the Federal Government or as repealing, superseding, or diminishing existing authorities, or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communications at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;

(3) the Director of the National Science Foundation, or his delegate, with his consent;

(4) the President, National Academy of Sciences, or his delegate, with his consent;

(5) the President, National Academy of Engineering, or his delegate, with his consent; and

(6) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performin gCommittee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

SEC. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

And amend the title so as to read: "An act to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes."

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), now speaking, will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes—all of which will be as in legislative session.

At the conclusion of routine morning business, the Senate in executive session will resume its consideration of the nomination of Mr. Richard G. Kleindienst for the Office of Attorney General of the United States.

No rollcall votes are anticipated for Monday. This is not to say, however, that unforeseen developments could not arise which would necessitate rollcall votes; but the leadership does not expect any at this time.

ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. 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 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3:40 p.m.) the Senate adjourned in executive session until Monday, June 5, 1972, at 12 noon.

EXTENSIONS OF REMARKS

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DEDICATION CEREMONIES—THE GEORGE W. ANDREWS LOCK AND DAM

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. MAHON. Mr. Speaker, the Congress, in Public Law 92–229, approved by the President February 15 of this year, designated an important waterway project in Alabama as the "George W. Andrews Lock and Dam" in honor of our late distinguished and beloved colleague, George Andrews, of Union Springs, Ala. The dedication ceremonies took place on Friday, May 26.

George's wonderful and gracious wife, ELIZABETH—now also honored as our colleague here in the House—spoke at the ceremonies. Her words were moving and eloquent, coming as they did from a grateful heart.

Another distinguished Alabamian, Adm. Tom Moorer, Chairman of the Joint Chiefs of Staff, delivered the principal remarks at the memorial luncheon in Dothan, Ala. He and George were very special friends.

Mr. Speaker, I am certain that George's countless friends here in the legislative branch—including members of the Com-

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mittee on Appropriations which I head and upon which George served with such distinction for so many years—will want the opportunity to share in these thoughts and sentiments, and under leave granted I am including them at this point:

REMARKS OF HON. ELIZABETH (MRS. GEORGE) ANDREWS

My gratitude is as deep and wide as the Chattahoochee today, because I know how much this project meant to George. It meant so much that, in order to obtain the initial funds, he bucked his committee chairman and became a crusader among the committee members and only managed to get the project approved by one vote!

He came home that night chuckling as he announced, "We got our nose under the tent!"

He preached the benefits up and down the banks of the Chattahoochee because he realized the future of the economy of our section must have a drastic boost.

I know how thrilled and pleased George was when it was first proposed that the lock and dam be named for him. However, he understood why it could not be done at that time. I know he hoped it would be done some day.

The only regret I think he ever had over his years in Congress was that he realized he had missed a lot of the "growing up" time with his children. I believe he thought the George W. Andrews Lock and Dam would be a legacy that would be meaningful to his children and prove that his many absences were worthwhile.

But what he wanted most of all was to see his dream for the great Chattahoochee come true. This dream has come a long way toward realization, but we must not falter until it is completely realized, with all the economic growth and recreational benefits that it will bring to the section that George loved so much.

And so my heart is filled with appreciation today. I am grateful to the people of the district because without their love and support this ceremony could not have occurred. I am grateful to Congress for passing the resolution that the lock and dam be named for George Andrews.

The Corps of Engineers and the Tri-Rivers Waterway Development Authority have worked untiringly with the details for this day. To them, I say, "Thank you."

Recently I attended a special briefing for Members of Congress on the War in Vietnam. I did not know until I arrived at the briefing that my own very distinguished constituent would be in charge.

I knew what a great man he was; I knew how capable he was; but my heart thrilled at the wonderful remarks made to me afterward about our great Chairman of the Joint Chiefs of Staff by Members of the House.

He instilled confidence because it was evident that he was completely informed of the situation and more than equal to the tasks ahead.

I am deeply touched that, as busy as he is, and as burdened with the defense of our nation as he is, Tom Moorer came here today to honor George.

I am grateful to the Members of Congress, to Dr. Staples, and all my friends from home up and down the Chattahoochee Valley and our neighboring States for their presence here today.

But most of all, I am grateful to George for the mantle of respect and honor that he has thrown to me and our children.

As I sat in the House Chamber Monday of this week, listening to the debate with one ear and trying to think what I would say today, I looked toward the ceiling of that awesome and historical room. My eyes fell on a plaque over the gallery door in back of the Speaker's rostrum, and there, carved in marble, were the words of Daniel Webster:

"Let us develop the resources of our land, call forth its power, build its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

By your action today, you have judged George worthy to be remembered. For our children, and for George and me, "Thank you.

ADDRESS BY ADM. T. H. MOORER

I have a very special reason for wanting to make this speech today. George Andrews was a very special friend.

We gather at this memorial luncheon in Dothan to honor this distinguished gentleman who for twenty-eight years served with endless devotion the people of his district, his State, and his country as a United States Congressman. Later today we will gather for special ceremonies at the lock and dam at Columbia which now bear the name George W. Andrews Lock and Dam. In a House resolution sponsored by Bill Dickinson and his colleagues, and signed into law by President Nixon on February 15th of this year, this public recognition of and tribute to this outstanding Alabamian became official. It is a just and fitting tribute. His honorable name is now permanently united with this Public Works project to which he so greatly contributed. Certainly, he more than any other made possible the dam at Columbia, Alabama.

As we look forward to today's special ceremonies for the George W. Andrews Lock and Dam, I think it proper that we reflect for a few moments on the parallelism between George Andrews' career in the House of Representatives and the development of the Chattahoochee-Flint-Apalachicola Waterways System.

Soon after George was elected to the House in 1944, the River and Harbor Act of 1945 and 1946 was approved, a comprehensive plan for development of the entire Tri-River Basin, and authorized an initial development to provide, among other things, a barge channel from the Gulf Intercoastal Waterway at Apalachicola, Florida to Phenix City and Columbus on the Chattahoochee. With Alabama's Third District bordering the west bank of the Chattahoochee, it was instinctive that George's interest in this project was to be a lasting and energetic one. Even before the basin development was intiated in 1947 he could foresee the future benefits to the people of Alabama—the potential for industrial development, regulated water supply, flood control, hydroelectric power, and recreational development. George Andrews was determined to use his influence as a member of the House Appropriations Committee to nourish and support this basin development for the benefit of the people of Alabama and he did just that. Over the years, the project was not without its problems—problems of great moment and problems tinged with some levity. In these problems George Andrews was, by choice, fully involved.

The initial development plan included the construction of four dams; the Jim Woodruff Dam and Lock on the Apalachicola River near Chattahoochee; the dam and lock at Columbia which originally bore the name of that city; the Walter F. George Dam and Lock near Fort Gaines, and the Buford Dam on the Upper Chattahoochee. The four dams and the necessary locks formed a complete navigation and waterway system, with operation of the complete system dependent upon the development of each link in the chain. By 1958, the Jim Woodruff Lock and Dam and the Buford Dam had been completed, work at the Fort Gaines Lock and Dam was underway, but construction of the lock and dam at Columbia had not been initiated. Furthermore, there were no funds in the President's FY 1959 budget request to commence the project. During the FY 1959 budget hearings George appeared before the Public Works Appropriations Subcommittee to explain the necessity for commencing the project. He pointed out the need to begin work in 1959 in order that construction of the Columbia Dam and Lock be completed concurrently with the Fort Gaines Dam and Lock and thus make the full system operable. He pointed out that the omission of the Columbia Lock and Dam from the system would so reduce the navigation benefits as to make the waterway lack economic justification. And he pointed out in his inimitable fashion that "it had been said that without the dam at Columbia the whole project was not worth a damn." Accordingly construction of the project was begun in 1959 and substantially completed in 1963 concurrently with completion of the Walter F. George project. The hand of George W. Andrews had made its indelible impression.

So the record speaks for itself. With increasing success George Andrews worked hard and long in support of this great tri-State river system. His vision of tremendous economic growth for the area served by this system is becoming a reality. We can all be thankful for his efforts. And we can all be thankful that his gracious and lovely wife, Elizabeth, whom Mrs. Moorer and I count among our dearest friends, is carrying on George's work in the true Andrews' spirit. As recently as the 17th of this month Mrs. Andrews appeared before the Public Works Appropriations Subcommittee to urge continued support for this vital project.

Let me not for one minute imply that George Andrews' interest in this great basin development overshadowed his interest in other river programs. His distinguished colleagues and friends most appropriately gave George the title "Mr. River Development," noting that he worked in behalf of the other river development and flood control programs in this State with the same devotion and effectiveness as for the Chattahoochee. Every area of the State benefited from his service. And as reported by the Dothan Eagle in 1962, all colleagues working for projects of this type in their own districts found him helpful, imaginative, and productive, and particularly effective on the House Appropriations Committee. So his service, his influence and his reputation went far beyond the bounds of his own congressional district. He was loved, respected and cherished by people throughout the State for the service that he rendered not just to his own district but to his State and his country as well.

George Andrews was certainly a man of many virtues. You will understand my great respect and my deep appreciation for his support to the cause of national defense. George was, of course, a conservative man, strongly opposed to and dedicated to eliminating waste in the Federal Government, including the Department of Defense. But in his view wasteful spending was one thing, but necessary spending to keep our Nation militarily strong and superior to the Soviet Union was quite another. He was a strong advocate that this country always have the capability to rapidly put our troops in the field when necessary and, above all, to support them once we put them there. He was an ardent defender of our vital defense programs against the arguments of those who sought to compromise the military posture of the country in the name of economy. Many times I have heard him say, "Don't fight unless you intend to win."

George was, I am certain, the first veteran of World War II to serve in the Congress, released from active duty in 1944, as a lieutenant (j.g.) in the Navy, to fill the seat in Congress to which he had been elected. The Navy's loss was the people's gain. He was their great champion—he would have been a great admiral.

Ladies and gentlemen, George Andrews was many things to me—a friend, a benefactor, and my representative. We have all heard the saying: "They do not make them

like that any more." I am not sure about that—fortunately there is a George, Jr.—but I am sure that they do not make enough of them like George Andrews.

So all of us owe a great debt to George Andrews. To his wife Elizabeth, to their son George, to their daughter Jane, and to all other members of their families, let us at this memorial luncheon rededicate ourselves to the convictions of George Andrews, that this great State and this great country continue to flourish and grow. He would be forever proud and happy that we do so. Thank you.

PRESIDENT DEFENDED FOR HIS EFFORTS TO END VIETNAM WAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DUNCAN. Mr. Speaker, there is an old adage, "he who hesitates is lost." Our experience in Vietnam clearly bears out the wisdom of this remark. Now that President Nixon has taken a bold new step to chart a decisive course of action in Vietnam, his critics want a return to the hesitation policies of the past. A constituent of mine has a most eloquent answer to these critics. The following letter to the editor of the Knoxville News Sentinel provides a refreshing answer to the critics who have put their heads in the sand thinking it will make the war go away:

PRESIDENT DEFENDED FOR HIS EFFORTS TO END VIETNAM WAR

EDITOR, *The News Sentinel:*

First let me say we know the horror, agony, the grief and heartbreak of war. My husband served overseas in Wilson's World War I. Our only son was killed in action in Roosevelt's World War II. Survivors of his regiment said "our ammunition was rationed."

We had Truman's Korean War. He refused to allow bombing north of Yalu River. When Gen. MacArthur wanted to win, and could have, he was relieved of his command and ordered home. Truman's no-win policy in that part of the world created conditions that gave aid and advantage to the Communists and greatly strengthened their position.

In 1960 Kennedy campaigned on the slogan "we lost prestige under Eisenhower," but during those light years we were involved in no war, the Korean treaty was signed and not one single American serviceman lost his life in combat.

A short while after Kennedy's inauguration, he involved us actively in Vietnam. Our first casualty was less than a year after his administration began—almost 11 years ago.

In 1964 Johnson called his opponent a "warmonger." Goldwater thought we should and could win the war in Vietnam. But soon after Johnson's inauguration he forgot all that, and escalated our forces to over 500,000. Did we win? No, still the same old no-win policy. On and on the fighting, the casualties, killed and wounded, mounting, mounting.

The U.S. was involved in all four of these wars, years and years of fighting under Democratic presidents—Wilson, Roosevelt, Truman, Kennedy, Johnson. This is history. The record is there to read.

In 1969 Richard Nixon became President. Immediately he was damned, criticized, blamed for all the stupid mistakes and bad judgment of the almost eight years of the Vietnam War. Nixon returned hundreds of thousands of our servicemen. Sanctuaries built up under Kennedy and Johnson were destroyed and our casualties greatly reduced.

Each time Nixon was greeted with criticism demonstrations. Why? Is it wrong to try and win a war? Is it wrong to try to protect our forces committed to combat?

When military targets have been bombed in North Vietnam, the hue and cry has been awful. But when civilians are ruthlessly slaughtered in the South, hospitals, theaters, hotels, etc., hit—no outcry. The April 27 News-Sentinel reported "shrapnel rained on refugees in siege of Quang Tri City"—the bleeding hearts did not object.

The President's talk as he outlined his blockade and mining plan was magnificent. But he was greeted with violent criticism in the House and Senate—with destructive threatening mobs and demonstrations. Sixty thousand American forces are still in Vietnam, there are thousands of our men held prisoner. Don't Americans of all parties want our men safely home? It's hard to understand, but in trying to end a war he did not start, Nixon is criticized, damned, even threatened with impeachment.

