 12)—From conclusion of business Wednesday, February 9, until Noon, Monday, February 14.

Easter (Sunday, April 2)—From conclusion of business Thursday, March 30, until Noon, Tuesday, April 4.

Memorial Day (Monday, May 29)—From conclusion of business Friday, May 26, until Noon Tuesday, May 30.

Democratic Convention and July 4—From conclusion of business Friday, June 30, until Noon, Monday, July 17.

Republican Convention—From conclusion of business Friday, August 18, until Noon, Monday, August 28.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

AMENDMENTS NO. 611

Mr. DOMINICK. Mr. President, I call up my amendments No. 611 and ask that they be made the pending business.

The PRESIDING OFFICER. The clerk will read the amendments.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Colorado (Mr. DOMINICK) proposes amendments identified as No. 611.

Amendments No. 611 are as follows:

On page 33, after line 24, insert the following:

"SEC. 4. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (78 Stat. 258; 42 U.S.C. 2000e–4) is amended to read as follows:

"'(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (j) of this section, as redesignated by section 4(d) of the Equal Employment Opportunities Enforcement Act of 1971, when in the opinion of the Commission such proceedings would be in the public

interest, and to advise, consult, and assist the Attorney General in such matters.'

"(b) Subsection (h) of section 705 of such Act is amended to read as follows:

"'(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigations to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commissioner.'"

On page 34, beginning with line 1, strike out through the end of the parenthetical in line 3 and insert in lieu thereof:

"(c) Subsections (a) through (e) of section 706 of such Act."

On page 38, beginning with line 7, strike all through line 7, page 50, and insert in lieu thereof the following:

"(f) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge. If the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person named in the charge as claiming to be aggrieved or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) of this section or further efforts of the Commission to obtain voluntary compliance."

On page 50, beginning with line 8, strike all through line 19, and insert in lieu thereof the following:

"(d) (1) Subsections (f), (h), (l), (j), and (k) of section 706 of such Act, and all references thereto, are redesignated as subsections (h), (j), (k), (l), and (m), respectively.

"(2) Subsection (g) of such section 706 is redesignated as subsection (l), and a new subsection (g) is inserted as follows:

"'(g) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.'

"(e) Subsection (i) of section 706 of such Act, as redesignated by paragraph (2) of section 4(d) of this Act, is amended to read as follows:

"'(i) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.'"

On page 56, beginning with line 7, strike all through line 19.

On page 56, line 20, strike out "SEC. 8" and insert in lieu thereof "SEC. 7".

On page 60, beginning with line 3, strike all through line 9, page 61.

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(f)".

On page 61, line 13, strike out "SEC. 9" and insert in lieu thereof "SEC. 8".

On page 62, line 18, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

On page 65, line 21, strike out "(q)".

On page 65, strike out lines 23 and 24.

On page 65, line 25, strike out "(e)" and insert in lieu thereof "(d)".

On page 66, line 6, strike out "SEC. 12" and insert in lieu thereof "SEC. 11".

On page 66, line 14, strike out "SEC. 13" and insert in lieu thereof "SEC. 12".

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. DOMINICK. Yes, if the Senator will wait just a moment.

Mr. BYRD of West Virginia. Yes.

Mr. DOMINICK. Mr. President, this amendment is proposed on behalf of myself, Mr. BAKER, Mr. BROCK, Mr. BUCKLEY, Mr. ERVIN, Mr. FANNIN, Mr. HOLLINGS, and Mr. TOWER.

I ask unanimous consent that the names of Messrs. DOLE, HANSEN, BENTSEN, and GOLDWATER be added as cosponsors.

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

Mr. DOMINICK. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, it should be stated for the RECORD that the time consumed on the rollcall was 20 minutes. It was thought best that, on this first rollcall, we not proceed in accordance with yesterday's unanimous-consent request limiting rollcall votes to 15 minutes, but that 20 minutes be allowed in this instance so that all Senators would have ample notice that on each rollcall from today forward during the remainder of this session, there will be only 15 minutes on each rollcall, the warning bell to be rung at midpoint, or at the 7½ minute mark.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, may I ask the distinguished Senator from Colorado, the author of the pending amendment, as to whether or not he anticipates a rollcall vote on his amendment today?