What side are these people on?

E. A. CRAIG.

WHERE ALL THE TAX DOLLARS GO—RARICK CONTINUES HIS REPORT TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on some of the radical and extreme uses of the American taxpayers' dollars and the credit of our country. I insert the report at this point:

RARICK CONTINUES HIS REPORT TO HIS PEOPLE ON WHERE ALL THE TAX DOLLARS GO

President Nixon, while encouraging continued one-third U.S. funding of the U.N. budget as a necessary expenditure to provide a public forum for leaders of the world to meet and talk over peaceful solutions to our problems, repudiated any effective role of the U.N. by personally holding private meetings with the Communist party leaders in Peking and Moscow. The expense of air transportation, security, and other arrangements, as well as the absence of the President from his job in Washington, all represent a great expense to our government. While much of the expense can not be itemized, some of it has been made available—even though it has received little publicity. For example, on the trip to Red China, the Chinese reportedly demanded an advance deposit of 6.6 million dollars in U.S. gold before they would agree to the meeting and allow the conference to be televised live to the U.S. Then, in the exchange of the gifts, the cost of transportation for the musk ox to China and bringing the pandas to the U.S. was $98,000, while facilities to house the pandas in Washington will cost the taxpayers over $500,000—just to be able to exhibit the gift from the Chinese Communist party. What the American people have received in turn other than loss of face and loss of friendship around the world still has not been evaluated in dollars and cents.

In Russia, where our President offered a toast in Russian to "eternal glory to heroic Leningrad", he presented to the Soviet Party Chieftan a 1972 Cadillac donated by American capitalists, and to seal the new arms limitation treaty gave to the Soviet President and Premier rifles with special telescopic scopes and appropriate ammunition.

Traditionally peace-signing ceremonies are accompanied by the release of white doves, but apparently the President's advisers had done their homework and were aware that the Communists Podgorney and Kosygin were old time revolutionaries whose pet hobby is firearms. The symbolic offering of guns to an opponent sounded more like a surrender ceremony than agreement for arms limitations.

The most publicized aspect of the President's Russian trip has been the announcement that he has entered into a signed agreement with the Communist Party leaders which will slow down the arms race and lead to world peace and understanding. Little is told to our people to remind them of the past experience with Communist leaders who never sign an agreement unless it is overwhelming in their favor; and should it end up to their dissatisfaction, tear up the agreement declaring it simply a piece of paper. What did the American people really get out of the extra expense of having the President go to Moscow because the U.N. is inept? At most, we have given our people a sense of false security, and we have given the Russian leaders the added advantage of time.

So we may see first hand who made the concessions and who got the advantage at the Moscow summit. The following statement from the protocol accompanying the agreement is indicative:

The U.S. may have no more than 710 ballistic missile launchers on submarines (SLBMs) and no more than 44 modern ballistic missile submarines. The Soviet Union may have no more than 950 ballistic missile launchers on submarines and no more than 62 modern ballistic missile submarines.

In other words, the treaty limits the U.S. to 44 ballistic missile submarines while the Russians get 62, and our country can have no more than 710 ballistic missile launchers while the Russians agree to limit theirs to 950.

In traditional American do-gooderism, we are to give the Russians the advantage of 18 more ballistic missile submarines and 240 more missiles—that is being ballyhooed as a great step toward maintaining arms balance—parity. I leave it to you to decide whether you have received your dollar's worth as well as whether you think this was a fair settlement or a prelude to suicide. Surely no one can deny that implementation of this agreement will reduce our country to a second-rate military power.

Another program receiving national attention these days is revenue sharing, or more appropriately, under the bill now pending in Congress, the State and Local Assistance Act of 1972. The pending bill supposedly would return some of the taxpayer's money to the states, cities and local communities with populations of 2500 "for high-priority expenditures, to encourage the states to supplement their revenue sources, and to authorize Federal collection of State individual income taxes." The bill, H.R. 14370, would redistribute $5.3 billion to states, of which $3.5 billion would go to the local governments in 1972, increasing to a level of $6.5 billion by the fourth succeeding year.

Revenue sharing, that is return of federal funds to state and local agencies, is nothing new, since federal funds have been shared for many years in fields of education, highway construction, airports, welfare. By now, revenue sharing has reached every facet of our endeavor accompanied by its ever-increasing federal control and regulation. For example, in fiscal 1971 our State of Louisiana received $163,990,062 in federal assistance or revenue sharing.

The latest revenue sharing program has been tailored mainly to ease the financial crisis in our bigger cities, which has been caused to a large degree by federal controls, regulations, and orders, thus causing the flight of many of the people from socio-economic experiments, ever-increasing taxes, and refusal of the local people to increase their taxes to pay for politically motivated federal programs. As a result of the mass

migration from our cities and the desire of the local leaders to participate in expensive federal programs and prestige projects, most cities and municipalities can not keep pace with revenues meeting expenditures—the money's not coming in as fast as it's going out.

Certainly the plight that the mayors and local officials find themselves in makes it more difficult not to grasp at the latest federal carrot which would only cost the taxpayers $5.3 billion. Especially is this so when we consider that in devaluing the dollar last month, the taxpayers were forced to give the international banking institutions $1.6 billion—roughly ⅓ as much as the cost of revenue sharing—for the right to cut the buying power of the dollar. Nor does it make sense to continue pouring out foreign aid to every country around the world at a rate of $13,500,000,000 in 1972—almost 2½ times as much as the cost of the revenue sharing—to participate in every international share-the-wealth program when our own people can use it for improving our own community and helping our own people—who, after all, are the ones who create the wealth.

But the revenue sharing bill, H.R. 14370, is again another political ploy designed for people-control and political party-domination.

Here is a table showing the proposed annual revenue sharing to the parishes in our District:

Ascension	$367,924
East Baton Rouge	5,701,615
East Feliciana	284,155
Livingston	401,287
St. Helena	178,571
St. Tammany	561,129
Tangipahoa	479,756
Washington	202,225
West Feliciana	187,664

On a per capita basis we in Louisiana would receive $22.58 while New York State would receive $35.20 per person.

This is not fair, nor is it corrected by the persuasion that if the people in Louisiana raise their State income taxes, then in return they can receive a bigger share of the federal pie.

While the states' portion of the revenue sharing is being promoted as having no strings attached, the bill restricts the use of the local share to public transportation, public safety and environmental protection—areas in which federal monies have already been appropriated.

Our people also realize that with federal funds come federal controls. Perhaps no more obvious a reminder of this is that the formula under the Revenue Sharing Act is based upon state income taxes, and the bill's title says "to encourage the states to supplement their revenue sources"—in other words, the higher the people tax themselves, the more money they would receive under the federal formula. So it is not surprising that Title II of the bill itself reads, "Federal collection of state individual income taxes. . ." The bill provides that the state can agree that the federal government preempt or take over all of the state income tax collections and give all civil and criminal powers to the U.S. Attorney and Federal Judges in lieu of state officials. In fact, Title II even provides a model state income tax law so that all states might have a unified tax system.

As written, the law would authorize Internal Revenue people full access to all state income taxes for the purpose of verifying reports and collections. The big question posed by this section is what will happen when the federal government has collected the states' income taxes and the federal bureaucracy decides that the state is not in compliance with some guidelines or federal policy cuts off the state's funds and leaves the state without any money to finance its own operations adequately?

Perhaps the more interesting and enlightening fact is that the Ways and Means Committee of Congress, which passed out the Revenue Sharing Bill, will be holding hearings on increasing the national debt at or near the same time that the Congress will be debating the Revenue Sharing Bill.

The national debt—the amount that the President can borrow against the full faith and credit of the U.S. taxpayers—now has a maximum ceiling of $450 billion, which means that the interest alone on the outstanding debt will exceed $25 billion this year. Think of it—$25 billion which won't create any jobs or fund any Federal programs—almost five times as much as the cost of the Revenue Sharing Program, yet few people express any concern about this fiscal irresponsibility. The new debt ceiling request will probably be for $30 billion more, or a total national debt authorization of $480 billion. The budget contained a programed deficit of $44.7 billion for this year. Already there is talk about the new increase in Federal income taxes following the Presidential election this fall.

Certainly our country and our people have the wealth and productivity to provide for everything that the people themselves want and are willing to pay for; but we cannot continue to support every international boondoggle nor supply our fighting men to combat every brush fire, and still expect to fulfill the needs and desires of our people at home. Fiscal responsibility must receive high priority.

There needs to be an accountability and only time will tell whether it will come from the people or the bureaucrats.

JOE YOUNG AND PHIL SHANDLER HONORED FOR LABOR WRITING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DULSKI. Mr. Speaker, the Washington-Baltimore Newspaper Guild, at its annual award ceremony, recently honored Joseph Young and Philip Shandler of the Washington Star for outstanding labor reporting.

As one who follows closely matters of concern to Federal and postal workers, I feel the recognition is richly merited. They were the first winners of the Frank C. Porter Memorial Award in the newly-established category of labor reporting.

Through the medium of the Star's syndicated Federal Spotlight column, as well as through individual stories, Joe Young and Phil Shandler work as a top-notch team in covering the wide-ranging developments as they apply to this large group of workers located throughout the Nation, the greatest concentration being here in the Washington area.

The Federal complex is ever-changing in its makeup, As a result, there is intense interest in the progress or lack of progress on these changes and their impact on the employees and their families, as well as on individual communities.

In keeping close tabs on this broad front, Joe and Phil leave no stone unturned and it is gratifying to me to learn that they have been given due recognition by their peers.

PUTTING POLITICS FIRST, AMERICA SECOND

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. YOUNG of Florida. Mr. Speaker, Americans once prided themselves in putting America first and partisan politics second; we said that partisanship stopped at the edge of our shores. Unfortunately, this is no longer the case today. Almost daily we see examples of ambitious politicans seeking to divide America in an effort to create a climate favorable to their political ends.

Some of the so-called leaders who were responsible for getting us so deeply involved in the tragic Vietnam conflict are now screaming to end our involvement regardless of consequences while ignoring the success of President Nixon in dramatically reducing our participation in combat there. Having erred in the past, they would seek to erase their culpability by erring as grandly in the opposite direction.

The Congress was treated to such a display recently with the testimony of Clark Clifford, former Secretary of Defense, before the House Foreign Affairs Committee. Mr. Clifford's astonishing testimony was placed in proper perspective by Crosby S. Noyes in a column in the May 28 edition of the Washington Star.

Here, for the consideration of the Congress, is what Mr. Noyes had to say:

[From the Washington Star, May 28, 1972]

CLARK CLIFFORD AND THE LOGIC OF PARTISANSHIP

(By Crosby S. Noyes)

One can only sympathize with Secretary of State William P. Rogers. The gratuitous advice we are getting on how to get out of the war in Vietnam from the people who were chiefly responsible for getting us into the war in the first place is both astonishing and a bit sickening.

Rogers' comments on the subject were provoked recently by the testimony of Clark Clifford to the House Foreign Affairs Committee. Clifford, a sometime hawk in the Kennedy and Johnson administrations and briefly secretary of defense, has had several profound changes of heart since his days as a prominent adviser of presidents.

Today he is generously willing to share the blame with everyone for the mistakes of the past. In his current view, there never have been any stakes of any real consequence to the United States in Southeast Asia and the whole affair was the result of an unfortunate misunderstanding. His present concern is that President Nixon should face up to the consequences and forthrightly admit a total defeat in Vietnam, Laos and Cambodia.

Clifford is more than ready to concede that Nixon's policy of Vietnamization—including the withdrawal of a half-million American troops from Vietnam—has been a dismal failure. Far from a prescription for ending American involvement in the war, he argues, it is a formula for insuring its indefinite continuation. As he sees it—perhaps accurately—it has not strengthened the Saigon government to the extent that it can withstand future assaults from the North, nor weakened it sufficiently to force a settlement on Hanoi's terms.

The former secretary of defense is quite definite about the way President Nixon should deal with the situation. He should not

support the Saigon regime against an all-out attack from the north—particularly if this support threatens our relations with China and the Soviet Union. Resistance to the Communist offensive—including the mining of the harbors of North Vietnam—is, in his view, a dangerous exercise in futility.

The alternative which Clifford suggests is wonderfully simple.

The United States should set a "date certain" for the final withdrawal of all American military personnel from Indochina and at the same time should end all ground, naval and air support for the Saigon regime. In return for this, the North Vietnamese would (it is hoped) return all American war prisoners and agree to refrain from attacks on departing American troops.

Such an arrangement, in Clifford's view, would bring about a prompt end of the war. It is his "firm conviction that if this plan were agreed to, political forces would surface in South Vietnam that would institute negotiations between the Vietnamese leading to an overall settlement." And that settlement, needless to say, would be on terms dictated by Hanoi.

Clifford, of course, is not by any means alone in recommending a sellout of South Vietnam. Most of the Democratic candidates are calling for much the same thing, including Sens. Hubert Humphrey and George McGovern. The change that President Nixon is prolonging the war indefinitely by refusing to arrange for the defeat of the South Vietnamese army is fairly standard Democratic logic at this stage of the game.

One also can understand the politics of the argument well enough. If Richard Nixon were to take the advice of his Democratic critics and lose the war between now and November, he almost certainly would be defeated for re-election. And since he is not at all likely to do any such thing, his Democratic critics have nothing much to lose in making dire predictions about the course of the war and the American involvement in it.

Partisanship, after all, has a special logic of its own. It is not exactly a rare thing in politics that our elder statesmen, who can perform brilliantly when their own party is in power, are perfectly capable of repudiating all of the principles they have stood for when they find themselevs in opposition. Whether a given policy is good or bad, it seems, is largely a question of whether one wants it to succeed or hopes that it will fail.

Clifford, apparently, has his heart set on failure. So far as he is concerned, it is unthinkable that South Vietnam should survive as an independent country, that the North Vietnamese should fail in their current offensive or that Nixon should succeed in extricating the United States from the war without losing it.

In order to assure failure, he is ready to repudiate everything that this country has tried to do over the last seven years at an enormous cost of blood and treasure and deliberately sabotage policies which he himself helped to create. It is not exactly surprising that Secretary Rogers finds this advice both bewildering and somewhat distasteful.

THE PRESIDENT'S ADDRESS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HOSMER. Mr. Speaker, in his address this evening, the President seemed genuinely proud to have helped manuever East and West to positions where genuine peace for many years is possible.

He warned Congress and the Nation against blowing it.

For example, he hinted that his programs for improved strategic systems such as the *Trident* submarine and B–1 bomber must be supported, otherwise time will erode away the mutual self-interest now present in the SALT arrangements.

SECOND THOUGHTS—THE U.S. SUPERSONIC SUPERGOOF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. PELLY. Mr. Speaker, Congress voted a little over a year ago to kill the supersonic transport program which was already well underway at the time—an action that set this Nation on the road backward in international aviation.

The real consequences of this ill-timed action are now being felt—and I am sure that many of my colleagues who voted against the SST must now be having second thoughts. I insert into the CONGRESSIONAL RECORD an article from the May 28 edition of the New York Sunday News on this very point.

The article follows:

SECOND THOUGHTS—THE U.S. SUPERSONIC SUPERGOOF

(NOTE.—A former Air Force officer and a nationally recognized aviation writer and editor, Ansel E. Talbert was one of the first U.S. newsmen to make a flight in the British French Concorde SST at Mach 2—1,350 miles an hour.)

(By Ansel E. Talbert)

A little over a year ago Congress killed the supersonic transport, and by this time at least some of those who voted its demise must be having second thoughts.

Into the United States SST prototype development program had gone eight years of intensive research and actual work on its hardware by some of the nation's top scientists and engineers.

Winding up all contract and other details of the eight-year-old project is costing something over $100 million more than completing it would have, according to Department of Commerce testimony.

The immediate consequences of Congress' action to the U.S. economy, the U.S. aerospace industry's competitive position in overseas markets, and the industry's morale were extremely bad—and in certain cases appalling. These results still are unfolding.

The long-range economic implications of what has taken place are freightening. Beyond question, they have blocked the creation of tremendously important sources of revenue which during the next two decades could have been applied to social needs.

Particular victims of the SST cancellation are the U.S. taxpayers, approximately $1.2 billion of whose money was blown with nothing to show for it, and that group of aircraft industry workers having the highest skills and education. The latter includes many thousands who have earned through years of effort a real stake in their respective communities; who never before have been out of work for a lengthy period, and who would be invaluable assets to future high-priority projects.

Today, a large part of that group has exhausted unemployment insurance and actually is on the verge of bankruptcy and hunger.

The program that Congress killed was initiated in 1963 by President John F. Kennedy, who called an American SST "a national objective . . . essential to a strong and forward-looking nation."

A special team studying future goals for U.S. civil aviation, which President Kennedy had appointed immediately after taking office in January, 1961, strongly recommended "intensified efforts" to produce such an aircraft. Informal SST studies had been going on since 1958.

The SST development program which the 92d Congress killed by cutting off the funds for continuing it, would have given the U.S. two prototypes of what had been designed to be the world's largest, fastest and most advanced and economical SST and paid for 100 hours of flight testing of them.

Tests would have started with a maiden flight by one of the prototypes late this year. This testing would have provided many specific answers to important questions relating to SST noise, economics and influence on the environment, for which the U.S. now will have to depend on foreign sources.

Three foreign nations—Britain, France and the Soviet Union—have benefitted immeasurably from cancellation of the U.S. SST prototype program. It gives them a 10-year lead over the U.S. in this crucial field of future development.

Although a bevy of anti-SST critics from the U.S., headed by Professor John Kenneth Galbraith of Harvard, have gone abroad to appear on European TV and to hold press conferences attacking the French-British Concorde SST—possibly to cover their bets against the U.S. SST project—testing of the Concorde has moved along swiftly and without hitch.

(The Concorde, built mostly of aluminum alloys, is designed to carry 128 passengers approximately 4,000 miles at a speed of 1,350 miles an hour, while the U.S. SST, constructed largely from titanium, would have carried 298 passengers over a similar range at 1,800 miles an hour.)

The two Concorde prototypes, now joined in the skies by the first preproduction model, already have amassed over 250 hours at Mach 1 (faster than sound). A total of 16 Concordes are now being built, with key assemblies ordered built for six more.

Nearly half of this current Concorde time has been at Mach 2 (roughly 1,300 miles an hour) or on the Mach 2 borderline.

On Thursday, Michael Heseltine, Britain's Minister of Aerospace, announced in the House of Commons that British Overseas Airways Corp. had just ordered five Concordes, and taken options for eight more—and planned to put the supersonic aircraft into regular passenger service in time for the summer vacation travel season of 1975.

French sources close to France's Transport Minister Jean Chamant disclosed that a similar order from Air France soon would be forthcoming.

Keith Granville, chairman of BOAC, revealed that initial supersonic flight schedules of his airline called for two round trips a day between New York and London, plus service between London and Sydney, Australia, and London and Johannesburg, South Africa, and between London and Tokyo.

BRANIFF IS EVALUATING CONCORDE

In the U.S., Harding Lawrence, chief executive officer of Braniff International, revealed that his airline was stepping up final evaluation of the Concorde "from an engineering and economic standpoint." A Braniff pilots' team has flown the French-British SST and pronounced it "an outstanding aircraft, aerodynamically and technologically."

If the latest evaluation proves to be as positive as that of the pilots, Braniff will

make a decision "whether to buy one, two or three Concordes," Lawrence said. Braniff already has three Concorde delivery positions.

Lawrence is known to believe that the Concorde is a natural for Braniff's long intercontinental overwater routes connecting New York, Miami and Los Angeles with Lima, Peru, and ought to be a real money-maker on them. It would cut the New York-Lima flying time from seven to three and one-half hours and chop other times about in half.

There have been allegations from anti-SST groups that neither the Concorde nor any other SST will be allowed to operate into and out of U.S. airports.

But Jack Shaffer, head of the Federal Aviation Administration, says there is no national law or regulation which would bar such flights, and a local attempt by the Massachusetts Legislature to ban the SST was declared unconstitutional by the Massachusetts Supreme Court.

Not too much is known about the Soviet Union's Tupolev Tu-144 SST—almost exactly similar in design to the Concorde, but slightly smaller. It is certain, however, that its test program, although far behind the French-British one in Mach 1 and Mach 2 hours flown, is going ahead steadily.

The Russians are believed to have started out with two prototypes and cracked one up (although they deny the latter). In any event they will have three flying before this year's end. Already they are carrying out intensive sales efforts, including public advertising, in both Communist-aligned and non-Communist nations.

The fact that France and Russia *already had* supersonic transports and undoubtedly would move into the international market with them got scant attention in the almost hysterical anti-SST campaign in this country.

Probably the most amazing aspect of the fight that killed the SST was the wide publicity consistently given by several influential publications to scare stories based on highly iffy assumptions, which had little or no solid scientific backing. These often came from "scientists" having fairly impressive academic credentials and connections, but who usually were not in the field about which they were testifying.

A meteorologist having no formal medical training who had urged an earlier congressional committee to look into the possibility that visitors from outer space had deliberately caused the famous New York power blackout, was one who gave extensive and detailed SST testimony.

It was he who suggested that a fleet of SST's operating at 70,000 feet or so, might bring about atmospheric changes which would cause widespread skin cancer.

Economics professors turned on at length about such matters as technical design aspects of the SST, political scientists went on about environmental considerations, and so on.

It would require several volumes to carry on a discussion or do a detailed rebuttal of allegations such as those that SST's would start a new Ice Age; would melt the polar ice caps and cause oceans to rise; would generate sonic booms which would smash buildings, scare animals and marine life and create "ecological wastelands" by actually destroying fauna and flora.

The testimony of some recognized scientific authorities of the highest integrity and repute are worth considering as a means of putting the various anti-SST statements in their proper perspective.

On environmental matters, Dr. Will Kellog, chairman of the work group on climatic effects at the Massachusetts Institute of Technology, and associate director of the National Center for Atmospheric Research said:

"I am very much disturbed over . . . gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment.

"There is no environmental reason . . . to delay construction of two prototype U.S. SST's."

ACOUSTICS EXPERT DEFENDS SST

On noise, Dr. Leo L. Beranek, a former Harvard University physicist who has devoted most of his life to acoustics and noise prevention, testified that "there does not appear to be any technical reason why a commercial supersonic transport cannot be built which will be acceptable with regard to noise."

The "sonic boom problem" has become somewhat academic. This is because airlines, manufacturers and national government and state officials all have been in agreement for several years that SST's should not operate supersonically over land at any time.

On the charge that SST operations would congest existing airports, pollute the air above and between them and cause "community noise," the Airport Operators Council International wrote the President of the United States:

"We see the SST program as a unique opportunity to reduce these, while improving air transportation service through an orderly, well-planned program involving international coordination among airport and airline operators, manufacturers and government."

Most scientific evidence indicates that the "community noise" of the U.S. SST—as well as that of the European models—will be about half that of existing jet transports.

Sen. Charles Percy (R-Ill.) was the chief exponent of an argument that the airlines really didn't want an SST. His views would appear to be in conflict with the fact that 26 of them put $81 million, which they could well have used elsewhere, into the SST program. (They got it back after cancellation.)

And Stuart Tipton, head of the Air Transport Association, to which nearly all of the major U.S. airlines belong, said in reply:

"The airlines are deeply interested in an SST. I have discussed this in detail with the presidents. . . . They want the airplane. They particularly want the American SST."

The senators and representatives who voted to kill the SST might ponder on the fact that best estimates are that one SST carrying 300 passengers at 1,780 miles an hour (Mach 2 plus) would give off about the same amount of pollutants per mile as three automobiles traveling at 60 miles an hour.

In France, there was no real opposition to the Concorde. Among its staunchest defenders was L'Humanite, official organ of the French Communist party. The powerful CGT trade union group in France, which the International Association of Machinists and other U.S. labor groups describe as "Communist dominated" also backed the Concorde to the hilt.

A CGT pronouncement relative to the Concorde said solemnly, with a "nobody-here-but-us-patriots" air, "Maintaining our aerospace industry in the first rank at the international level is important to [France's] national independence."

In the U.S., cancellation of the SST simply sent the taxpayers' money down the drain and produced next to nothing in return. The major salvage items have been some research projects and investigative studies.

William Magruder, the brilliant test-pilot-engineer-designer who headed up the SST program when it was killed and now is serving in the White House as a special science advisor to President Nixon, believes that it would require between $1.5 billion and $2 billion to reconstitute the two-prototype project.

There would be no credit carry-over for a future U.S. SST from the $1.2 billion already thrown away. Skilled scientific teams whose members had been working together for years have been broken up; advanced technology hardware melted down or sold for junk, and participating company programs wrecked.

CANCELLATION CANCELLED JOBS

Within a month after the cancellation became effective on March 31, 1971, between 13,000 and 15,000 aircraft workers, scientists and engineers were thrown out of work. This caused and still is causing great personal distress.

The three largest groups of SST unemployed are in Seattle, headquarters of the Boeing Co., prime contractors for the SST airframe; Evandale, Ohio (near Cincinnati), where the General Electric plant responsible for the American SST engine design is located, and in New York's Suffolk County, Long Island.

Suffolk County is the location of the Republic Division of Fairchild Corp., largest single subcontractor on the SST project.

But there were subcontractors and suppliers in at least 40 states, and all have felt cancellation effects ranging in degree from mild to extreme.

Floyd E. (Red) Smith, international president of the International Association of Machinists and Aerospace Workers, the world's largest organization of aerospace workers, puts it this way:

"The SST layoffs have set off a chain reaction of unemployment in supporting industries. In the sub-contracting companies, tool and die makers, machinists, lathe operators, electricians, engineers and many others have lost their jobs. And this goes far beyond the companies involved in the SST program directly. It is hurting car salesmen, home builders, clothing stores and a great many others."

Smith estimates that the prototype program, although involving around 14,000 workers and scientists directly, actually would have generated at least 42,000 jobs. Had there been a decision to go ahead with production after a thorough testing of the two U.S. SST prototypes, some 50,000 workers would have been employed when the production really got going. A "ripple effect" would have created 100,000 more jobs in supporting industries, Smith said.

During the past year, however, the unemployment situation has become increasingly grave. Testimony a few days ago of Rep. Brock Adams (D., Wash.) whose congressional district includes the hard-hit Seattle-Kings County area, agrees with many other surveys that the situation is getting worse instead of better.