Mr. DOMINICK. Mr. President, in answer to the inquiry of my friend from West Virginia, I do not anticipate even a long debate today. I thought I would just put the amendment in and give a brief introductory statement on it, and then take it up at some length tomorrow. It is my hope that we could vote on it on Monday, as opposed to tomorrow, if that would be satisfactory with the leadership.

Mr. BYRD of West Virginia. If I may respond on behalf of the majority leader, it is the hope of the leadership that we can proceed as expeditiously as possible, and I know I am speaking for the distinguished manager of the bill in expressing the hope that we will not delay action on the pending bill one way or the other overly long.

This bill will likely be followed by the Higher Education Act, with the Foreign Aid bill coming along. We have the Welfare Reform bill, and we have other very important legislation, and we do not want to delay too long. However, the Senator's wishes will be considered, and certainly we are to understand, as I gather from what he has just said, that there will not be final action on his amendment today.

Mr. DOMINICK. That is correct.

Mr. BYRD of West Virginia. Then may I ask if there is any Senator who has an amendment which he would be willing to call up this afternoon following the statement by the distinguished Senator from Colorado, in the event that unanimous consent could be obtained to temporarily set that amendment aside? I see no indication of such, so I assume there will be no further rollcalls today. I thank the able Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from West Virginia.

Mr. President, as far as my colleagues are concerned, I should say that I am going to give just a brief explanation today, perhaps engage in a little colloquy with the Senator from New Jersey if he cares to, and then go into the matter at more length with a number of Senators who want to speak on this particular issue tomorrow. I say the matter needs some extended discussion, because I think we are dealing with perhaps the most important single issue in the complete bill. The issue really is whether we should put into one executive agency the powers to make rules, the powers to investigate whether or not those rules are being abided by, the powers to charge violations of those rules, and then the powers to decide whether or not the violations are in fact in existence, and if they are, to issue appropriate judicial orders.

We used to have a word for this in the old English common law. They used to call it a Star Chamber proceeding, where one person or one group would have the power to issue the rules, decide whether there has been a violation, and then impose the punishment. That is exactly what the cease-and-desist procedure would do.

It seems to me it is far more beneficial, from an overall governmental policy standpoint, to separate these functions just as we have them in the three branches of government under the federal system. Second, it also seems to me that, looking at it from the point of view of those who feel that they have been discriminated against, they are going to get a much more objective hearing before the courts than they would before this particular body, the EEOC, and that they will get a much more expeditious hearing. As I believe, has probably been pointed out already by the distinguished manager of the bill, the EEOC now, without cease-and-desist authority and without the additional coverage provided by this bill, is 32,000 cases behind, with over a 20-month backlog, in determining and resolving unlawful employment practices. I do not care who it may be, or how long they may have been claiming discrimination, if they have to wait 20 months before they even find out whether or not the Commission feels that the charge is valid, all one can say is that justice delayed is justice denied.

The average backlog of the Federal district courts at the present time is about 12 months. So my amendment would immediately speed the process of justice up by 8 months by transferring these matters to the Federal district courts, rather than keeping them within the Commission, even if there were no additional employees put within the jurisdiction of the Commission.

We have, however, greatly enlarged the Commission's jurisdiction. We are adding approximately 10.1 million State and local employees, 6.5 million private employees of small employers, and 4.3 million educational employees. Thus, we are talking about an expanded coverage of approximately 21 million potential aggrieved.

Interestingly enough, there has been a trend in recent EEOC investigations concerning alleged discriminatory cases involving sex discrimination. Are women being given unfair treatment or, conversely, are they being given preferential treatment? In either situation, the person who feels aggrieved has charged sex discrimination and is bringing these cases before the EEOC at the present time. Additionally, there will be the need, under cease-and-desist powers if they are left in the bill, for the training of hearing examiners who will have to set up special courts or special hearing rooms within the Commission. These hearing examiners will need to be trained in the subtleties of what is or is not discrimination. It will take almost 2 years to get the necessary number of trained people on board in order to accomplish these demands. Each one of these factors, as I see it, simply adds to the problems of discrimination in employment and frustrates the resolution thereof.