Backing his views are the findings of the U.S. Senate's "Select Committee on Nutrition and Human Needs" headed by Democratic George McGovern of South Dakota—now a front-runner for the Democratic presidential nomination.

McGovern's committee (the senator, ironically voted consistently against the SST program) gave its findings in a detailed printed record issued last November. This stated that "it is not unfair to call Seattle an area of 'economic disaster'."

The report added that "the present situation is murky and the future looks dark", and that "there are no immediate prospects for a rapid improvement in the areas' economy."

It should be pointed out that by no means all the distress in Seattle can be attributed to the SST cancellation. There had been previous cuts in the Boeing work force due to a fall-off of military orders and the tapering off of the Boeing 747 jumbo jet production program.

George Meany, the crusty and outspoken head of the AFL–CIO, estimates that the ultimate long-range impact of the U.S. *not* competing in the SST field will cost American industry at least 500,000 jobs. He accuses Congress of "exporting jobs abroad" and fears that this may well turn out to be the biggest U.S. export connected with the SST.

What has been the effect of the SST cancellation on the East Coast? At the Fairchild Corp. factories at Farmingdale, L.I., and at Hagerstown, Md., a total of nearly 1,000 have been laid off—most of them at the New York plant. The company, which had obtained about $35 million worth of SST subcontracts, also didn't hire the additional help necessary to put a programed 1,600 to work on SST subassemblies this year.

As at Boeing, the cancellation hit Fairchild at a time when it was feeling a decline in both civil and military aircraft business. Its management was hopeful of getting involved in a long-range project which would keep its work force together, and start things moving upward again for the company.

NO ROOM FOR OPTIMISM

The current work force at both places today is 3,200 (2,700 of them at Farmingdale), and it may drop before long if nothing turns up.

It is worth mentioning that since the SST cancellation, Boeing has worked out an agreement with Aeritalia of Italy for a joint program to design and build a large short-takeoff-and-landing (STOL) civil air transport aircraft. This will help to keep its top design team intact and busy. If things work out during testing, there will be a production line both in Seattle and in Milan.

Other firms which worked on the SST have done likewise or are presently exploring the possibilities.

Despite these immediate advantages, such moves might serve to reduce the 85% hold which the U.S. aircraft manufacturing industry now has on the world civil aircraft market, and depress it down to 50% or eventually 35%.

It is discouraging to those in the U.S. industry that U.S. civil aircraft exports will decline this year for the first time since 1964. The exports will amount to about $2.7 billion, down 39% from 1968 and 10% below 1971.

Thus, while the mock-up of the U.S. SST gathers dust in its hangar, while the U.S. falls behind in vital future development and thousands of scientists, engineers and technicians look for other work, France and Russia are gearing up production of the Concorde and the TU–144 in a drive to dominate a field in which this country once was supreme. The question remains: was killing the SST worth the cost?

THE BURUNDI MASSACRE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, the usual antagonists of so-called minority rule in Africa have been conspicious by their silence as to the mass slaughter of an estimated 50,000 people in the African tribal State of Burundi.

Perhaps the reason for the silence is that Burundi is a minority-controlled government which favored by the usually vocal opponents of minority-controlled governments in Africa.

I include related newsclippings which follow:

[From the Washington Post, May 31, 1972]

BURUNDI SAYS 50,000 KILLED IN CIVIL STRIFE

(By Stanley Meisler)

NAIROBI, May 30.—The government of Burundi has acknowledged that at least fifty thousand people have been killed in a month of fighting in the little land-locked Central African country ruled by the Tutsi.

In a broadcast monitored in Kampala, Uganda, Monday night, the Burundi government radio said the victims were killed by about 5,000 foreign-trained rebel invaders and some 3,000 internal criminals who had "a maliciously prepared plan to exterminate the Tutsi." The radio said the victims were "slaughtered" and said some were also "ignominiously mutilated."

The Tutsis, who are also known as Watutsis, make up less than 15 percent of the 3.5 million Burundi people. Despite their numbers, they have ruled the country and its predominantly Hutu people in a feudal way for centuries.

The government denied foreign newspaper and radio stories that there had been a spontaneous uprising by the Hutu peasants at the end of April and that, as a result, the Tutsi-run government was avenging itself with indiscriminate reprisals against the Hutu.

Independent reports reaching here from diplomatic and private sources, however, insist that the Tutsis, incensed over Hutu participation in the uprising, have been systematically trying to wipe out what they consider the "intellectual" class of the Hutus. All teachers, civil servants, clerks, businessmen, students—all those, in fact, with some education—have been the targets of Tutsi vengeance, according to the reports. Non-government sources say almost all the thousands dead have been Hutu.

The broadcast Monday was the first acknowledgment by the government that so many Burundis—whether Tutsi or Hutu—had been killed.

According to the broadcast, 5,000 rebels, trained and armed outside, tried to overthrow President Micombero Michel April 29 in both an attempted coup and extermination of the Tutsi minority. The broadcast said the rebels included both Burundis and followers—evidently Congolese—of the late Congolese rebel, Pierre Mulele. The broadcast did not say where the rebels were trained.

The broadcast said these rebels then linked up with criminal elements within Burundi in their massacres of the Tutsi. According to the radio, they mutilated children, committed unspeakable atrocities against girls, and massacred adults. "All the horrors were only against the Tutsi," the radio said.

[At the United Nations, Burundi Ambassador Nsanze Terence today said "more than 50,000 innocent victims" were killed, Tutsi and non-Tutsi alike, by the rebels who "under the Hutu label launched the genocidal attack."

[Terence said he had been informed by his government that most of the 50,000 deaths occurred April 29, 30 and May 1, before Burundi army forces began their counterattack. He said the rebels initially aimed their attack at "those Burundis whom they believed to be Tutsis."

[But he said when "the authors of this genocide were rejected by the masses, the rebels started slaughtering indiscriminately the people within reach."

[Ambassador Terence said hundreds of rebels were killed in the fighting that followed, and hundreds more arrested. Some of the rebel leaders have already been put on trial, sentenced to death, and executed, he said. The Burundi ambassador said the fighting has now ended and "the situation is totally under control."]

The independent reports reaching here differ on whether the killing has now diminished. Some sources say it was simply because there are few educated Hutus left to kill. Other sources say they see no sign of a moderation of the Tutsi frenzy.

Some sources report a feeling among a few members of the Tutsi elite that the vengeance has gone too far. These Tutsis fear that the Hutus, if pushed too far, may finally turn on their feudal lords and produce a fearsome vengeance of their own.

It is evident that the government of President Micombero is also showing some concern about the adverse foreign reaction to the slaughter. Pope Paul VI added his voice to the mounting foreign concern Sunday when he announced he was sending an envoy to Burundi "to give advice and comfort with the hope that as soon as possible, human and christian sense would prevail over barbarous destruction."

Perhaps to meet the foreign criticism, President Micombero has appointed "councils of wise men" to travel throughout the country and urge Tutsi soldiers and youth organizations to calm their anger against the Hutus. The councils each include an army officer and a prominent private Tutsi.

[From the Washington Post, May 18, 1972]

HUNDREDS DIE, THOUSANDS FLEE—BURUNDI: TRIBAL STRIFE, TERROR

(By Stanley Meisler)

NAIROBI.—Burundi, the last fiefdom of the tall Watutsi tribesmen, is in terror again. For almost two weeks, hundreds, perhaps thousands, of Africans have been slain, and thousands more have fled for refuge. The reason for the new trouble is obscure.

The latest reports reaching here indicate a decline in bloodshed in much of the countryside, but warn of new trouble ahead. The Watutsi minority, who have dominated life in Burundi for centuries, are arresting hundreds of the subservient Hutu masses, blaming them for taking part in an uprising against the Watutsi government. Many Hutus fear a vengeful massacre, and some foreign observers in Burundi believe that the fear is justified. It has happened before.

In fact, the Watutsi have probably started to exact their revenge. There are reports in Bujuanbura, the capital, of gangs of soldiers and other Watutsis searching for Hutus in the poorer quarters of town and killing some on the spot, of Hutu bodies lying in prison, of bulldozers digging mass graves by the airport.

The extent of the arrests of Hutus is shown by what happened at one secondary school last Friday and Saturday. Police came one day and arrested half the Hutu students. In 24 hours, the police showed up again, arresting the others.

In a radio broadcast to the country Monday night, President Michel Micombero said that the situation was "back to normal" in "almost every area of our republic."

Other reports reaching Nairobi Tuesday talked of rebels still fighting in the south, between Bujumbura and the town of Rumonge. Elsewhere, the south had quieted, but the situation hardly seemed normal. According to one report, a French helicopter brought Micombero to the port of Nyanza Lac on Lake Tanganyika on Saturday. He found it deserted. The townspeople still alive had fled to Tanzania.

But the reports reaching here left the important questions unanswered. There clearly has been an uprising against the government in this little land of 3½ million people locked between Zaire (formerly Congo-Kinshasa) and Tanzania in the center of Africa.

But who started it? Who took part? With the government imposing censorship and refusing to allow foreign correspondents in, the questions were difficult to answer. But some facts are known.

In late March, Ntare V., the 25-year-old former king of Burundi, returned home in a Ugandan helicopter. He had been deposed in 1966 in a coup led by Micombero, then prime minister and commander of the small Burundi army. Both the king and Micombero are Watutsi.

SAFETY PROMISED

President Idi Amin of Uganda had ordered a helicopter to fly Ntare to Burundi only after receiving a letter from Micombero guaranteeing the former king's safety if he came home as an ordinary citizen. But when Ntare arrived, the government reneged on its assurances. Burundi officials arrested him and accused him of trying to invade the country with mercenaries.

On April 29, there evidently was an attempt in Bujumbura either to overthrow the government of Micombero or to free Ntare, or both. The Burundi radio described it as a coup attempt and said hundreds had been killed in the fighting, including Ntare.

On the surface, the trouble in Bujumbura seemed like a clash between Watutsi over who should rule the rulers. But fighting soon erupted elsewhere in the country, which meant that the subservient Hutus, who make up more than 80 per cent of the population, were taking part in the uprising.

In fact, refugees in Tanzania have told newsmen that the killings in the south were mostly by bands of Hutus, armed with pangas (African machetes), looking for Watutsi.

HUTU UPRISING

A general uprising by the Hutus could be a fearsome thing. In neighboring Ruanda, where the Hutus also were ruled by a Watutsi minority, 20,000 or more Watutsi were killed in a successful Hutu revolution and its aftermath a decade ago.

But a general uprising did not take place in Burundi last week. In fact, there are reports of Hutu soldiers joining their Watutsi officers in fighting rebels. Despite this, the Watutsi are arresting and killing Hutus as if a general Hutu uprising had been attempted.

To try to get to the bottom of the recent Burundi events, three elements must be considered: the relationship between the Hutus and their Watutsi lords, the squabbling among the Watutsi, and the influence of outsiders.

For centuries, the Watutsi have ruled in a feudalistic way, taking loyalty, services, and goods from the Hutu peasant masses in exchange for the use of Watutsi land and cattle. As in European feudal days, the Watutsi lords also were obliged to protect their Hutu serfs.

RACIAL DIVISION

The division between the two peoples has also been racial, for the Watutsi are tall, Hamitic people from the north of Africa while the Hutus are short, stocky people of Bantu descent.

In many ways, the line dividing these two castes has not been as rigid in Burundi as in neighboring Ruanda. There has been some intermarriage. Micombero, for example, is believed to have some Hutu ancestry.

In addition, Hutus have been drawn into the ruling hierarchy. Some are landowners who rule other Hutus in a feudal way just like the Watutsi lords.

This may be one reason Burundi has not experienced a revolution like that of Ruanda so far.

Nevertheless, there have been at least two attempts by Hutus to overthrow the Watutsi-dominated government since Burundi gained independence from Belgium in 1962.

WATUTSI KILLED

In October 1965, a group of Hutu army and police officers tried unsuccessfully to overthrow the Watutsi king and establish a Hutu republic like that of Ruanda. Several hundred Watutsi were killed in the countryside.

The Watutsi revenge after the failure was brutal. It is believed that between 2,500 and 5,000 Hutus were killed, some by civilian Watutsi vigilantes. Military tribunals handed down 86 death sentences.

The dead included the leading Hutus in the government, and the army was purged of its Hutu officers.

In October 1969, the government accused another group of Hutu leaders of plotting to overthrow Micombero and massacre the Watutsi.

Sixty-seven plotters—all Hutus—were tried, and 26 of them were executed by firing squad in December.

The government's reaction to the recent troubles has been similar to its reaction after the earlier attempted Hutu coups.

On Sunday, the government radio announced that "war councils" had met on Saturday to try a number of people for "massacres, looting and arson." Without giving a number, the radio said there had been "many condemnations to death" and that "the judgments have been carried out."

Diplomatic sources assume that all of those executed were Hutus.

WATUTSI REBEL

The second element underlying the current troubles may be the squabbling among the Watutsi. Micombero, after all, is a rebel among the Watutsi.

The president, who is only 32 years old, is not a member of those Watutsi clans that usually supplied the kings and rulers of Burundi society in the past. As a soldier, he represented the modern, educated elite opposed to the traditional ways of the monarchy.

The troubles could have been ignited by royal followers intent on returning their king to power. The government radio, in fact, has accused reactionary Watutsi of a hand in the rebellion.

But to complicate matters further, Micombero, despite his ouster of the king, has been regarded as too conservative in recent years by a kind of left-wing Watutsi group—youth leaders, junior army officers, students and the educated elite.

The final element may be foreign. Besides talking about reactionary Watutsi the Burundi radio has accused mercenaries and "elements from abroad" of attacking the government.

CHINESE ACCUSED

It has been reported that Micombero, in private talks with diplomats, accused the Chinese and Belgians of taking part in the rebellion.

There also have been reports that Congolese followers of Pierre Mulele, one of the leaders of the uprising in the Congo in 1964, were involved. Bands of armed Mulelists took refuge in Burundi after their rebellion was put down in the Congo.

The possible participation of Mulelists was one reason President Mobutu of Zaire sent a company of troops to Bujumbura to help Micombero. The troops marched down the main street of the capital Saturday, but there have been no reports of them fighting rebels so far.

Piecing toegther all these elements, it is possible to come up with a tentative hypothesis to explain the cause of the new bloodshed: Some Watutsi, perhaps with outside help attempted to oust Micombero and perhaps restore the king, setting off—by design or accident—a Hutu uprising in some parts of the countryside. But this is only an hypothesis.

Whatever the causes, the latest bloodshed has worsened a growing problem in Africa—the uprooting of people because of tribal conflict.

Tanzanian officials report that more than 4,500 refugees from Burundi are being cared for in Tanzanian refugee camps. Other sources say that another 6,000 have crossed the border north of Lake Tanganyika and will show up in Tanzanian camps soon. A few thousand others have crossed Lake Tanganyika to Zaire.

CRIMINALS, JUSTICE, AND PUBLIC SAFETY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CRANE. Mr. Speaker, few problems are of greater concern to the American people than that of crime and violence in our society. More and more, honest and law-abiding citizens are made afraid to leave their homes. The incidence of murder, rape, and other crimes of violence is on the increase. Also on the increase is a discussion of prison reform, with some observers advocating that prisons be done away with entirely.

While honest citizens suffer from fear, criminals often proceed with their violations of the law with virtual impunity, believing with good reason that the possibility of escaping successful prosecution is a gamble worth taking.

The concept of a free society is eliminated if citizens are not free to proceed in their daily tasks without the fear that their rights and their physical safety are in imminent danger. Unfortunately, our society has been moving in this direction for some time.

Discussing this problem, Senator JAMES L. BUCKLEY recently pointed out that—

When it comes to matters of law and order, I am afraid that I am very much an ordinary man. I like to go about my business free from the fear that I may be assaulted or robbed. I like to know that my family and friends are safe on the streets and in our homes . . . But should my life or property be endangered by a criminal, I want to have a reasonable basis for believing that he will be apprehended, tried and punished. I want nothing so much, in short, as to enjoy the blessings of liberty unmolested.

But the fact is that a reasonable basis for believing that the guilty will be apprehended, prosecuted, and convicted is more and more losing its foundation. Senator BUCKLEY noted that—

I worry because far too few are sent to prison.

He challenged the idea that crime is a result of environmental shortcomings and that the problem cannot be solved until all social difficulties have ceased and stated that—

It may be theoretically satisfying to some to explain criminal behavior in terms of inadequate education or economic opportunity, but that is a small comfort to a mother whose 15 year old daughter is gang-raped on her way to school, as happened recently in Los Angeles. As Abe Fortas remarked, we cannot wait until we have rebuilt society according to some utopian reformist prescription before dealing with the all too commonplace, everyday savagery of crime.

In his speech, delivered before the Americans for Effective Law Enforcement in Chicago on May 4, 1972, Senator BUCKLEY calls for firm legal action against lawbreakers, is critical of recent Supreme Court rulings, and urges a system of jurisprudence which brings those accused of crime to trial as rapidly as possible.

He quotes Sir Reginald Sholl, the former chief justice of the Supreme Court of Victoria, Australia, who stated:

Many years of experience in the criminal jurisdiction have convinced me of two things—that the deliberate wrongdoer . . . will go on planning and committing crimes so long as he thinks the law is weak and yielding enough to give him a chance to evade it, and that he will have no respect for a legal system which is marked by feebleness in the application of its sanctions.

I wish to share Senator BUCKLEY's important address with my colleagues, and insert it into the RECORD at this time:

ADDRESS BY SENATOR JAMES L. BUCKLEY

I want to talk to you today about the problem of crime. This involves, I must confess, a certain presumption on my part, because I do not pretend to any special expertise in the field of criminal law. When it comes to matters of law and order, I am afraid that I am very much an ordinary man. I like to go about my business free from the fear that I may be assaulted or robbed. I like to know that my family and friends are safe on the streets and in our homes. I like to go to bed at night secure in the feeling that my life or property is not in danger.

But should my life or property be endangered by a criminal, I want to have a reasonable basis for believing that he will be apprehended, tried, and punished. I want nothing so much, in short, as to enjoy the blessings of liberty unmolested by those of evil heart and malevolent design. And, as is natural to those of us who have been born into this great nation, I look to the law as the ultimate foundation of my freedom. But if for some reason the law is unable to protect me, I begin to get worried.

And I must say to you that I am beginning to worry.

I worry because far too few criminals are arrested, far too few convicted, far too few sent to prison.

I worry because, when prison sentences are imposed, prison life becomes a breeding ground for yet further crime.

I worry because criminal trials are unnecessarily protracted, because appeals are far too open-minded, and because the entire process has been converted from a determination of guilt or innocence into a determination of the propriety of police behavior.

I worry because, by such examples, the lawless in spirit are encouraged to become lawless in practice, and because the American people, in growing numbers, have begun to lose faith in their system of criminal justice.

Crime has become as significant a characteristic of modern-day America as any other you are likely to name. Its recent rate of increase is startling, and its impact is pervasive. Between 1960 and 1970, when population increased by only 13%, serious crime rose by 176% and violent crime by 156%. Although in 1971 serious crime increased over the previous year by the smallest amount in nearly six years, the rate of increase in suburban and rural areas was nearly double the national average. This suggests that crime is by no means unique to our major cities and that its growth has a good deal less to do with economic or social disadvantage than is often assumed. Crime has in recent years acquired what Professor Leon Radzinowicz has called "a new physiognomy": the most telling rate of increase is among the middle classes, and it tends increasingly toward crime committed for its own sake, for the sheer pleasure of it. To that must be added yet another relatively new phenomenon: the direct relationship between crime and narcotic addiction.

Figures from New York City indicate that something like 50% of all robberies and burglaries are narcotics-related, and comparable figures could probably be adduced for most of our other large urban areas.

The reasons for the growth of crime are as complex and as varied as the culture of the modern world, and we are yet a long way from discovering how and why we have come to our present impasse. Good and decent men can and will disagree, as they have always disagreed, about the ultimate causes and cures of crime. It would appear that we know a good deal less about the causes of crime than we once thought we knew and, judging from recent statistics, we know a good deal less than we ought.

After all is said and done, after the last sociologist's report is in, and perhaps even after the computers have had their day, I wonder if it is not the better part of wisdom simply to say that criminals commit crime for a bewildering variety of reasons, and that we are yet a long way from understanding why charity and honesty do not win out over thievery and malevolence. In the meantime, the criminal law, whose primary function, after all, is to protect us from the criminal, must get on with its tasks, and it cannot forever, or even for very long, be held in suspension pending the final report on the state of the criminal mentality.

There are those, I know, who say that we cannot hope to remedy the problem of crime without a thorough overhauling of the nation's social and economic system—the assumption being that poverty, ignorance, and racial prejudice are the ultimate causes of crime. Those who so earnestly advance this argument never adequately explain why so much crime is committed by people who are neither poor nor unintelligent or who have never known a day of racial discrimination in their lives. Even if the assumption were correct, and I do not believe that it is, the ostensible "solutions" that follow in its wake are bound to be viewed by the law-abiding public as at best irrelevant to the immediate realities of crime with which they have to cope. It may be theoretically satisfying to some to explain criminal behavior in terms of inadequate education or economic opportunity, but that is a small comfort to a mother whose 15-year-old daughter is gang-raped on her way to school, as happened recently in Los Angeles. As Abe Fortas has remarked, we cannot wait until we have rebuilt society according to some utopian reformist prescription before dealing with the all too commonplace, everyday savagery of crime.

It was contended during the 1968 Presidential campaign, you may recall, that the slogan "law and order" was a "code-word" for racism. This prompted one observer to remark, "Well, if that's the case, I want to know what the code word for 'law and order' is, because that is what we desperately need." The charge of racism, however, disintegrates before the onslaught of fact. And the undisputable fact is that the most common victim of crime is both black and poor. Professor Herbert Packer has estimated that a black ghetto resident is at least 100 times more likely to be victimized by crime than a relatively affluent, white resident of the suburbs. The Associated Press, in an in-depth study, concluded that something like 70–80% of major big city crime takes place within totally black or predominantly black precincts. And to give you one devastating example from the nation's capital, in 1970 in a six-by-six block, all-black area, there were 4,062 major crimes reported, including 17 homicides, 16 rapes, 320 aggravated assaults, 568 robberies, 794 burglaries, 1,035 acts of larceny, and 11 cases of arson. Those are, let me repeat, the figures for a single year and they apply to a six-by-six block area. And bear in mind that these are the figures for *reported* crimes; as to how many others were unreported, God only knows. And I suspect that similar figures could be adduced for comparable areas within most of our major cities.

No wonder, then, that the New York City chapter of the NAACP in 1968 called for "the use of whatever force is necessary to stop crime and apprehend a criminal." No wonder that they proposed a *minimum* 5-year penalty for armed robbery—and without parole, I might add. No wonder that they proposed a minimum 10-year sentence for the sale of narcotics. Far from being "racist", a "get-tough" approach to crime might well be the single greatest contribution that enlightened public policy could make to the lot of black men and women in urban America.

Confronted by the horrible spectre of rising crime, the law-abiding public, both black and white, is understandably alarmed. A Gallup poll only last week revealed that better than two-fifths of the American people are afraid to walk in their own neighborhoods at night. I have no doubt that part of the remedy lies in more and better-trained policemen. The police, however, cannot be everywhere at once, and since the criminal is extraordinarily adept at discovering where the police *aren't*, the solution must lie elsewhere. The hard truth of the matter, however, is that we have too much crime for the police to handle—unless, the courts become more realistic in their handling of criminal cases. Contrary to the old adage, crime in America does indeed pay—and, for those who are prepared to undergo certain manageable risks, it can pay rather handsomely. Professor Gordon Tullock recently troubled himself to make some extrapolations on the rationality of crime as a profession and calculated, on the basis of 1965 figures, that if you commit a crime, your chances of being arrested are only one in seven, and if you are convicted, only one in sixty that you will be sent to prison.

This fact undermines one of the most treasured assumptions of latter-day criminology. The tendency in recent years has been to regard the criminal as a patient and crime as a disease, from which it follows that a "soft" rather than a "hard" approach to crime is the order of the day. For example, Mr. Ramsey Clark, who really ought to know better, recently delivered himself of the opinion that "most people who commit serious crime have mental health problems." Where Mr. Clark obtained this special insight, I cannot say, but if the typical perpetrator of serious crime has "a mental health problem," it is not nearly so severe as that which afflicts those who underestimate the essential rationality of the criminal's freely chosen career.

I cannot help recalling in this regard the story of Willie Sutton, the dapper and ingenious bank-robber whose exploits during the 'Forties and 'Fifties put him on many a front page. Following what proved to be his final arrest and conviction, the sociologists, criminologists, psychologists, and psychiatrists descended upon him in hordes. They pinched and poked and prodded each and every aspect of his life, from toilet-training on, applying each and every available hypothesis they could contrive to explain his life of crime. Almost without exception, these hypotheses began with the assumption that Willie was somehow "abnormal", that his genetic endowment or environmental experience, or some combination of both, virtually compelled him to pursue a criminal career. After months of exasperating study and conflicting conclusions, it suddenly occurred to an enterprising young interviewer to ask a really intelligent question. "Willie," he inquired, "why do you rob banks?"—and clear as a bell, without so much as a moment's hesitation, Willie shot back: "Because that's where the money is."

That simple and honest explanation is worth a world of learned treatises on the cause of crime. Most of those who commit crime do so because they *choose* to do so; and they choose to do so because the potential rewards, relative to the risk of being captured and punished, are highly attractive. Their choice, on balance, is really quite a reasonable one. As Sir Reginald Sholl, the former Chief Justice of the Supreme Court of Victoria, Australia has pointed out:

"It is a fine thing for humanity that men are now beginning to understand more of the human mind and its functions, as in the past 300 years they have come to understand so much of the human body. But in this country, as in mine, enthusiasm in this field outruns judgment, and there is a great tendency to forget that most crime is the product of rational thought by persons whose physical and chemical processes are within

what modern medicine accepts as normal limits."