One thing that I think all of us in this body, regardless of who we are, would like to get rid of is discrimination, particularly when it involves something as essential as someone's livelihood. My feeling, which is concurred in by a great number of knowledgeable Senators, is that we can overcome employment discrimination much better by utilizing our existing Federal district courts, which are free from political patronage, which are free from the subtleties of political winds that occur when an administration changes course or a new administration comes in, and consequently can handle these matters on the same objective, fair basis that the Federal district courts have been handling cases before them of all kinds for a long period of time.

There is a kind of simplistic argument that has been given, a kind of sloganeering against this amendment, wherein it is alleged that my amendment is anticivil rights, and that it is anti the intents and purposes of the original EEOC bill, neither of which could be further from the truth.

What I am trying to do is to find a mechanism whereby the EEOC can initiate prompt enforcement in an impartial tribunal that guarantees the protection of all constitutional rights to all parties and to do it as soon as possible after conciliation has not worked and where the charge seems legitimate.

I reiterate that my amendment is not contradictory to the independent general counsel amendment which has just been adopted unanimously by the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. Would the distinguished Senator be willing to enter into an agreement at this time with respect to a limitation of time on his amendment, the time to begin running on Monday—say, one hour and a half on the amendment, to be equally divided, with the one hour and a half to begin running at 11:30 a.m., and with a vote to occur on the amendment at 1 p.m.?

Mr. DOMINICK. The Senator from Colorado would have no objection to that. In fact, I think it is a good suggestion. It gives us a time certain, and it also gives us some time on Monday as well as tomorrow in order to get into this amendment.

ORDER FOR ADJOURNMENT FROM FRIDAY, JANUARY 21, UNTIL 11 A.M., MONDAY, JANUARY 24, 1972

Mr. BYRD of West Virginia. Mr. President, I have discussed this proposal with the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS). I therefore propound the following request:

I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 11:30 a.m.

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next, at 11:30 a.m., the amendment by the Senator from Colorado (Mr. DOMINICK) which is now pending, be laid before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on that amendment then begin running; that there be a limitation of 1 hour and a half on the amendment; that the time be equally divided between the distinguished mover of the amendment, the Senator from Colorado (Mr. DOMINICK), and the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS); that time on any amendment in the second degree be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill; that at the conclusion of the time on the amendment or any amendments thereto, a vote occur on the Dominick amendment.

Mr. DOMINICK. Mr. President, reserving the right to object, for the sake of clarification, let us suppose we have the hour and a half. It is all right if no amendments are offered. But suppose an amendment is offered to this amendment. What happens to the time when we vote, then, on the principal amendment?

Mr. BYRD of West Virginia. The vote on the principal amendment would not be reached until the amendment in the second degree had been disposed of.

Mr. DOMINICK. Then, I have no objection; and I ask for the yeas and nays on the principal amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Mr. BYRD of West Virginia. Mr. President, according to the way I phrased the request, a tabling motion with respect to the amendment of the Senator from Colorado would not be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. DOMINICK. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia subsequently said: Mr. President, in order that any and all eventualities may be provided for, I ask unanimous consent that time on any motion, appeal, or point of order with respect to the amendment of the distinguished Senator, or any amendments in the second degree, with the exception of nondebatable motions, be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I express the hope again, on behalf of the leadership, that on tomorrow other Senators may be prevailed upon to call up other amendments, so that progress can be made. In that event, of course, we would attempt to obtain unanimous consent to set the pending amendment aside temporarily.

Mr. WILLIAMS. This unanimous-consent agreement would not preclude a motion to table in the second degree?

Mr. BYRD of West Virginia. It would not preclude a motion to table an amendment in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, to continue the brief statement I was making before our unanimous-consent requests were proposed and agreed to, some people have been saying that my amendment is antiemployee or anti-civil rights. If you go along with that kind of reasoning, what you really have to say is that the Federal District Courts are antiemployee or anti-civil rights; and obviously this is just plain absurd. Consider, for a moment, where the minorities in this country would be without the monumental court decisions which have recognized and protected their rights in education, in public accommodations, in housing, in voting, and in equal employment.

I must say, in my own defense, having voted for every civil rights piece of legislation since I have held public office, that it is highly unlikely that I would be offering something which would constitute any kind of discriminatory action against the minorities in this country. So I think we can dispose of that allegation briefly, with that quick statement.

Also the implication has been made—that the aggrieved employee will not receive justice in the United States District Court; and this, of course, is equally absurd. Let me say a few things by way of background on this.

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

Mr. DOMINICK. I yield.

Mr. WILLIAMS. I am the manager of the bill, and I am opposed to the amendment, but those are two arguments that this Senator would never use.

Mr. DOMINICK. I fully understand that, and I was not implying that the manager of the bill had. Some much less responsible people have been circulating such implications. I just wanted that cleared up completely.

Mr. WILLIAMS. I wanted early clarification of that.

Mr. DOMINICK. During the process of our committee hearings on this matter, I brought up, in the case of State and local employees, the problems inherent in a situation where one executive agency of Government is put into a position to issue injunctive orders against State and local employees and governments. It would be a really ironic situation, it strikes me, that if we established an agency designed to help minorities, we should suddenly find the same agency entitled to step into every local and State governmental system in the country and say: "Cease and desist. You cannot do what you have been doing in the past, and we are going to investigate your personnel hiring policies from here on out."

That, to me, would be wrong. I pointed out that there might be some kind of collusion here between the EEOC and the Justice Department so, with the consent of the remainder of the committee, we changed the language to say that EEOC cease-and-desist orders will not apply to State and local employees, but that enforcement of alleged grievances will occur through complaints filed in the Federal court system by the Attorney General's office. Then we examined the Federal employee situation and I pointed out again that we were creating an agency czar in the EEOC which could determine personnel policies in all the other Federal agencies of the Government. I doubted the wisdom of creating such an ominipotent agency. After some discussion on this, and with the decided aid and assistance of one of my good friends, Clarence Mitchell of the NAACP, we were able to work out an agreement whereby a Federal employee who feels he is discriminated against can go through his agency, and if he is still dissatisfied, he is empowered to bring suit in Federal court or through the existing Civil Service Board of Appeals and Reviews to Federal court. So on two of the major groups of employees covered by this legislation; namely, State and local employees on the one hand, and Federal employees on the other, the committee itself agreed to grievance remedy procedures through the Federal district courts; yet with the private employee they say, "No, you cannot have that. We will have an agency that can do it all by itself." That is discrimination in and of itself, right within the bill; and it strikes me that one of the first things we have to do is at least to put employees holding their jobs, be they government or private employees, on the same plane so that they have the same rights, so that they have the same opportunities, and so that they have the same equality within their jobs, to make sure that they are not being discriminated against and have the enforcement, investigatory procedure carried out the same way.

I do not see the difficulty in that concept. So I would say once again that any thought that this amendment is antiemployee or anti-civil rights is plain ridiculous.

I know that there are many people, including the manager of the bill, who disagree with my approach, and who perhaps think that it will clog the courts. I must say, that although those arguments can be made, with 93 courts already established, and with the independent general counsel that has just been created for the EEOC itself, we would now have the legal machinery to move rapidly on the enforcement of what ever legitimate complaints may come before the EEOC which cannot be solved by conciliation.

So, once again I would urge that, on the merits, this particular amendment be adopted.

Mr. President, just a few minutes ago, I was talking about the caseload that the Commission has. I think it might be worthwhile to get all these facts initially in the record at this point.

Chairman Brown of the EEOC testified that as of June 30, 1971, the Commission had a backlog of 32,000 cases. It anticipated that a load of 32,000 new cases would come in fiscal year 1972, and 45,000 in fiscal year 1973.

As of February 1971, almost a year ago, EEOC complaints required from 18 to 24 months for disposition.

To this already substantial backlog, we must add the impact of the more complex and time-consuming cease-and-desist procedures as they are maintained in the bill.

Mr. President, we must also consider expanded coverage. Included for the first time in the expanded coverage, as I pointed out, are approximately 6.5 million employees of small employers—those employing between eight and 25 employees; 4.3 million educational employees—teachers, professional and nonprofessional staff members; and 10.1 million State and local governmental employees whose disputes are to be conciliated prior to going to the Attorney General for court action, as I pointed out just a little while ago.

Thus, the EEOC will be responsible for an additional 21 million potential aggrieved personnel.

Now it seems to me that if we look at this in any kind of logic, and with real care, we can see immediately that the added load will require not only a great increase in administrative staff in the EEOC but is also going to mean a much longer backlog before any case can be decided.