The tendency, so prevalent in our time, to regard crime as a form of mental illness, is I believe, essentially a humanitarian disguise for the belief that individuals ought not be held accountable for their own acts. There is a peculiar softness to contemporary thought, the defining characteristics of which are the desire to avoid responsibility for the natural consequences of one's own behavior, and the refusal to recognize as legitimate any external constraint on the impulse of one's passions. The strength of this opinion is so great that we behold a widespread avoidance of those things which demand self-sacrifice or discipline, and a seeming unwillingness to impose restraints on others because one is unwilling to impose restraints on himself. This sentiment has had a devastating impact upon the criminal law, not only by eliminating whole classes of acts previously classified as criminal, but, in more subtle but no less potent ways, by robbing society of the conviction that it has the right to demand certain standards of behavoir and that it is entirely justified in imposing sanctions upon those who engage in anti-social conduct. This softness, this hesitation to impose rightful sanctions, bespeaks a fundamental lack of conviction in the ultimate foundations of the criminal law—a lack of conviction that the criminals are quick to detect and exploit. If the law is in any way tolerant or indulgent, criminals will be the first to discover the fact. And should they nevertheless run afoul of the law, they cannot help but form a cynical opinion about a legal system in which punishment, precisely because it is employed halfheartedly or irregularly, is thought of as being employed inequitably.

Once again, I believe the remarks of Sir Reginald Sholl are directly to the point:

"Many years of experience in the criminal jurisdiction have convinced me of two things—that the deliberate wrongdoer . . . will go on planning and committing crimes so long as he thinks the law is weak and yielding enough to give him a chance to evade it, and that he will have no respect for a legal system which is marked by feebleness in the application of its sanctions. . . ."

Sir Reginald reveals precisely the kind of level-headed common-sense that is required in dealing with the criminal element in our midst. That common sense was summed up with characteristic wit and economy by columnist and professor John Roche, who recently remarked: "The beginning of wisdom is to know who is going to shoot you if he gets the chance. From there you can go on to Plato and the classics." This is, I believe, essentially the spirit which animates public sentiment on the subject of crime. It is not a very sophisticated view, perhaps; but it is solid. Hard-headed, perhaps; but not necessarily harsh. And what's more, it is fully compatible with the protection of constitutional liberty—that of society as well as that of the accused. Whatever else our system of criminal justice might be thought of as accomplishing, the one thing it can do, the one thing it ought to do, the one thing that the public has a right to expect it to do—is to find out who the criminals are, see to it that they are prosecuted, and discourage them by whatever means necessary from committing crime again. If it is argued that this central function cannot be performed consistently with the requirements of the Constitution, then it will not be long before the public begins to call for a new Constitution.

How the idea got itself accepted that the effective application of the criminal law is somehow incompatible with due process for the criminally accused is, I must confess, something of a mystery to me. By the same token, I cannot see why the prosecution of criminals cannot be carried out efficiently, and with justice, without endangering the civil liberties of the innocent, for current statistics make it clear that a law-abiding citizen runs a far greater risk of being victimized by a criminal who has been arrested and later released than he does of being unjustly convicted of a crime. This is not to deny that there are hard cases, or that the line between tolerable and intolerable police behavior is sometimes difficult to draw. We deal so often in the criminal law with what are ultimately questions of prudence, and they do not always lend themselves to mechanical resolution. I take it that we are all in favor of due process for the accused, and that we are all in favor of ordered liberty for society as a whole. Unfortunately, there is no piece of constitutional litmus-paper that we can dip into the circumstantial vat to produce the desired constitutional result. Yet, somehow in recent years, the commands of the courts, and in particular of the High Court, have taken on an increasingly rarefied and mechanical character—a fact which has not escaped public attention. Never, I believe, certainly not within my own lifetime, has public esteem for the judicial process been lower; and few factors are so important in this loss of esteem as the widely held opinion that the courts are, as the saying goes, "soft" on criminals. A 1969 Gallup poll indicated that fully 75% of the American people felt that the courts did not deal harshly enough with criminals; and in a second poll two years later, in 1971, that sizeable percentage held firm.

Not altogether without cause, this discontent has been laid largely at the door of the Supreme Court of the United States. Here, it becomes necessary to remark on the revolution in criminal procedure brought about by the Warren Court during the 'Sixties. I use the word "Revolution" with some care. The statistics tell the tale. Between 1960 and 1969, the Supreme Court reversed 63 of 112 federal criminal convictions and, more tellingly, 113 of 114 state criminal convictions. Moreover, as my distinguished colleague, Senator McClellan recently pointed out, the Warren Court evidenced a singular disregard for its own precedent. In 1960 and subsequent years, the Warren Court specifically overruled or explicitly rejected the reasoning of no fewer than twenty-nine of its own precedents in the criminal field, often by 5 to 4 majorities. Eleven of these were overturned in a single year, 1967. Twenty-one of the twenty-nine decisions overturned during this period involved a change in constitutional precedent without benefit of constitutional amendment. And of the remaining eight, seven represented a new reading of old satutory language effected without benefit of legislative enactment. Perhaps most telling of all, as far as the public is concerned, twenty-six of the twenty-nine reversals were handed down in favor of criminal defendants.

Such is the record of the Warren Court in the criminal field. If you draw the inference that the Court during this period seemed somewhat unsure of itself, you are not alone. The lower federal judges are confused; you and I are confused. Even learned professors are confused. Everyone, it seems, is confused—except for the criminal. He knows. He knows that his chances of being arrested are fairly low; he knows that his chances of being convicted are yet lower; and he knows that, even if arrested and convicted, his chances of being imprisoned are lower still. He knows the restrictions which prevent the police from introducing relevant evidence at trial, and he knows that the present state of the law positively encourages the raising of constitutional objections against police behavior. He knows that these objections can be raised before, during or after trial; and, best of all, he knows that such objections are the surest way to obscure the fundamental question of his own guilt or innocence.

The criminal may have a better grasp of the ultimate meaning of the Warren Court's revolution in criminal procedure than all our professors and judges combined. Indeed, the greatest book ever written on the subject of present-day criminal law is the one which would reveal what criminals actually think of such cases as *Mapp* and *Miranda*, and the way in which their behavior is determined by them. The right to counsel and the privilege against self-incrimination are noble rights indeed, but only a man of remarkable ideological fervor would insist that they can be protected only by rendering inadmissible virtually all voluntary statements not made in the presence of counsel. Similarly, only an ideological zealot would insist that the only way to prevent unlawful searches and seizures is to exclude from judicial consideration all evidence, however relevant, obtained by unlawful means.

In a sense the *Mapp* and *Miranda* rulings, along with, perhaps, the unnecessary and excessive expansion of post-conviction remedies, tell the whole tale of public disatisfaction with the Warren Court. There are already indications, as those of you who watch the Court closely will know, that the Court may now be disposed to back off from some of *Miranda's* excesses—and in no small part because Congress, in response to public opinion, declared in the Omnibus Crime Control Act of 1968 that voluntary confessions should be admitted as evidence whether a *Miranda* warning had been given or not. But the exclusionary rule, unfortunately, is with us still, in undiminished vigor, although it is increasingly apparent that the Court's once great enthusiasm for it is on the wane. As Mr. Justice Brennan remarked in a recent case: "Whatever educational effect the exclusionary rule conceivably might have in theory is greatly diminished in fact by the realities of law enforcement work. Policemen do not have the time, inclination, or training to read and grasp the nuances of the appellate opinions that ultimately define the standards of conduct they are to follow. The issues which these decisions resolve often admit of neither easy nor obvious answers, as sharply divided courts on what is or is not 'reasonable' amply demonstrate. Nor can judges, in all candor, forget that opinions sometimes lack helpful clarity."

"It is apparent," said Mr. Justice Harlan in the same case, "that the law of search and seizure is due for an overhauling. State and local law enforcement authorities must find quite intolerable the present state of uncertainty. . . ." He then called for an overruling of the *Mapp* case, which made the exclusionary rule applicable to the states, and of *Ker*, which, as Harlan put it, required the states to follow "all the ins and outs" of the Court's 4th Amendment opinion. I concur with Justice Harlan, and venture the suggestion that the tangent on which the Supreme Court has taken us is predicated, of course, on the assumption that the exclusion of unlawfully acquired evidence will deter the unlawful practice—and it presupposes that the net reward of the object lesson more than justifies the release of the guilty. Because the excluded evidence is only at issue when it tends to establish the fact of guilt. But, as Professor Dallin Oaks has pointed out, the assumed deterrent value of the exclusionary rule has never been adequately demonstrated or disproved—nor, so long as *Mapp* and *Ker* impose a rigid uniformity on the entire country, will it ever be.

Yet, this undemonstrated assumption—that police will be deterred from abuse—has exercised, and in many places still exercises, a talismanic charm over judges and lawyers. Why this should be the case is not easy to say. The exclusionary rule, as most

or you know, is unique to American law; and its application to the states—which means its application to all criminal cases that are brought—is of fairly recent vintage. I find it hard to believe that, prior to *Mapp*, the state of civil liberties in this land was for 170 years so precarious. In this matter, as in a number of others as well, we would do well to learn by English example. The status of civil liberty in England is in no wise poorer than in our own country; and in some respects, it may even be a good deal better. Yet, English criminal law has gotten along quite well without the exclusionary rule, and without a good many other procedural devices that our system in recent years has considered vital to the just resolution of the criminal process. The differences between English and American criminal practice suggest, at the very least, that there is more than one way of dealing fairly and efficiently with those accused of crime. And these differences are worth examining in detail.

I would propose, therefore, that we undertake at the earliest practicable date a systematic comparative study of British and American criminal jurisprudence. The United States and Great Britain share a common legal heritage. We hold in common fundamental concepts as to what is required to guarantee a fair trial and to safeguard the rights of the accused. And we share a bias in favor of the defendant in a criminal trial. For years after independence our procedures remained virtually indistinguishable. But in time they began to diverge; and in recent years in most significant ways.

Today the British are able to find a defendant innocent or guilty within a few months after his arrest; and a certain finality normally attaches upon conviction. In our country, years can elapse between arrest and the conclusion of a trial; and conviction merely marks the beginning of a procedural ballet which can continue virtually indefinitely. In England today, the incidence of crime is small in comparison with ours, and respect for the law and for the legal apparatus remains undiminished.

A comprehensive study of the kind I recommend may suggest any number of improvements which we can make in our own procedures without sacrificing the substantial rights of the accused, and it may also be instructive in telling us what purely *local* developments in American life may have contributed to our current criminality. This study should cover not only such matters as the exclusionary rule, the right to counsel and the application of the privilege against self-incrimination, but also: (1) An examination of the ways in which criminal trials in the United States might be expedited. In some of our larger cities, delays of five to six months between arrest and trial are normal, and delays of up to two years are not at all uncommon. When trials do get underway, they are needlessly protracted. (As Chief Justice Burger noted last year, the actual trial of a criminal case now takes two to three times as long as it did a decade ago.) A comparative examination should certainly deal with the growing abuse in the United States of the jury selection process, which, as Edward Bennett Williams has pointed out, is fast becoming "the judicial counterpart to the legislative filibuster. . . ." But it should also consider the impact of pre-trial procedures which recent Supreme Court decisions have declared to be constitutionally mandated. As Chief Justice Stanley Fuld of the New York Court of Appeals recently remarked, "These new procedures have added tremendously to the caseload of the trial courts and have substantially lengthened the time which elapses between arrest and trial." (2) Excessive delays at the trial level are compounded, for many of the same reasons, by comparable delays on the appellate level. The problem is not only with direct attack on appeal, but with collateral attack by means of post-conviction remedies, such as the greatly expanded use of *Habeus Corpus*. (As New York District Attorney Frank Hogan has pointed out, "There is virtually no such thing as finality in a judgment of conviction.") I would propose, therefore, that we examine the reasons why want of finality has become such a burdensome problem only in the United States. Here, once again, it will be necessary to examine the role of the Supreme Court. The impact of rulings by the High Court is such that an appeal to the highest court of a state is now little more than a steppingstone to the federal court system. The scope of the problem can be measured by comparing the number of *Habeus Corpus* petitions entertained by the federal courts in the past with the caseload today. Twenty years ago the number of petitions filed was less than five hundred—a number that, incidentally, Mr. Justice Jackson then thought abusive. By 1960, the number had risen to nearly a thousand, and by the end of fiscal year 1971 the total was a staggering 12,145. (And the overwhelming majority of these petitions, needless to say, was made possible by the *Mapp* and *Miranda* rulings.) In 1970, there were as many *evidentiary hearings* on petitions for federal *Habeus Corpus* as there were total *applications* in 1953.

The latent assumption of this dramatic expansion of post-conviction remedies, of course, is that it is necessary to correct unjust or unconstitutional convictions. But a recent study by the National Association of Attorneys General revealed that at most, only 3% of such petitions were successful, which suggests that state courts are performing creditably and fairly and that most claims are both frivolous and dilatory in intention. As Mr. Justice Harlan wrote in Mackey v. United States, "No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgement providing that a man shall tentatively go to jail today, but tomorrow and everyday thereafter shall be subject to fresh litigation already resolved."

This last is no small point. The lack of finality not only imposes extraordinary administrative burdens upon the courts both state and federal; it not only robs judges and prosecutors of precious time that might be more usefully devoted to genuine problems of injustice; but it undermines the sense of legitimacy of the criminal law in the eyes of both and public and to accused. As Professor Paul Bator of Harvard has written: "A procedural system which permits an endless repetition of inquiry into facts and law in a vain search for ultimate certitude implies a lack of confidence about the possibilities of justice that cannot but war with the effectiveness of the underlying substantive commands. Furthermore, we should at least tentatively inquire whether an endless reopening of convictions, with its continuing underlying implication that perhaps the defendant can escape from corrective sanctions after all, can be consistent with the aim of rehabilitating offenders." The first step in rehabilitation, he adds, is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation. . . ."