As I said earlier, it seems wrong to me to say to an aggrieved employee, "Certainly we will hear your case. We will do the investigating. We will bring the charges. We will do everything else, but you will not get a decision for over 2 years." That is not justice. This is not equal employment opportunity. But if we have the investigator saying that this is a legitimate complaint, and that it will be brought to the district court and will get priority treatment there, we can get the matter decided in half the time it would take in any other way.

It strikes me that this is right on principle. It is right in terms of administrative procedures. It conforms to what we did with State and local employees and with Federal employees.

I believe firmly that the particular amendment we are involved with now is

something which is of great need, if we are going to solve the discrimination which, unfortunately, occurs in this country too often.

Mr. TOWER. Mr. President, I am pleased to offer my support to the Dominick amendment to S. 2515. I happen to be a cosponsor of that amendment. I have joined with my distinguished colleague from Colorado, believing that his approach is far superior to providing still another quasi-judicial, quasi-legislative body with power far beyond any which it was ever intended to handle. I can remember distinctly when the EEOC was established under the 1964 Civil Rights Act that its sponsors roundly denied that this cumbersome body would, or should, ever have the authority to issue cease and desist orders on its own. The Congress was assured that such would never be the case, that we would not again create a political body to deal with such legal questions. Our only other attempt at such a body, the National Labor Relations Board, has been nearly a total failure in dealing with labor matters. Pure logic alone dictates that we do not try to solve a problem with a solution that has proven to be so untrustworthy. Even the thought of this should be rejected by this body.

The EEOC was established to act as a mediator between the employer and employee in job discrimination cases. It was hoped that if a problem arose, by talking calmly with each side a ready solution could be reached. Since the day of its inception, the EEOC has proven that it was not qualified to deal with this problem. Instead of acting as an impartial mediator, the Commission has in many instances been an antagonist. Instead of efficiently handling and processing its cases, it has allowed a backlog of over 31,000 cases to build up in the 6 years of its existence. By granting the Commission the power to issue cease-and-desist orders as well as increasing its jurisdiction, the process would be further complicated and even greater backlogs, reliably estimated to be perhaps up to 3½ years, would result.

In addition to the Commission's being unqualified to handle any new duties, there exists the fact that to grant it cease-and-desist power would be a contravention of our Anglo-Saxon judicial process and return to a "Star Chamber" proceeding. In the process as proposed in S. 2515, the Commission would be not only the investigator of the charge, but it would also determine whether there were probable cause to believe the charge were true and ultimately to decide if in fact the charge were true and whether to issue the order. The Commission would be judge, jury, and prosecutor, all at the same time. This has not worked in the past; it will not work in this instance.

There are many advantages to allowing the courts to decide whether or not a charge has been substantiated and then let it issue and enforce the cease-and-desist order. First of all, it is a fact that the courts have done a good job in dealing with civil rights questions, including title VII questions. This use of the courts would assure an impartial tribunal, thus guaranteeing each side the due process of law. The courts would likewise provide a more speedy solution to charges of title VII violations. The median time for the disposition of nonjury trials in the 10 States having the most EEOC complaints is less than a year. Compare that, if you will, to the more than 2-year backlog that now exists within the EEOC and the expected 3½-year backlog if cease-and-desist powers are granted. Orderly procedures in business demand that the law be fairly determinable so that businesses may comply with and plan for them. Commissions such as the EEOC have proven to be not only untrustworthy, as I have previously stated, but likewise unpredictable. There are no rules of stare decisis or other precedent that can guide our Nation's businesses as to what to do. What may be a fair hiring practice today may not be tomorrow, but may be again the day after tomorrow. In such a case, an employer cannot know what procedures to institute and be sure that he is in compliance. With the court approach, a body of case law will build up so that it will be determinable what the law actually is. To do anything else would be to invite chaos in this field.

Those who have a grievance under title VII should have access to the courts of this Nation. To now try to enact a solution that has been a failure in other areas is neither fair to those who have a legitimate grievance and are desirous of a quick solution or to those who have been unjustly accused and seek a quick vindication. I urge the Senate to adopt our amendment which will provide a very reasonable and workable solution. I commend the distinguished Senator from Colorado on his leadership in this matter.

Mr. DOMINICK. Mr. President, I thank the Senator from Texas and I much appreciate his support. The points he has emphasized are exactly the ones that the Senate ought to consider. We are not talking about partisanship or politics here. We are not talking about anything except a question of whether or not we can get alleged discrimination cases tried fairly for both the plaintiff and the defendant as expeditiously as possible.

It strikes me that doing this in the way suggested in my amendment will be a far more preferable way than the way provided in the bill at present.

As I said during the process of the debate—and I do not know whether the Senator from Texas had an opportunity to hear it—we have already provided in the existing bill for State and local employees and Federal employees to seek redress of their grievances to Federal District Courts. We are not doing so for private employees or private employers. It seems to me that is discrimination in and of itself.

I would certainly urge, both on logic and an expeditious handling of these troublesome and emotional cases, that we adopt the amendment as soon as possible.

Mr. WILLIAMS. Mr. President, it is my understanding that, while the distinguished Senator from Colorado has offered his amendment and has fully and completely explained it, there will be debate on tomorrow. I will reserve most of my statement until then.

I want to make one or two comments, however, at this time. First, the Senator from Colorado described some of the changes made in the committee in the original bill. These were changes that, in my judgment, greatly improved the legislation. The principal architect of these changes dealing with the civil service area, and certainly with the method of enforcement when charges are brought against State and local governments, was the Senator from Colorado.

I would like to state that I am personally grateful for the work he has done in committee. And I applaud him for that.

On this issue, with respect to the pending amendment, I know this is a matter of deep conviction with the Senator from Colorado because basically it is the amendment that was offered when the bill was before the Senate the year before last. We debated the measure and voted on it at that time. As I recall, it was a relatively close question then. I do not know what the result will be this year. Perhaps with some of the changes that have been made, it will not be as close. At any rate, I reiterate one thing that I do not want any misunderstanding on. My debate against the pending amendment will deal with basically the practical question of whether court enforcement as an exclusive method is the most efficient way of reaching the objectives of the legislation. I think not.

Certainly if there are those who say that court enforcement is anti-civil rights, I am not one of them. If there are any who say that court enforcement would be less just to those who complain of discrimination, I am certainly not one of those either.

It is my feeling for the reasons that I will discuss tomorrow, that in order to realize the objective of the legislation, of establishing enforcement procedure by law to further the constitutional rights and statutory rights against discrimination, the proper way to do it is through the administrative procedure of cease and desist with all of its abundance of due process protections and, finally, of course, the court review where parties disagree with the findings that led to the cease and desist order.

I look forward to a fuller debate tomorrow and before we vote finally on the pending amendment on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that to-

morrow, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the close of morning business the Chair lay before the Senate the unfinished business.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, when the Senate convenes tomorrow, it will meet at 11 a.m. Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business, and the pending question will be the amendment by the distinguished Senator from Colorado (Mr. DOMINICK). There will be no vote on that amendment tomorrow, an order having already been entered to vote on the amendment on Monday next.

However, it is expected that there will be debate on that amendment tomorrow. It is also anticipated that the debate on the Dominick amendment will not consume the entire day tomorrow.

That being the case, it is expected that Senator ERVIN, Senator ALLEN, Senator RANDOLPH, or other Senators will call up amendments, with unanimous consent having been given to temporarily lay aside the pending Dominick amendment. Senators should be alert to the possibility, therefore, of votes tomorrow on amendments other than the Dominick amendment, and I would hope that the cloakrooms would bring to the attention of Senators that there is a good possibility of rollcall votes tomorrow on amendments other than the Dominick amendment, the vote on which will not occur, as I have stated, until Monday.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4:44 p.m.) the Senate adjourned until tomorrow, Friday, January 21, 1972, at 11 a.m.

EXTENSIONS OF REMARKS

"DELTA QUEEN"—NAUTICAL TRANQUILIZER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, on September 28, 1971, several of our colleagues and I joined the distinguished gentleman from Ohio (Mr. MCCULLOCH) in introducing H.R. 10926, a bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers. A similar bill, S. 2470, was introduced in the Senate by Senators TAFT, SCOTT, and SAXBE on August 6, 1971. Both bills provide for permanent exemption from the 1966 Safety at Sea law as it applies to the steamboat, *Delta Queen*.