(3) I would propose also that we undertake comparative studies in the area of penal reform. The subject, of course, has been lately much in the news, and, as everyone from the Chief Justice to James Hoffa has pointed out, there is much that needs to be done. Here, as in dealing with the ultimate causes of crime, it must be confessed that many of the assumptions which have governed penology during the past century are now open to question. It is much easier to say what will *not* work rather than what will. And, based on recent experience, we can say that the laudable goals of deterrence and rehabilitation will not be advanced by making convictions more difficult to obtain, or by lessening the chances that a criminal, once convicted, will be effectively punished. As a recent report of the Americans Friends Service Committee pointed out—a report, incidentally, that was based in substantial part on the opinions of prisoners themselves—"After more than a century of persistent failure, the reformist prescription is bankrupt." Where we ought to go from here, it is difficult to say; but I suspect that we have a good deal to learn from foreign example.

(4) Last, but by no means least, I think it would be instructive to study the role of attorneys in criminal trials and to compare the way in which the adversary system affects the conduct and outcome of trials here and in Great Britain. A number of thoughtful observers in our country have expressed their deep concern that the adversary system is becoming an end in itself, that the ultimate goal of justice is being subordinated to political and theatrical gamesmanship. The courtroom in all too many cases has been turned into a kind of theatre of the absurd. Judges are insulted, decorum is scoffed at, and the judicial process held up to ridicule. That such behavior should take place at all is scandalous; but that it should be directed or condoned by members of the Bar is, to me absolutely intolerable. And I do not see that society is in any way obligated to confer a license to practice upon those whose behavior reveals a thoroughgoing contempt for everything that the law holds dear. Nor do I believe that it would be unjust for the courts or the Bar to remove the licenses of those who make a mockery of the very law whose protection they seek. We could, I believe, profit greatly by British example in this regard, and I commend such a project to the consideration of thoughtful men.

Well, you have been a remarkably patient audience, and I thank you for your indulgence. If I have taken overlong, as I fear I have, it is only because there is so much to say and so many things that need doing. Crime in this nation cannot continue to rise as it has in the recent past; public esteem for the legal process cannot continue to fall. Unless we come to terms with the problem of crime, I fear that almost everything else we attempt to do will come to nought. A free civil society cannot exist where there is widespread fear of criminal assault; it cannot exist where justice is so long delayed that it is, in effect denied; it cannot exist when the public believes that its legal system cannot protect the lives and liberties and property of the law-abiding. The danger in our time is less that the innocent will be punished than that the guilty will go free. And that, to my mind, is a far more serious injustice than any our system is likely to inflict upon one who may be wrongfully accused. The truth is that an innocent man has very little to fear from our criminal law; the difficulty and danger, if anything, is that the same might be said regarding the guilty man. And I believe that the public will not long tolerate a continuation of our present condition.

Which brings me to my final thought. In this day when disrespect for authority of all kinds—religious, parental, legal—is so pervasive; when allegiance to anything other than one's own passions is condemned as illegitimate; when "civil disobedience" is used as a defensive cloak for criminal behavior, let us not forget that, for all its failings, our nation and its rule of law are still robust and strong. But let us also bear in mind that, for all its strengths, the rule of law can only abide so many attacks and that the delicate webbing of civilization can, like the veil of the temple, be rent, and with it, the world's last best hope for freedom. Let us resolve, then, to seek justice; justice for the accused, but justice also for society. Let us resolve to

be fair; but also firm. Let us resolve to stand by the fairest system of law that the world has ever known. And in our resolve, let us call to mind the words of Abraham Lincoln, who said: "Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the revolution, never to violate in the least particular the laws of the country; and never to tolerate their violation by others. As the patriots of Seventy-Six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor; let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty; let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap—let it be taught in the schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. And, in short, let it become the *political religion* of the nation; and let the old and the young, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars."

TREASURY MEMORANDUM SUPPORTS SWEEPING TAX REVISION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ABOUREZK. Mr. Speaker, a document authored by the Assistant Secretary of the Treasury for Tax Policy, Mr. Edwin Cohen, recently attracted public attention in the debate over tax reform.

Today, I am inserting Mr. Cohen's memorandum, in full, into the RECORD. The administration will be asking for an increase in the Federal debt ceiling next week. At that same time, we will be provided an excellent opportunity to look at tax laws. Therefore, I feel that the impact of Mr. Cohen's memorandum is especially timely.

Mr. Cohen proposes a sweeping revision of the Federal tax code by eliminating the distinction between capital gains and ordinary income, and by ending all personal deductions that are unrelated to the making of taxable income.

He then proposes cutting the tax rates—a few percent for those on the lower end of the income scale, and a massive cut for those on the upper end.

I do not agree with all of Mr. Cohen's conclusions, but I am delighted to see that there is debate within the administration in favor of sweeping revision and simplification of the tax laws.

I think it is timely for all Members to read Mr. Cohen's remarks as this body moves toward consideration of tax legislation later this month.

Following Mr. Cohen's memorandum, I am inserting the comments of the tax reform group on the proposal:

POSSIBLE MAJOR CHANGES IN THE FEDERAL TAX LAWS—SIMPLIFICATION OF THE INCOME TAX ON INDIVIDUALS

There are constant complaints that the Federal income tax law is far too complicated. Each year during the filing season before April 15 there is a rising crescendo of denunciation of the tax forms, and of the increasing need for professional assistance in understanding and completing them. The Internal Revenue Service devotes much time and effort to the improvement of the forms and instructions. While some helpful changes might yet be made in the forms, the basic difficulty is that the governing statute is itself so complex that no revision of the form without a simplification of the statute will satisfy the complaints. Yet the political problems of simplifying an old law, now almost sixty years in existence, can scarcely be exaggerated.

Of course, numerous minor changes could be made in specific provisions of the Federal income tax law to achieve modest amounts of simplification for the more than seventy-five million indivduals now filing returns.

If, however, a major assault is to be mounted upon the existing complexities for individuals, I believe it must try to eliminate (1) the distinction between capital gain and ordinary income, and (2) the various personal deductions that are unrelated to the receipt of taxable income. The desirability of attempting a major degree of simplification may well be judged in relation to those two categories.

Capital Gains. Undoubtedly the single most important source of complexity in the law is found in the effort to impose a lower tax on capital gains, and to draw rules for determining the types of income that qualify as capital gains.[1] Not only is the distinction difficult in the statute, but it produces major efforts to plan business and investment transactions to qualify for the capital gains treatment. Substantial simplification could be achieved if the distinction between capital gains and ordinary income could be abolished.

The present capital gains tax system, which involves primarily treating one-half of long-term capital gains as ordinary income, in one sense represents a compromise between those who steadfastly maintain that capital gains should not be regarded as income and those who assert with equal tenacity that such gains should be treated the same as other income. But as a practical matter a chief aspect of the present system is that it limits the capital gains tax to 35% (25% on the first $50,000 of capital gains), whereas the rates on ordinary income go up to 70%. Thus abolition of the distinction between capital gains and ordinary income would require reduction of the maximum level of 35%; otherwise there would be a further increase in the tax on capital gains, producing a significant deterrent to investment and increasing the present tendencies to hold appreciated property until death, when its income tax cost changes to its then value.

Personal Deductions. A net income tax, especially one with graduated rates, requires allowance of deductions against gross income for expenses incurred in the production of income. But deductions for items unrelated to the receipt of income, such as charitable contributions, casualty losses, medical expenses, etc., are not necessary to the operation of the tax. Rather, they have been introduced into the law primarily as reflections of desires (a) to stimulate such expenditures, (b) improve the equity of the tax structure and (c) reduce the impact of high, steeply progressive rates. These personal deductions contribute in large measure to the complexity of the tax law and the forms, to the time needed to maintain individual records and to prepare and audit the returns, and to tax planning by individuals.

When the standard deduction was introduced in the law in 1944, about 82% of all taxpayers used it in lieu of itemizing their personal deductions. By 1968, however, only 58% were using the standard deduction. One of the major changes in the 1969 Tax Reform Act was to increase the standard deduction gradually over the period 1970–1973 from 10% of adjusted gross income with a ceiling of $1,000 to 15% with a ceiling of $2,000. This change is expected to result in close to 70% of individual returns using the standard deduction; but the remaining 30%, representing more than twenty-three million tax returns, can be expected to continue to itemize.[2] If the standard deduction were increased further, there would be a significant loss in revenue without solving the underlying problem of complexity.

Possible major simplification program. To eliminate the capital gain-ordinary income distinction and the personal deduction complexities, a program along the following lines might be considered:

1. *Rate reduction.* In lieu of the present structure that ranges from 14% to 70%, substitute rates running from 12% to 35%, as follows:

TAXABLE INCOME
($000 and Rate Percentage)

0–3	12
3–12	19
12–48	25
48 up	35

(The rates could readily be graduated in smaller steps.)

2. *Personal exemption increase.* In lieu of the present personal exemptions ($650 per person, rising to $700 in 1972 and $750 in 1973), the personal exemptions would be raised substantially to $1,600 for a single person, $3,200 for a married couple and $800 for each dependent. The blind and those over sixty-five would be allowed an additional $800 in lieu of the present double exemption.[3]

Under this proposal, for example, the normal family of four could earn at least $4,800 of income without paying tax, as contrasted with the $4,000 that will be permitted in 1973 under existing law.

3. *Capital gains.* Treated the same as ordinary income.

4. *Personal deductions.* Not allowed, except that interest deductions would be permitted to the extent of investment income received (since to that extent the interest should be regarded as an expense of deriving income).

Effect on revenue yield and distribution of income tax burden. If the 1973 level of personal exemptions and standard deductions were applied to 1971 estimates of individual income, the federal income tax revenue from individuals under existing law would be about $83.7 billion.

The proposed new income tax structure applied to 1971 individual income projections would produce an estimated revenue of $82.4 billion, a reduction of $1.3 billion, or about 1½%. We have not attempted as yet to refine the schedule of rates or personal exemptions, but it seems feasible to adjust them slightly to produce the same revenue as under the present structure.

It is important to consider the effect such a new system would have upon the distribution of the tax burden among the various income classes. The present distribution (under the 1973 law) and the change under the proposed system are set forth below:

Adjusted gross income	Present tax[1] (billions)	Tax change
Below 3	$1.4	(2)
3 to 5	2.3	−0.2
5 to 7	4.4	−.5
7 to 10	10.2	−.8
10 to 15	19.2	+.1
15 to 20	13.9	+.2
20 to 50	18.4	+.7
50 to 100	7.2	−.6
Over 100	7.7	−.1
Total	83.7	−1.3

[1] Assumes 1971 GNP of $1,065,000,000.
[2] Less than 0.1.

Footnotes at end of article.

Some refinements in the proposal would be needed to reduce the approximately 4% increase that would occur in the $20–50,000 income range and the approximately 9% decrease in the $50–100,000 range. A further refinement might be needed to adjust for the fact that the proposed system would reduce the income tax on families and increase the tax on single persons.

Objections. While the proposed new structure would achieve major simplification, and would open possibilities for elimination of other complex provisions mentioned later, a number of points would be strenuously urged in opposition to it. Among the major objections would be the following:

1. It would be argued that after the new structure was enacted, Congress or a subsequent Administration would move to increase revenue by increasing the rates, or at least would move to increase the top rate above 35%. The 35% top individual rate would be lower than that prevailing in most of the major nations of the world. A constitutional amendment limiting the maximum rate to 35% would be difficult to obtain, particularly because of possible needs to permit temporary increases in time of war or other unforeseen contingencies that would be difficult to define.

2. Although the distribution of the tax burden among the various income classes would remain substantially the same (or with minor adjustments could be made so), within each income class some individuals would find their tax increased and others would benefit from decreases. For example, those now having substantial deductions stemming from charitable deductions, home mortgage interest and real estate taxes, medical expenses,[4] casualty losses, etc., would have their tax increased in comparison with those in the same income class who do not make large expenditures of these types.

3. There would be substantial objections from among other sources—

a. Churches, colleges, hospitals, museums, community funds and other organizations that are major beneficiaries of deductible contributions.

b. The housing industry, because the elimination of mortgage interest and real estate tax deductions on personal residences would end the present income tax advantage of home ownership as contrasted with renting. The present preference for home ownership has often been attacked because real estate taxes and mortgage interest paid by landlords are passed on in the rent structure and are borne largely by tenants. Politically, suburbia may wish to keep the present system, with its preference for home ownership.

c. State governments, particularly New York and California, which have state income tax rates rising to 15% and 10%, respectively. The high progressive state rates in the upper brackets would be more burdensome of those taxpayers than under the proposed system. Yet taxpayers in states with average income taxes and sales taxes would have no real cause to object, since the federal income tax revenue and the aggregate personal income remaining after federal tax payments would remain the same.

Indeed, the reduction in rates might lead to objections from any groups that receive payments from persons who have tax incentives for making the payments, since the lower rates would reduce the tax advantages flowing from the expenditures.

4. Treating long-term capital gains as ordinary income may also produce objections from those now entitled to special capital gains treatment, such as owners of timber tracts, coal deposits and real estate, who would lose the preferences their industries now enjoy. Moreover, unless the new rates were designed to be exactly half of the present rates in all brackets (and the simplified schedule outlined above is not), there might be objection that the capital gains tax was being increased for some persons below the present topmost bracket.

5. Unless the top corporate rate of 48%[5] is also reduced, a top individual rate of 35% would cause complications that require thorough study, although they do not seem insurmountable. The change might cause a swing to sole proprietorship or partnership form of operation, as well as an increase in the number of "Subchapter S" corporations (which in essence are treated as partnerships). The Administration has already recommended to Congress that the permissible number of Subchapter S stockholders be increased from ten to thirty, and we have developed a program for simplifying the rules of the Internal Revenue Code governing those corporations.

6. It would be urged that while complexity would be substantially reduced under the simplified system, it would not be eliminated. If the income tax revenues were to be maintained at present levels, the tax would still be sufficiently high to warrant tax minimization planning. As an illustration, if charitable contributions were no longer deductible, persons rendering services might ask that all or part of their usual compensation be paid to their favorite charities—a type of tax avoidance that would be administratively difficult to combat. Yet while tax planning and tax avoidance would doubtless continue, they would be reduced in scope and importance under the proposed system.

7. It will be argued that members of Congress will disagree over the simplified rules to be installed in a new tax system and that inevitable compromises in the new legislation will themselves produce complexity. There is probably much truth in the contention, but if the goal of simplification is sufficiently appealing politically, simple compromises might be reached.

In broad summary, there are pitfalls and difficulties, but a simplified personal income tax would have great advantages that many would applaud. But it could be achieved only if (a) rates can be sufficiently reduced and (b) we are willing to reduce our use of the the income tax law to encourage or subsidize certain types of personal expenditures or misfortunes. Obviously there will be political opposition to the abandonment of those encouragements,[6] as well as to the lower rate structure, especially for the higher income brackets.

If the major changes regarding capital gains and personal deductions could be achieved in conjunction with rate reduction, there would be a great stimulus for proceeding with a series of other less significant moves that in the aggregate would substantially reduce the complexity of the law and the tax forms. Among these would be the elimination or restructuring of the provisions relating to sick pay, the retirement income credit, treatment of pension and annuities, the $100 dividend exclusion, child care expenses, exclusion of certain military pay and pensions, income averaging, etc. While the latter changes might be attempted individually, the chances of success would be much greater if simultaneously rates were being reduced and basic changes in the entire structure were being made.

Perhaps the chances of adoption of a simplified system might be enhanced if its effective date were deferred for several years to permit time for adjustment before it went into operation. Or perhaps some of the changes might be brought into effect gradually over a period of years.

It is possible to construct an alternative system in which taxpayers could be given the option to file on a simplified form or to use the present more complex form. Several years ago Senator Long introduced bills that would have provided such an alternative system. However, it would require duplicate provisions in the Code and duplicate forms; many taxpayers would have to calculate their taxes both ways to determine which method is the more favorable; and because of the taxpayer's option there would be a revenue loss for the government, necessitating some increase in rates to compensate for the loss.

FOOTNOTES

[1] In general, the Tax Reform Act of 1969 removed the 25% ceiling rate on capital gains except for the first $50,000 of such gains in any years. By 1972 the ceiling rate on capital gains beyond $50,000 will be 35% (*i.e.*, the maximum 70% regular rate applied to one-half of the capital gains), except that the new "minimum tax" on tax preferences in some cases can increase the effective rate on capital gains to 36½%.

[2] Under the 1969 Act the standard deduction in the years 1971–1973 will be as follows:

	Percentage	Ceiling
1971	13	$1,500
1972	14	2,000
1973	15	2,000

In addition, there will be a minimum standard deduction of $1,000 starting in 1972. If the 1973 standard deduction and personal exemption were applicable in calendar year 1971, the federal individual income tax base on an assumed GNP of $1,065 billion can be estimated as follows (in billions):

Adjusted gross income	$660
Personal deductions:	
Standard	47
Itemized	75
Total	122
Personal exemptions	134
Total	256
Taxable income	404
Tax	83.7

[3] If because the personal exemptions for taxpayer and spouse would be more than doubled, the present increased exemptions for the blind and the elderly could be eliminated, a further simplification could be achieved.

[4] In essence, under the simplified system, the present income tax stemming from deduction of uninsured medical expense above 3% of income would be reflected in lower tax rates for all. If health insurance against extraordinary medical expense were available for all, under whatever form of national health insurance might emerge, the present justification for an income tax deduction would be eliminated. But if some people will be unable to secure such insurance, they will want to continue the present partial "insurance" that stems from income tax deductions.

[5] The present corporate rate is 22% on the first $25,000 of income and 48% on the balance.

[6] It might be noted that the Ways and Means Committee and Finance Committee, which would have to approve the simplification, would lose jurisdiction over a number of important matters now dealt with in the tax laws.

Tax Reform Research Group Editorial: Simplification Is Not Enough

The release of the Cohen Plan is a major event in the national debate over our unfair and outmoded tax system. But an important negative feature weighs against the improvements Mr. Cohen proposes. While closing many loopholes—now used mainly by the rich—he would cut nominal tax rates in a way that would heavily favor high-income taxpayers. Tax rates on the rich would be cut in half, while rates in the lowest brackets would go down only a few percent. By combining this discriminatory rate-cut with the closing of loopholes, Mr. Cohen would continue the present distribution of the tax burden widely regarded as unfair. Clearly, tax

reformers will not be satisfied with this result.

We were surprised to learn that Mr. Cohen authored the tax simplification plan. While his experience and expertise are unquestioned, his public statements have not shown great concern for the unfairness of our tax system. Last year, for example, he was prominent in the Treasury attempt to exceed its authority and enact "ADR" depreciation regulations giving business a new multi-billion dollar tax cut. And he also staunchly opposed giving the public a meaningful chance to take part in the debate over these regulations. Mr. Cohen's recent letter to editors, and statements, in defense of the tax status quo have not altered this impression.

The year-long delay in White House action on the Cohen Plan is also cause for concern. The hints about tax simplification now beginning to surface have come only in response to mounting public pressure for tax reform. Indeed, the White House could easily use the Cohen simplification plan as a smokescreen, much in the way it may try to palm off a "Value-Added Tax" as "property tax relief." We sincerely hope that instead responsible legislators will use the plan as a first step towards fairer taxes.

RARICK REPORTS TO HIS PEOPLE ON WHERE THEIR MONEY GOES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on where their money goes. I insert the report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON WHERE THEIR MONEY GOES

The tremendous cost to the U.S. government for devaluing the U.S. dollar 8.57% will be borne by the taxpayers. In addition to reducing the value of every dollar that is owned and henceforth will be put into circulation by 8½ cents, Congress has authorized the Secretary of the Treasury to borrow $1.6 billion to give to the international banking institutions to compensate for the loss of our collateral in their accounts when the dollar was devalued.

Certainly any responsible, thinking American would believe that the Congress would have learned by this tragic lesson and be more cautious in foreign aid and giving out money and credit to the international crowd. But, events following the devaluation fiasco would indicate that Congress has not gotten the message. Possibly the belief is that U.S. dollars are going out of style so we should hurry and spend them before they become obsolete.

I thought today I would report to you on a few aspects of how your tax dollars are continuing to be spent in such a manner that the effect will not only necessitate additional tax increases and a larger national debt, but will eventually cause further devaluation in the buying power of the U.S. dollar.

The first bill considered was the Authorization for Fiscal Year 1973 for the Department of State and USIA. This bill authorized $648 million for the Department of State which includes $289 million under the heading "Administration of Foreign Affairs" to provide U.S. representation in foreign countries through 126 embassies, 72 consulates general and 2 embassy branch offices employing 3,792 Americans overseas and 5,120 foreigners.

The bill also authorized $188 million to meet our assessment of 31.52% of the United Nations budget and the U.S. share of the other international organizations.

Also included in the bill was a special sum of $85 million to permit the U.S. Secretary of State to furnish financial assistance for the resettlement of Soviet Jewish refugees in Israel. The funds authorized were to be used for housing, clothes, food, medical care, education and training for the resettlement in Israel of Jewish refugees from the Soviet Union.

The following day the House considered H.R. 14989 which was the appropriations bill to make available the money authorized the previous day as well as additional appropriations for the Departments of Justice and Commerce, the Judiciary and related agencies and for other purposes. The "other purposes" identifies the bill as being a genuine Christmas tree package—a little money gift for every agency and with a few choice bones left over to encourage all doubters that this was such a good bill that no one would dare oppose it.

The total amount of dollars authorized was not even given in the bill or in the report which accompanied the bill, perhaps because the printing equipment was not capable of totaling such astronomical figures. The debate before the final vote suggested that the appropriation of only $151 million as against the $188 million requested represented a severe cut in the U.N. contribution from 31% to 25%. The budget cut was opposed by the Administration and many of the Democratic one-worlders who not only feel we should not cut our lopsided gift to the U.N., but should even give it more money.

Proposed amendments to restore the full U.S. funding were narrowly defeated. The informed American simply does not buy the U.N. ploy. Especially is this so when he is paying the salary of almost 9,000 State Department people in foreign countries and when the President of the United States acknowledges that the U.N. is such an inept organization he is forced to personally apply his diplomacy in summit meetings in Peking and now Moscow. The informed American understands that the United States, with approximately 5½% of the world's population and with only one vote in the 131 member U.N. organization, is not being treated fairly in being required to supply one fourth of the cost of the operations of the U.N., whose only successful activity has been the erosion and eventual destruction of every American institution as well as our constitutional form of government.

Nor will the informed American swallow the argument that our share should be greater because we are wealthier people. Too many wealthy people and accumulations of wealth have found ways to dodge their fair share of the cost of running our own country through tax loopholes. Why should he be asked to apply one rule to our people and a separate standard to international organizations?

The size of member nations in number of people varies from 110,000 in population for the Maldive Islands to 750 million for Red China. Yet each has one vote and pays different dues—in fact, some pay none. The U.N. is a classic example of illegal apportionment. It could never stand the "one-man-one-vote" test of any of our Federal judges.

The gift list for International Organizations and Movements from the report accompanying the bill is worth noting in its entirety.

UNITED NATIONS AND SPECIALIZED AGENCIES

United Nations	$46,881,014
United Nations Education, Scientific and Cultural Organization	10,067,101
International Civil Aviation Organization	4,163,000
World Health Organization	20,857,370
Food and Agriculture Organization	9,098,820
International Labor Organization	4,000,000
International Telecommunication Union	966,797
World Meteorological Organization	943,489
Intergovernmental Maritime Consultative Organization	$151,538
International Atomic Energy Agency	3,849,190
Subtotal	100,978,319

INTER-AMERICAN ORGANIZATIONS

Subtotal	35,505,592

REGIONAL ORGANIZATIONS

Subtotal	13,606,767

OTHER INTERNATIONAL ORGANIZATIONS

Subtotal	996,572
Total	151,087,250

Interestingly enough, under the United Nations, $4 million was given to the International Labor Organization, the ILO. For several years Congress had refused to pay the so-called U.S. assessment to this organization because George Meany, the President of the AFL–CIO, had reportedly called it a Red propaganda agency. This year the Congress not only paid the $4 million current assessment, but in the second supplementary assessment, coughed up another $7,692,000,000 to pay all of the back dues, although there had never been any U.S. representation during the delinquent years. The change of heart was urged as necessary to permit U.S. attendance to prohibit the Russians from dominating the world labor movement.

Additionally, $4,942,000 was appropriated for the expenses of sending U.S. representatives or missions to the U.N. and its international organizations and another $5 million to pay the expenses of U.S. Congressional groups attending the U.N. functions as delegates.

In other earlier legislation a direct appropriation was made to UNICEF, the U.N. International Childrens Education Fund. Apparently, the feeling was that crime has now become so rampant that the U.N. crowd didn't want their children out on Halloween night begging for donations so it was decided to make the American taxpayers give to this cause whether they wanted to or not.

The American people will be repeatedly told of the great work of the U.N. and service to humanity, but no one ever goes to the trouble of telling them just what it is that the U.N. has actually accomplished.

$155 million of your money is being given to this international communist debating society. What is $155 million? The 1970 Census report on social and economic characteristics in Louisiana reports that in the parishes which make up the present Sixth District, there are 10,859 families who receive public assistance or public welfare income. The total mean annual income of these families, including public assistance or welfare and other income, varies from $3200 a year in East Baton Rouge Parish to $2400 a year in Livingston Parish. The $155 million being given to the United Nations for 1973, if equally divided among the poor families of the Sixth District would be sufficient to give each family $14,352. To put it otherwise, it is estimated that there are approximately 87,000 families in our State of Louisiana who are receiving welfare assistance. The money the taxpayers have been forced to give to the U.N. in the coming year would be $1,616 for every needy family in Louisiana. Consider that according to the 1970 census there are 41,900 in our state with incomes of less than $1,000.

The giveaways to the international organizations last week which will end up being takeaways from your income taxes next year are almost routine. If these figures weren't bad enough, as I am preparing this report, this week Congress has already authorized $19.7 billion for Housing and Urban Development, Space, Science and Veterans and $8.3 billion for the Department of Transportation.

This is where your money goes. Far too often it is money that the government doesn't have. This over-spending can only end up in additional taxes, an increase in the national debt, or more likely both.