The *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers and has been listed by the Department of Interior in the National Register of Historic Places. It is truly a living monument to a bygone era.

Mr. Speaker, in spite of the fact that the *Delta Queen* will never encounter the hazards of the open sea it has, quite unfortunately, fallen within the category of vessels that require regulation under the Safety at Sea law. The steamboat's owners have diligently complied with every single requirement set by the U.S. Coast Guard, and they have met and exceeded safety recommendations by independent experts and by the National Aeronautics and Space Administration.

Nevertheless, because the way the law was written it has been necessary for supporters of the *Delta Queen* to seek temporary exemptions from the Safety at Sea law in order to keep this landmark afloat. The last exemption is set to expire on November 1, 1973. At that time it is quite possible that this vessel will be banned from the scenic rivers which have been its home—unless another temporary exemption can be obtained.

On the other hand, we have an opportunity in this session of the 92d Congress to settle this matter once and for all by passing legislation which will provide a permanent exemption for the *Delta Queen*.

Mr. Speaker, there has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1,200 passengers got to safety when the boat—the excursion steamer J.S.—pulled into the bank near Winona, Minn., in 1910.

Mr. Speaker, a very excellent article about the *Delta Queen*, written by Edward J. Wojtas, appeared in the January 16, 1972, edition of the Chicago Tribune. I am inserting this article in the CONGRESSIONAL RECORD at this point, and I invite my colleagues to indulge in a little nostalgia as they read the article—and then to join the growing number of people who are engaged in an all-out effort to "Save the *Delta Queen*."

The article follows:

RIVERBOAT CRUISES

(By Edward J. Wojtas)

The country's only overnight river steamer, the Delta Queen begins another year of cruising on Feb. 3 when the huge white vessel leaves New Orleans for a six-day cruise to Memphis. Before the 1972 season is over, the venerable riverboat will have completed 49 separate trips up and down the Ohio, Mississippi, Cumberland, and Tennessee Rivers. But newly added to this year's schedule are the Arkansas River, with a cruise to Little Rock, and Illinois, with trips to Peoria and Starved Rock.

As things stand now, the Delta Queen still has at least two more years of life in her solid steel hull. That's the result of some last minute legislation signed by President Nixon on Dec. 31, 1970, which gave the old river queen three more years of life. The proud queen had been doomed by a Safety at Sea law that was enacted by Congress in 1966 in reaction to fires on two cruise vessels at sea. Two separate two-year extensions already had been granted prior to this latest law. Although the Delta Queen never leaves the sight of a river bank, she was included in the legislation because she was an American flag flying vessel, built from "nonfireproof" materials, and had overnight accommodations for more than 49 persons.

After the President signed the legislation, the Delta Queen was upgraded to the tune of half a million dollars. Among other things, fire retardant paints—approved by NASA—were used throughout the ship. An automatic fire detection and warning system was installed. The entire ship, too, is equipped with an automatic sprinkler system. In a very true sense, the Delta Queen now is a Victorian relic in a space age hide.

New legislation was introduced in late 1971 to exempt permanently the riverboat from the 1966 law. Both senators from Ohio and Senate Minority Leader Hugh Scott of Pennsylvania sponsored the new bill. If the law is enacted, the steamer will be saved for posterity to take her place with the Silverton train, Williamsburg, Greenfield Village, and Mystic Seaport as authentic links to America's colorful past.

The Delta Queen is 285 feet long, 58 feet wide, weighs nearly 2,000 gross tons, draws seven feet of water, carries a normal passenger complement of 186, a crew of 76, and travels 35,000 miles a year under the command of Capt Ernest Wagner, a virtual giant of a man—6 feet 4 inches tall and 250 pounds—gruff of voice but with patient and graceful manner and a mariner's skill gathered in 42 years on the river.

The Queen was built in Glasgow, Scotland, in 1926, shipped to Stockton, Cal., where her wooden superstructure was added, then put into service between Sacramento and San Francisco. After a colorful career there, she was purchased by Greene Lines in 1946, towed to Pittsburgh, refurbished, and put into service on America's inland waterways in 1948.

So what is it that attracts people to ride the riverboat?

Probably one of the most peaceful and relaxing experiences available in today's helter-skelter world. Even a "land cruise" on a cross